

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: A/65/11/CLP

LOCATION: Land at Fallowdale
North Drive
Angmering

PROPOSAL: Application for certificate of lawfulness an proposed use - Erection of 3 No. dwellings in accordance with the conditions imposed under planning permission A/2/57

DESCRIPTION OF APPLICATION

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

A/87/88	Details in pursuance of A/62/49 for erection of 38 no. dwellings together with garages and associated works (6 no. bungalows, 11 no. chalet style houses & 21 no. houses).	ApproveConditionally 10-08-1988
A/62/49	Layout (part)	Approve 05-12-1949

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Comments on Consultation responses:

LEGISLATIVE BACKGROUND

CONCLUSIONS

RECOMMENDATION

PP NOT REQUIRED

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 The Arun District Council hereby certify that on the 20-04-2011 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:
Ham Manor Estate is built under planning permissions A/62/49 and A/2/57 except for plots 40,44 and 45 which were clearly identified and included within the approved plans and permissions.
A/62/49 Granted consent for layout (part) of Ham Manor Estate on 22/12/49
A/2/57 Granted outline permission for development of houses and bungalows on 05/02/57.
A/87/88 Granted consent for details in pursuance of A/62/49 for erection of 38 no. dwellings together with garages and associated works (6 no. bungalows, 11 no. chalet style houses and 21 no. houses).
There is no evidence to suggest severability of these permissions which based on the information submitted and a visit to the site were substantially built or commenced within the necessary time period in accordance with the time limits within Schedule 24 of Town and Country Planning Act 1971 and Sec191 of Town and Country Planning Act 1990. Case law suggests part implementation preserves the rest of the development.
- 2 The development concerned relates to the provision of 3 dwellings within the garden area of the existing property Fallowdale, North Drive, Angmering in the
- 3 Garden area at Fallowdale to north and south of existing dwelling as shown on the plan to this certificate within the area edged boldly in black.
- 4 The principle of erection of one unit of accommodation on each of the 3 identified plots.