

## Daniel Vick

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**From:** Sheila Green [REDACTED]  
**Sent:** 15 January 2013 10:16  
**To:** Daniel Vick  
**Cc:** [REDACTED]  
**Subject:** RE: BR/228/CLE

**Importance:** High

Dear Daniel

Having discussed this matter further we have now decided that perhaps it would be best to withdraw the application for the time being in order to collate further information.

Should we decide to re-apply at a later date, perhaps the planning dept. could liaise with us and assist in making sure the application is correct before being fully submitted.

Can you please inform the relevant people that we will not be attending the hearing and withdraw the application on our behalf.

Should there be any queries can you please contact me before 11.00 this morning as I will then be out of office.

Regards

Sheila

*Sheila Green  
Project & Street Scene Support Officer  
Bognor Regis Town Council*  
[REDACTED]

heila

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**From:** Daniel Vick [REDACTED]  
**Sent:** 14 January 2013 17:39  
**To:** Sheila Green  
**Cc:** [REDACTED]  
**Subject:** RE: BR/228/CLE

Sheila,

Thanks for your e-mail.

I agree there does appear to be confusion.

The onus of proof is firmly with the applicant when it comes to making a determination for A CLE. In this case s8 of your form describes the use as "Flat has been in situ for more than 20 years" – there is no mention of your application being for a flat ancillary to the cinema (or to it being independent).

S9 of the form is ticked "The use began more than 10 years before the date of this application". If you were applying for an ancillary use I suggest you would have ticked the "other" box as an ancillary use does not require permission (rather than as your form suggests a development which may be immune from the passage of time).

This seems to be supported by the next section which again mentions "over 20 years".

The evidence provided again discussed length of time the flat has been there. Whilst it does mention occupation by managers there is no evidence to say why the use is ancillary.

I accept the comments that we wrote in Mr Sullivan's letter however the lack of detailed description, details on the form and absence of a statement regarding why the use is ancillary (and therefore would not need permission) have led us to conclude that the CLE should not be granted. As a CLE is a legal document we must be careful before we grant any such permission.

I appreciate you are seeking a CLE should the property sold. However you do have a letter from this Council stating our position on this matter which would offer suitable comfort to any potential purchaser.

We attempt to determine applications as quickly as possible and therefore it would not be usual for us to revert to an applicant to seek further information. This is why you were asked to consider withdrawal and re-submission. As the letter from Mr Sullivan stated we have closed our enforcement file and are not looking to take any action on the use of the flat.

My own recommendation would be to withdraw the application and make no further application given the cost this would incur. I have copied this e-mail to Nik Antoniou, Head of Development Control for his information.

Daniel Vick

Daniel Vick | Team Leader DC West, Planning Services, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37771 | External: +44 (0) 1903 737771 | E-mail: [daniel.vick@arun.gov.uk](mailto:daniel.vick@arun.gov.uk)

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)



Save the environment - think before you print.

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**From:** Sheila Green [REDACTED]  
**Sent:** 14 January 2013 15:39  
**To:** Daniel Vick  
**Cc:** [REDACTED]  
**Subject:** FW: BR/228/CLE  
**Importance:** High

Dear Daniel

Thank you for your email however I would really appreciate some clarification as to how this decision has been made as there seems to be an awful lot of confusion.

The application for a Certificate of Lawfulness was submitted purely on the advice of Damien Sullivan (copy attached) and the reference number **ENF/636/11/** relating to this was put on the application form. As you can see it clearly states that the flat is ancillary to the cinema.

*"I can confirm that the flat is considered to be a manager's flat that is ancillary to the cinema and as such does not require separate planning permission. It would therefore be in keeping with the main use for its proper management, upkeep and security"*

There is no mention of an independent flat in the application so I do not know where this has come from. The first suggestion of this was made by your solicitor Delwyn Jones in a memo to S Leeson. (copy attached)

I do not see why the application should be either withdrawn or re-submitted. All we are seeking is a Certificate of Lawfulness for the ancillary flat, solely for future use (should the property be sold) as advised by an Officer of ADC Planning Dept and at a cost of £335.00.

I would therefore appreciate a speedy response as the hearing is set for Wednesday 16<sup>th</sup> Jan 2013 and I would like to be sure that a decision is being made on the **correct** information.

Many thanks  
Sheila

Sheila Green  
Project & Street Scene Support Officer  
Bognor Regis Town Council  
[REDACTED]