

FROM:

Planning Solicitor
Resources Department
Tel Ext

TO:

J Chapman
Planning Officer
Dated 18 May 2009

REF:BE/30/09CLE/CONSULTATION
ADDRESS : PARKSIDE FARM SHRIPNEY
OPERATION : ERECTION OF SINGLE DWELLINGHOUSE

1.ACKNOWLEDGEMENT AND TERMS OF ADVICE

Thanks for your recent consultation memo now returned together with your file on which alone plus the authorities cited this is based.

2.GENERAL RECOMMENDATION

I recommend you grant for reasons that follow subject to your finding any contradictory evidence.

I rely on you to tell me of any evidence indicating otherwise.

Nature of "Building "

The letter from the agent dated 6 April refers to a mobile home on the land benefiting from several temporary planning permissions [as the planning history confirms 1984 to 1994 ref BE/23/94]. The letter then says that ".....the owners erected a permanent structure adjacent to the mobile home which was occupied as a single dwelling the mobile home is still located adjoining the dwelling[but] is dilapidated and unoccupied"

Accordingly I have approached this as an operational development and not a change of use .Your site inspection should establish more information on which please reconsult me if you think it makes a difference .

You may in particular want to assess the degree of permanence and the degree of domestication afforded within the dwelling if you can see the inside .

3.DETAILS AND TESTS UNDER SS 191 TCPA 1990 AND CIRCULAR 10/97 ANNEX 8

(1) *Time: SS171 (1)-(3) and S191 TCPA 1990*

The application is for operations so the time limit is 4 years under the above . This is subject to what I say above .

The time period is ie 4 years to date of the application ie 02/04/05 – 02/04/09 .

The evidence does satisfy this test.

I have at this date seen no contradictory evidence of this position . I explain why below .

(2) Sufficiency of Evidence: para 8.12-8.22

The evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous.

Para 8.15 and the case of Gabbittass v SSE and Newham LBC 1985 JPL 630 referred to there establishes that corroboration is not needed unless to resolve any ambiguity. S194 TCPA 1990 states that it is a criminal offence to supply false or misleading information. So the applicants own uncorroborated evidence and unsworn evidence via letters is sufficient for these purposes.

The core evidence consists of :-

1. owners evidence 1999 – 2006 CA Gash During this time erection of the building is claimed to have occurred [must be circa 2005 if to qualify for CLEUD] after a series of temporary PP for a mobile home in 1984 to 1999 . Services connected as permanent home . No wheels . double glazing visa ADC grant. Council Tax paid . para 4 refers to conversion into dwelling/bungalow.
2. owners evidence 2006 to date DJ Horton In 2006 the dwelling was a” bungalow” see para 3 and 4 letter to tenants dated 22 December 2006 Exhibited are Council tax receipts and demands from 2006/07 ,2007/08 ,2008/09 Arun DC Improvement Grant letter dated 4 May 2004 and several builders invoices dated Sussex Renovations September and December 2002 made out to Tupper Assocs but referring to Parkside Farm Bradley Electrics dated December 2002 also to Mr Conner of Parkside Farm which refer to “renovations” and heating and sub main. You may want to enquire if more precise details of works can be given but on face of it we have nothing to contradict claims they relate to bungalow conversion/renovation
3. tenant 2006 to date Silvia Veleva this is very short [half a A4 page and without any exhibits] but it confirms the testimony of the previous witness

Additional evidence consists of or which can be obtained : -

- 1.Planning History which confirms the issue of several temporary planning permissions for a mobile home
2. you should ask M Stubbs if he can recollect what the dwelling was like in 2004 when he processed the home improvement grant application . I believe from limited knowledge that these grants are issued for permanent dwellings only and not caravans but you should check
3. Council tax records and any notes on file to describe the accommodation more fully than “caravan –parkside farm “ as in CT records produced by Horton

Caravan siting evidence

Finally the evidence tends to support the siting of a caravan in the event that the case for a CLEUD for a permanent dwelling is not proven. In summary it refers back to a series of planning permissions in circa 1984 to 1999 when the last PP expired but the caravan then remained .

I will still need more evidence and discussion before reaching a definitive view on this aspect of the application but I add in case it helps you.

4.FURTHER EVIDENCE

I rely on you to show me any fresh evidence which may alter the tenor of this advice .

5.SUGGESTED TERMS OF GRANT

I suggest [subject to your comprehensive review of the evidence] that the application be granted in these terms for these reasons :-

1. grant
2. identify precise land boundaries on plan for extent of use.
3. describe accommodation ie number of rooms etc
4. limit persons in occupation to 2 ?
5. describe curtilage if any
6. describe any car parks or other curtilage uses/space

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