

Lawful Development Certificate - Section 191



A1. Applicant Details

Organisation

Name

Title

Forename

Surname

MR

J

HARMSTON

A1.1 Address Details

Name or flat number

Property number or name

C/O AGENT

Street

Locality

Town

County

Postal Town

Postcode

A1.2 Communication Details

Nat Code

Extn No.

Telephone No.

Daytime Telephone No.

Fax No.

Email Address

DX Number

A2. Agent Details

Organisation

Name

Title	Forename	Surname
MR	STEPHEN	JUPP

A2.1 Address Details

Name or flat number

Property number or name

Street

Locality

Town

County

Postal Town

Postcode

A2.2 Communication Details

Telephone No.

Extn No.

Telephone No.

Daytime Telephone No.

Fax No.

Email Address

DX Number

1. Site Address Details

1.1 Address Details

Name or flat number

Property number or name

43

Street

Hill Lane

Locality

Barnham

Town

BOGNOR REGIS

County

West Sussex

Postal Town

Postcode

PO22 0BL

2. Description of the matter to which the application relates

Description of the existing use, operation or activity in breach of a planning condition to which the application relates.

USE OF LAND AS RESIDENTIAL CURTILAGE OF 43 HILL LANE, BARNHAM

3. Application Type

3.1 Please state which category or categories describe the existing development.

An existing use ☒ Yes ☐ No

An existing operation ☐ Yes ☒ No

An existing use, operation or activity in breach of a condition ☐ Yes ☒ No

4. Grounds of Application

4.1 Under what grounds is the certificate sought?

- a) The use began more than 10 years before the date of this application. ☒ Yes ☐ No
- b) The use as a single dwellinghouse began more than four years before the date of this application. ☐ Yes ☒ No
- c) The use, operation or activity in breach of condition began more than ten years before the date of this application. ☐ Yes ☒ No
- d) The use began within the last ten years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last ten years. ☐ Yes ☒ No
- e) The operations (building works) were substantially completed more than four years before the date of this application. ☐ Yes ☒ No
- f) The use, operation or activity benefits from planning permission granted by the General Permitted Development Order. ☐ Yes ☒ No
- g) The use, operation or activity benefits from a planning permission granted under the Planning Acts. ☐ Yes ☒ No
- h) Other (please give details below) ☐ Yes ☒ No

4.2 If "Other" please specify under what grounds is the certificate sought?

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4.3 The reference number of the relevant planning application.

N/A

4.4 The date of the previous application.

N/A

4.5 The number(s) of the condition(s) the subject of this application.

N/A

4.6. When was the use or activity begun, or the operation substantially completed?

MID 1980S

5. Residential Information

If the application relates to a residential use, have the number of units changed? ☐ Yes ☒ No

If Yes, please complete the following table.

	Previous	Existing	Net gain or loss
Houses or Bungalows	0	0	0
Flats/Maisonettes/Apartments	0	0	0
Bedsits	0	0	0
0	0	0	0

6. Interest

Please state the applicant's interest in the land.

- ☒ Owner
☐ Lessee
☐ Prospective purchaser
☐ Other

If the applicant is not the owner, please give details

7. Supporting Evidence

Additional information in support of the application

S JUPP LETTER 2.11.07 STATUTORY DECLARATION OF J HARMSTON STATUTORY DECLARATION OF G STROTTON

Warning: Section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193 (7) enables the council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

Signature

Electronically submitted; no signature required.

STEPHEN JUPP

BA(Hons), LLM, MRTPI

**CHARTERED
TOWN PLANNER**

Planning and Building Control Division
Arun District Council
Maltravers Street
Littlehampton

Friday, 02 November 2007

Dear Sir/Madam:

Re: 43 Hill Lane, Barnham

Application for Certificate of Lawfulness for 'Use of land as part of residential curtilage'.

I write in connection with the above case and have the pleasure of enclosing my clients' application.

A fee of £265 is due and this has been sent by post.

This application seeks a lawful certificate for the use of the land in question as forming part of the residential curtilage of 43 Hill Lane, Barnham.

It is accepted that the onus of proof is on the applicant, although as confirmed in *F W Gabbitas v. SOS & Newham LB* [1985] JPL 630 an applicant's own evidence does not have to be collaborated by independent evidence.

In this case, as well as a Statutory Declaration from the current owner, there is a Statutory Declaration from the son of the previous owners who occupied the land between 1955 and 2006.

Furthermore if a local authority does not successfully contradict or challenge an applicant's own precise and unambiguous evidence, a Certificate should normally be granted.

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AGRICULTURE,

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NATURE CONSERVATION LAW

PARTNERS:

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**348 CHICHESTER ROAD
NORTH BERSTED
BOGNOR REGIS
WEST SUSSEX
PO21 5BX**

Phone: 

**Member of the
Royal Town Planning Institute.**



The Statutory Declarations from the previous owner's son and the current owner make it clear that the land in question was incorporated into the residential curtilage of 43 Hill Lane, Barnham since the mid 1980s.

In particular the following facts are relevant:

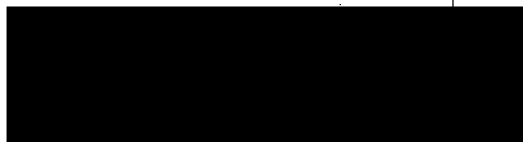
- The original occupier (Mr Richard Strotton) retired from agriculture in the mid 1980s.
- From his retirement in the mid 1980's the land became part of the extended garden for the children and grandchildren. There were swings put into the tree and the children built camps in the garden. The orchard was planted over 20 yrs ago for his retirement and family use.
- From his retirement in the mid 1980's until his death in 2006 the whole of the land edged in black on the plan annexed to his statement and labelled GS1 formed the residential curtilage to 43 Hill Lane, Barnham.
- The current owner, Joe Harmston, has confirmed that since his purchase of the property in September 2006 they have always used all of the land which is edged in black on plan JH1 attached to this statement as part of our residential curtilage.

It is clear that the land in question was incorporated into the residential curtilage of 43 Hill Lane, Barnham during the mid 1980s. This is in excess of ten years from the date of this application. Accordingly a certificate of lawfulness should now be granted.

With regard to the plan I have included all of the land, rather than just the additional land, since it is unclear precisely where the original boundary was. By having a single area then it is clear that the land has either always been used as the curtilage or was part of the additional land incorporated into the garden in the mid 1980s.

However, can I ask that if there are any queries concerning the application that the case officer, prior to any formal recommendation being formulated, contacts me?

Yours sincerely,



STEPHEN JUPP
BA(Hons), LL.M, MRTPI
Chartered Town Planner