

Planning Department
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

19 April 2022
Ref: RH/Let/P1919

Dear Sir / Madam,

RE: Certificate of Lawfulness application to allow the lawful erection of 11no. garages at Greenacres Estate, Angmering, BN16 4BN, in accordance with application reference A/32/64.

On behalf of the Applicant, Mr Marcus Steele, we hereby submit a Certificate of Lawfulness application and supporting documents to gain confirmation from Arun District Council that the approved 11no. garages to the rear of nos. 40 and 88 Meadowside, Angmering have in fact received planning permission and can be built out, in accordance with application reference A/32/64.

We wish to obtain a Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended) to confirm that the 11no. garages approved under reference A/32/64 can be erected, in accordance with the permission. The consent (A/32/64) is considered to be extant such that the development authorised may lawfully be carried out and completed at any time in the future, therefore allowing the 11no. garages to be erected.

The application comprises the following:

- Application Forms;
- CIL Forms;
- Covering Letter;
- Approved Plans (Appendix B)

Managing Director
Chris Barker MATP MRTPI
Directors
Huw James MRTPI
Adam King RIBA
Adam Staniforth FCCA

ECE Planning Limited
Registered in England
No 7644833
VAT No 122 2391 54
Registered Office:
Amelia House
Crescent Road, Worthing
BN11 1QB

The Site and Planning History

The site in which this Certificate of Lawfulness application directly relates to is situated to the east of Meadowside in Angmering, immediately to the rear of nos. 40 and 88. Please refer to Figure 1.



Figure 1 - Site Location (Source: Google Maps, 2022)

Application reference A/32/64 received consent on 25 May 1964 for the erection of '65 terrace houses and garages'. Refer to Appendix A for the Decision Notice and Appendix B for the approved plans.

As illustrated within the approved Site Plan, application reference A/32/64 received consent for the erection of 11no. single garages to the rear of nos. 40 and 88 Meadowside. For ease of reference, the aforementioned approved garages are highlighted in yellow in Figure 2.

