

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: BR/151/20/CLE

LOCATION: Knighton Chambers, Suite 4
39 Aldwick Road
Bognor Regis
PO21 2LN

PROPOSAL: Lawful development certificate for the existing office use as B1(a).

DESCRIPTION OF APPLICATION

This is an application for a Certificate of Lawfulness for the existing use of a first floor unit to be used for a self-contained office. The applicant must provide evidence that the unit has been used as a self-contained office for a continuous period of time of at least 10 years.

SITE AND SURROUNDINGS

The site comprises a two storey building No 39-41 Aldwick Road with a habitable roofspace with doormers and is situated within a corner plot facing onto Aldwick Road and Victoria Road South. Suite 4 is occupying the front part of first floor fronting to Victoria Road South. No 39 is situated to the west of Bognor Regis town centre and is surrounded by commercial premises like a parade of shops to the west and residential to the south and west.

RELEVANT SITE HISTORY

BR/173/01/	Change of use from office to osteopathy clinic	ApproveConditionally 25-07-01
------------	--	----------------------------------

BR/173/01 - Change of use from office (Suite 4) to osteopathy clinic - Approved 25th July 2001. As stated in the planning statement, this use was never implemented and the building has remained as an office/ B1(a) use.

REPRESENTATIONS

Representations Received:

Bognor Regis Town Council
No objection.

Comments on Representations Received:

This application is restricted to test the legal merits of what is being applied for i.e whether the unit has been used as a self contained office for more than 10 years.

CONSULTATIONS**Consultations Responses Received:**

None.

Comments on Consultation Responses:

N/A

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Section 191 to 195 Town & Country Planning Act 1990 and NPPG guidance on LDC's 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; and
- (iii) The LPA may have on its files relevant evidence either supporting or contradicting that of the applicant.

Section S171(1)-(3) and S191 TCPA 1990. The relevant time period is July 2010 to July 2020 i.e. 10 years to the date of the application.

CONCLUSION

The following evidence has been provided by applicant:

Statement of Truth by Mr. Derek Pratt, signed and dated 15th of June 2020 confirming Mr. Pratt has been a director of the family company Windruff Holdings Limited whose registered office is at 22 Felpham Road, Bognor Regis, West Sussex, PO22 7AZ since June 1980. It states that since June 1980 until the present day, Mr Pratt has been continuously employed at Windruff Holdings Limited as a director.

The lease between Windruff Holdings and Impetus Consulting for an office use at Suite 4, signed and

dated 8th August 2004. This document at page 2 confirms that 'the demised premises' shall mean all those premises shown for the purposes of identification only coloured red on the plan annexed hereto and known as office suite 4 situate on the first floor of 39 Aldwick Road, Bognor Regis.

It is for the applicant to provide sufficient evidence that the premises known as Suite 4 has been used as offices for the last 10 years. Although the PPG states if a LPA has no evidence itself nor any from others to contradict or otherwise make the applicant's version of events less than probable there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The evidence submitted by the applicant is sufficient to demonstrate that the part of first floor, Suite 4, has been in a continuous B1 (a) use class (offices) for at least the last 10 years.

It is considered on the balance of probability that consent should be granted. It is therefore recommended that the certificate is granted in accordance with the following terms.

RECOMMENDATION

APPROVE

The use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that at the date specified above, the part of the first floor, Suite 4, was used as offices (B1 use class) in for a continuous period of 10 years.

FIRST SCHEDULE

Use of the part of the first floor of Knighton Chambers, 39-41 Aldwick Road defined as Suite 4 which is accessed from the ground floor from Aldwick Road as offices.

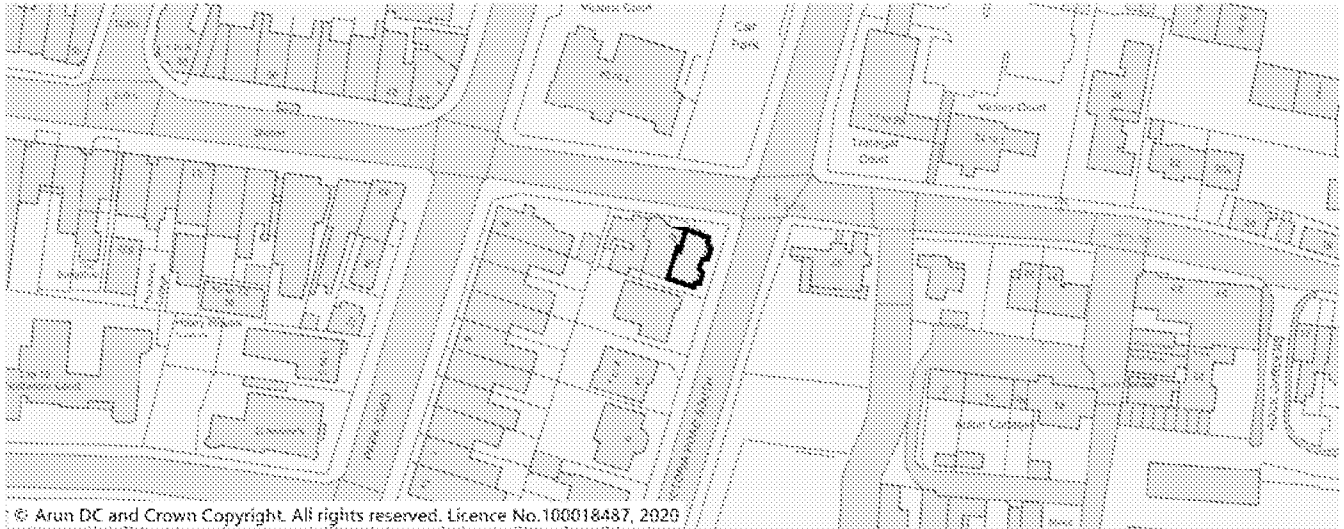
SECOND SCHEDULE

Suite 4, Knighton Chambers, 39-41 Aldwick Road, Bognor Regis, West Sussex, PO21 2LN

EXTENT OF USE

The extent of use is that defined on the submitted First Floor Plan and Elevations plan (1:100), Site Block Plan (1:500), Site Location Plan (1:1250) and relates to the use of the Suite 4 at first floor of 39-41 Aldwick Road as offices comprising of two offices of good size (4a,4c), one very small office in the middle (4b), small hall and toilet.

BR/151/20/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015