

TO:

S Leeson
Planning Officer
Dated 16 April 2012
Ref BR/56/12/CLE

REF:BR/56/12/CLE/CONSULTATION

ADDRESS : FLAT ABOVE GARAGE 35 /33 SHELLEY ROAD BOGNOR REGIS

NATURE OF USE : CHANGE OF USE TO ONE DWELLING

1.ACKNOWLEDGEMENT AND TERMS OF ADVICE

Thanks for your recent consultation memo now returned together with your file on which alone plus the authorities cited this is based.

2.GENERAL RECOMMENDATION

I recommend you grant for reasons that follow subject to your finding any contradictory evidence.

I rely on you to tell me of any evidence indicating otherwise.

3.DETAILS AND TESTS UNDER SS 191 TCPA 1990 AND CIRCULAR 10/97 ANNEX 8

(1) *Time: SS171 (1)-(3) and S191 TCPA 1990*

The application is for material change of use ie the conversion of one dwelling [Nos 33] **into two dwellings** ,[S55(3) TCPA 1990 and the case of Richmond LBC v SoSE 2001 JPL 84 and EPL Vol 2 para 55.49] so the time limit is 4 years under the above S171.

The time period is ie 27 February 2008 -----27 February 2012 --4 years to date of the application.

The evidence does satisfy this test.

I have at this date seen no contradictory evidence of this position . I explain why below .

(2) *Sufficiency of Evidence: para 8.12-8.22*

The evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous.

Para 8.15 and the case of Gabbittass v SSE and Newham LBC 1985 JPL 630 referred to there establishes that corroboration is not needed unless to resolve any ambiguity. S194 TCPA 1990 states that it is a criminal offence to supply false or misleading information. So

the applicants own uncorroborated evidence and unsworn evidence via letters is sufficient for these purposes.

The application is that :-

33 and 35 Shelley Road are semi detached dwellings. ie two dwellings.

The two are in the same ownership of ---Peter Rooke .

No 35 was created by sub dividing or extending No 33 .The two have been separately occupied and/or let for some time.

Council Tax e mail dated 18 February 2012 says that No 35 was let and occupied by J Rickwood and E Hart "for at least 4 years up to 3 December 2011". Other Council Tax e mails on file say that No 35 has been banded since 1993 as a separate dwelling.

Accommodation is :-

No 33	No 35
Is a HMO	Garage WC store and stairs as part of No 33
	1 bedroom living room bathroom

Council Tax is very good evidence of separate occupation .

Mr Mandry the applicant's accountant confirms that No 35 has been let to tenants since 4 years or more.

You site visit should confirm the position.

The objectors don't raise any relevant evidential issues under circular 10/97 Annex 8 paras 8.15 – 25 and deal in main with planning merits which don't amount to CLEUD issues.

On a balance of probability the case is well made out for No 35 being a separate dwelling.

4.FURTHER EVIDENCE

I rely on you to show me any fresh evidence which may alter the tenor of this advice .

5.TERMS

1. grant
2. identify precise land boundaries on plan for extent of use.
3. describe accommodation ie number of rooms etc
4. limit persons in occupation

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