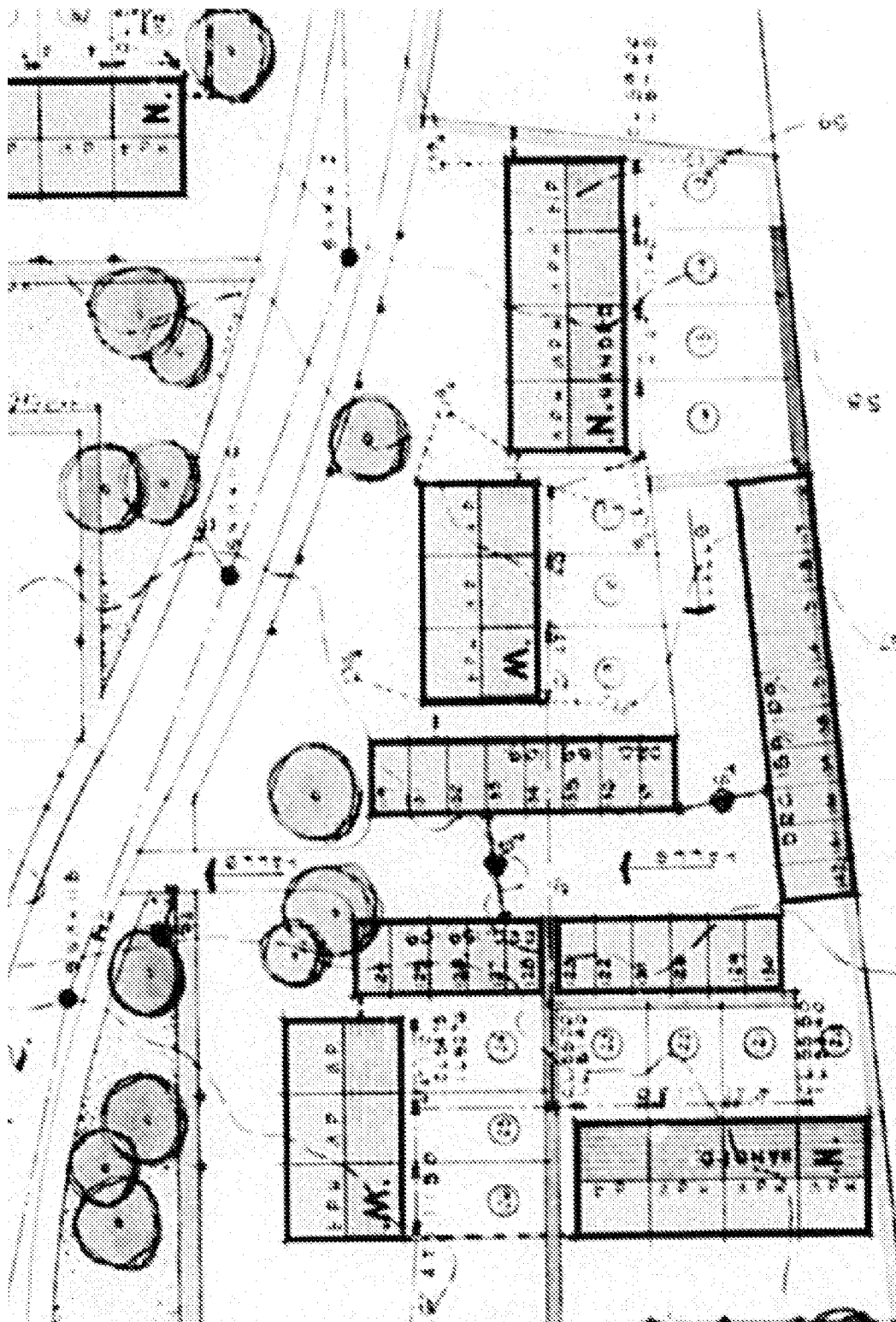


Figure 2 - Approved 11no. Garages Location

The garages were not implemented when the rest of the Estate was constructed. The land is currently not used and is sectioned off from the remainder of the hardstanding. No material operations have been carried out on the land. Refer to Figure 3 for a recent photograph of the land.



Figure 3 - Photograph of the Site

As illustrated within Figure 4, in comparison to the approved Site Plan at Figure 2, the application has otherwise been implemented correctly in all other regards.



Figure 4 - The Existing Site (Source: Google Maps, 2022)

The Development

This Certificate of Lawfulness application seeks to confirm that the approved 11no. garages to the rear of nos. 40 and 88 Meadowside, Angmering have in fact received planning permission and can be built out, in accordance with application reference A/32/64.

The 11no. garages would be built out in accordance with the approved plans (refer to Appendix B) and would replicate those already present on site (to the south).

Lawful Development Compliance

Section 192 of the 1990 Act (as amended) relates to 'Certificate of lawfulness of proposed use or development)' and states that:

'If any person wishes to ascertain whether –

(a) Any proposed use of buildings or other land; or

(b) Any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.'

Section 192(2) of the 1990 Act (as amended) follows on from the above and states that *'if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.'*

In this regard, it is asserted that this Covering Letter including Appendix A (Decision Notice) and Appendix B (Approved Plans) are sufficiently precise to demonstrate that application reference A/32/64 has been lawfully implemented and therefore the 11no. garages which received consent can be erected accordingly and therefore lawfully implemented. The consent is considered to be extant such that the entire development authorised under application reference A/32/64 may lawfully be carried out and completed at any time in the future, therefore allowing the 11no. garages to be erected.

Section 192(4) of the 1990 Act (as amended) states that *'the lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.'*

As set out previously, there have been no material operations on the land subject to the site of the approved garages that would render them unimplementable. It is therefore argued that the garages can be implemented in accordance with the original consent from 1964 under reference A/32/64.

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It is asserted that the test of “balance of probability” has clearly been satisfied and therefore a Certificate of Lawfulness should be granted.

If you have any further queries or require further information please contact me on [REDACTED]

Yours sincerely
ECE Planning



Chris Barker MATP MRTPI
Managing Director

Appendix A – Decision Notice Application Reference A/32/64

WORTHING RURAL DISTRICT COUNCIL

PUBLIC HEALTH ACT, 1936

NOTICE OF PASSING OF PLANS UNDER THE BUILDING BYELAWS

To Messrs. A.C. Freyett,
8 - 14 South Street,

Lancing.

COUNCIL OFFICES,
15 MILL ROAD,
WORTHING, SUSSEX

Plan No. A/12/64

I HEREBY GIVE YOU NOTICE that the plans and description of work relating to 65 terrace houses and garages - Plot Nos. 78 - 142 ~~xxx Greenacres Estate, Lloyd Goring Close/Lansdowne Road/Peppers Lane, Angmering,~~ deposited by you, or on your behalf, in accordance with the Building Byelaws in force in the Rural District of Worthing, have been passed by the Committee to whom the functions of the Council in this respect have been delegated.

