

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

REF NO: BE/90/12/CLP

LOCATION: Fields at Manor Farm
Shripney Lane
Bersted

PROPOSAL: Application for a Certificate of Lawfulness for a proposed use to grow fruit trees

SITE AND SURROUNDINGS

Legislative Background	Principle Section 191 to 195 Town & Country Planning Act 1990 and DOE Circular 10/97 Annex 8 have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy. (i)What is judged on a balance of probability. (ii)The onus of proof is on the applicant (and not the LPA) to adduce the evidence. (iii)The LPA may have on its files relevant evidence either supporting or contradicting that of the applicant.
Site and Surrounding	The site is part of the Manor Farm and is arable land.
Description of Application	The proposal is to use the land for fruit trees up to a height of 3.5 metres.

COMMENTS ON PLANNING HISTORY

SUMMARY OF REPS RECEIVED n/a

OFFICER'S COMMENTS ON REPS n/a

SUMMARY OF CONSULTATION RE Planning Solicitor:

The proposal is not development within S55 of the Town and Country Planning Act 1990 as amended:

1. S55(2)TCPA1990 states that the following uses of land shall not involve development (e)use of land for purposes of agriculture.
2. S336 TCPA1990 defines agriculture as fruit growing, market gardens and nursery grounds.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Comments on Consultation responses:

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 21st June 2012 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(s)
- 2 The proposed use is not development as defined within S55 (9e) of the Town and Country Planning Act(TCPA) 1990 as amended if the purpose is for agriculture as defined under S336 TCPA 1990 for fruit growing, market gardens and nursery grounds.
- 3 The extent of the use is as per the submitted site plan.
- 4 Manor Farm, Shripney Lane, Shripney, Bognor Regis, West Sussex