



**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)
APPLICATION FOR A CERTIFICATE OF LAWFUL USE
OR DEVELOPMENT**

DECISION NOTICE

Application Ref: BN/40/07/CLE

1 To Addressee

Mr Stephen Jupp
348 Chichester Road
Bognor Regis
West Sussex
PO21 5BX

2 Site Address

43 Hill Lane
Barnham

3 Description of Development

Application for a Certificate of lawfulness for an existing use of land as residential curtilage.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council notify you that they **REFUSE** your application for a Certificate of Lawful Use or Development for the use, uses or development as described in the application for the reasons stated.

- REASON 1 Judged on the balance of probabilities, it has not been established that the land edged in red has been used as residential curtilage for ten years required to satisfy the issue of a Certificate of Lawfulness under Section 171 (1)-(3) and Section 191 of the Town and Country Planning Act 1990.
- REASON 2 The evidence is imprecise, ambiguous and vague and fails the tests in Circular 10/97 Annex 8. In particular, there is not adequate evidence to show that the land edged in red has been used as residential curtilage for 10 years .

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr M Porter

Date of Decision: 24th December 2007

Date Decision Issued: 24th December 2007



Howard Cheadle
Head of Planning & Housing Strategy

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

By Section 195 of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority for a Certificate of Lawfulness of Existing/Proposed Use and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Office of the Deputy Prime Minister and on any such appeal the Office of the Deputy Prime Minister:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Office of the Deputy Prime Minister you should write in the first instance to The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.