I ALSO HEREBY GIVE YOU NOTICE that the passing of the said plans and description of work operates as an approval thereof only for the purposes of the requirements of the building byelaws and of any section of the Public Health Act, 1936, which expressly requires or authorises the Council to reject plans in cases of non-compliance therewith.

This Notice does NOT operate as a consent under the Town and Country Planning Acts.

Dated 25th May, 1964.

Signed

Engineer and Surveyor.

The accompanying Notices must be sent to the Engineer and Surveyor at their Offices during the progress of the works as indicated thereon.

ADMINISTRATIVE COUNTY OF WEST SUSSEX

TOWN AND COUNTRY PLANNING ACT, 1962.

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1962.

WORTHING RURAL DISTRICT COUNCIL

18 Mill Road, Worthing.
Telephone No. Worthing 5291

To: Reverend A. E. Fragments
Private Agents
8 - 14 South Street, Lancing

In pursuance of their powers under the above-mentioned Act and Order, the Council, on behalf of the West Sussex County Council, hereby notify you that they PERMIT the following development, that is to say:-

65 terrace houses and garages**Plot Nos. 78 to 143 Greenhouse Estate, Lloyd Worling Close/Laneshorn****North/Widders Lane, Lancing.**

to be carried out in accordance with your application and plan No. 1/32/64 submitted to the

Council on 14th May 1964 and in accordance with the relevant correspondence a copy of which is attached; and subject to compliance with the conditions specified hereunder:-

1. The development, if commenced, shall be carried out and completed strictly in accordance with the indicated plan, specifications and any other particulars for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority, and in compliance with any conditions imposed by the Local Planning Authority on any approval with respect to the matters referred to in this paragraph.

See attached Schedule No. 2 - 7.

The reasons for imposing the above conditions are:-

1. To enable the Local Planning Authority to control the development in detail.

See attached Schedule Nos. 2 - 7.

Your copy of the application, as approved under the Town and Country Planning Act, 1962, is enclosed herewith.

Dated 14th July, 1964 Signed: 

Sealed and signed

* NOTE - The works in brackets do not apply unless a copy of the relevant correspondence is submitted.

R.D. - It is important that you should read the notes on the back of this form.

Ref: 1575 (Rev 62)

2
OF CONDITIONS RELATING TO APPLICATION NO. 1/10/64 - 65 TERRACE HOMING
WSS, PLOT NOS. 78 to 142 GREENPARKS ESTATE, LOTS CORING CLOSURE/
LANDSCAPE ROAD/DAFTON LANE, ANGERING.

2. No gate, fence, wall or other means of enclosure shall be created or constructed in front of the building line unless permission is granted by the Local Planning Authority on an application in that behalf.
3. A landscaping scheme shall be submitted to and approved by the Local Planning Authority before any development is commenced and shall thereafter be implemented as if its terms were incorporated in this condition.
4. All garages shall be erected prior to the occupation of the dwellings to the satisfaction of the Local Planning Authority.
5. The materials to be used in the external walls and roofs of the dwellings hereby approved shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations.
6. Although the subject of a separate application, the development hereby approved forms part of the estate approved under 1/71/63 and condition 6 imposed under that reference shall apply also to the dwellings hereby approved.
7. Brick screen walls shall be provided to the satisfaction of the Local Planning Authority between the dwellings on plots 79 & 80, between the dwelling and garages on plot 83, between the dwellings on plots 86-87, between the dwelling and garage on plot 98, between the dwellings on plots 99 & 100, 102 & 103, 104 & 105, between the dwelling and garage on plot 112, between the dwellings on plots 123 & 126, on plots 132 & 133 and on plots 136 & 137.

S.A.
 Council
 Res.
 21/9/68

THE REASONS FOR THE ABOVE CONDITIONS ARE AS FOLLOWS:-

- 2, 3, 5 & 7. In order to safeguard the character and visual amenities of the locality.
4. In order to comply with the policy of the Local Planning Authority relating to the off-street parking of vehicles and thus to avoid obstruction to the free flow of traffic on surrounding roads.
6. In order to comply with the policy of the Local Planning Authority regarding the control of development in Angering, and in order to safeguard the character and amenities of the area.

Dated: 8th July, 1964.

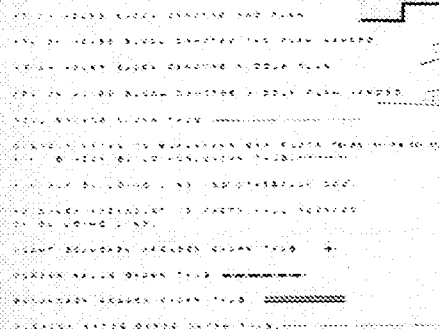
Engineer and Surveyor.

