
LEGAL COMMENT

1. I am asked to advise Arun District Council (“the Council”) on an application for a Certificate of Lawful Development in respect of 63a Queensway, Bognor Regis. PO21 1QL
2. The Application, dated 4th April 2019 and received by the Council on 12th April, 2019, states that:
 - a. the application is not for an existing use (section 7) which is clearly inaccurate;
 - b. the existing use is for a 2 Bed Flat at first and second floor level with access at Ground Floor;
 - c. the use began more than 10 years before the date of the application (i.e 4th April 2009);
 - d. the building works were substantially completed more than four years before the date of the application (i.e 4th April 2015)
 - e. the use as a single dwelling began more than four years before the date of the application (i.e. 4th April 2015);
 - f. the use began in the early 1900’s when a full planning permission would not have been applied for.
 - g.
3. The supporting evidence, which consisted of:
 - a. a letter from Mrs. A Gardiner (Senior Planner at Arun District Council) dated 10th July 1998;
 - b. a statement from two persons stating that they have been tenants since 28th August 2014;
 - c. a tenancy agreement renewal for a tenancy commencing on 27th September 2017
4. The letter from Mrs. Gardiner only confirms that in July 1998 the then owner was considering a change of use from office to residential and that Mrs. Gardiner was of the opinion that such a change of use would be comply with the relevant policies.
5. The tenancy agreement renewal provides evidence that there was a tenancy from 27th September 2017, and that that was a renewal of a previous tenancy, the date of which is not referred to in the renewal agreement.

6. In this case the Applicant has provided the Council with an inaccurate application form in that it indicates that it is not an application for a certificate of existing use (section 7) and that the use has been ongoing since 1900, which from the evidence provided in support is clearly not the case, as discussions were taking place with the Council over a change of use on 1998.
7. Therefore, the information provided by the applicant in the application form is unreliable and if that was the only evidence I would be of the opinion that the application should be refused on the basis that the applicant had failed to satisfy the Council that the change of use had taken place more than four years before the date of the application.
8. However, the applicant has also provided a signed statement from two tenants which states that they have been tenants of the flat since 28th August 2014, which is more than four years prior to the date of the application and they have produced a copy of a tenancy agreement renewal between themselves and the previous landlord which renewed the existing tenancy from 27th September 2017.
9. In addition, we have the evidence of the letter from Mrs. Gardner, in 1998, to confirm that the previous landlord was involved with the property at that time and was considering converting the first and second floors for residential use.
10. Therefore, I am of the opinion that the Applicant has provided the Council with sufficient, reliable evidence, namely the statement of the tenants and the tenancy agreement renewal, on which it can come to a finding that there has been a change of use of the property from office use to residential use, which took place more than four years prior to the making of the application.

Jeremy Cook
2nd July 2019