Appendix B – Approved Plans Application Reference A/32/64

CONTINUE 60-00.



A/32/64

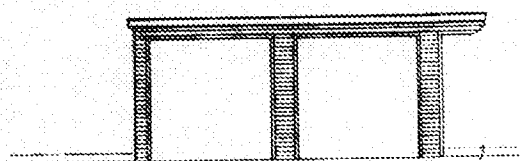
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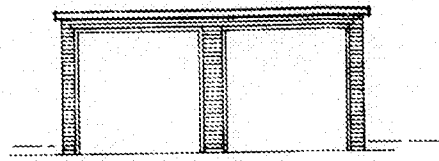
GREENACRES, ANGMERING, SS
PATENT



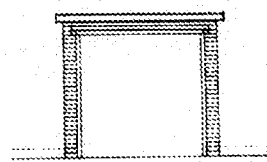
8/32/64



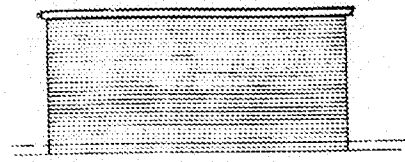
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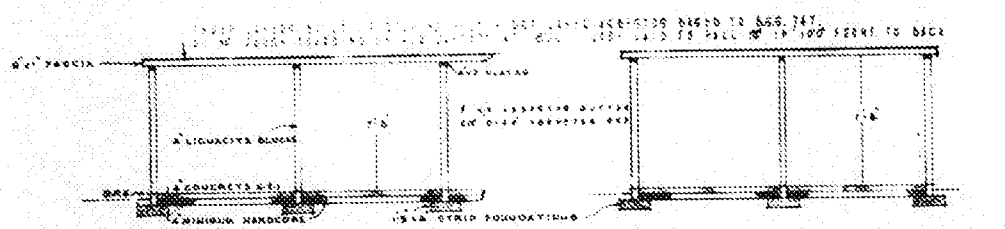
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PAIRS.



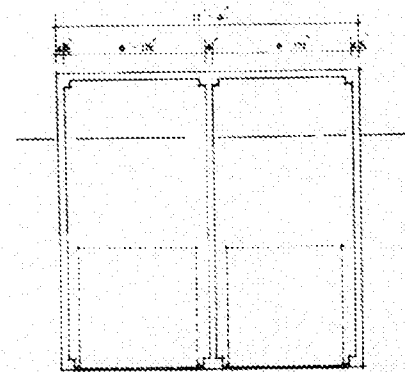
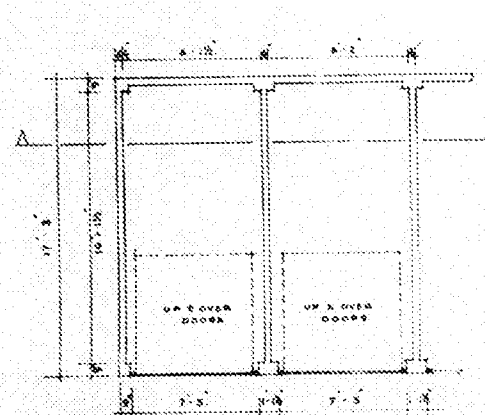
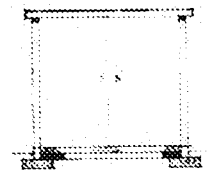
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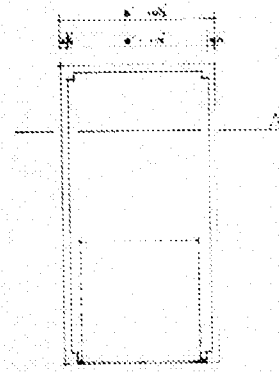
SIDE ELEVATION
ALL TYPES.



S E C T I O N S.



P L A N S.



A/32/64

E. J. DRYGOTT
CHARTERED AUCTIONEER & ESTATE AGENT
6-12, SOUTH STREET,
LONDON, E.C.4.
LONDON, E.C.4.

GREENACRES, ANGMERING, Sx.
SINGLE DOUBLE AND MULTIPLE
GARAGES.

ARCHITECT *
PRO. NO. * 100/100.
SCALE * 1/4" TO 1'
DATE * 7 MAY 64.
DRAWN BY * G.H.D.