

FROM:

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Resources Department
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Dated 1 July 2015

TO:

Richard Temple Planning Officer

REF:BR/74/15CLE/CLP CONSULTATION

ADDRESS : ANCIENT MARINER HOTEL 59 WEST STREET BOGNOR REGIS

NATURE OF USE : FROM C1 HOTEL TO C3 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 **refuse** 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 NPPG GUIDANCE ON
LAWFUL DEVELOPMENT CERTIFICATES[LDCs]**

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

The application is for material change of use to a dwelling so the time limit is 4 years under the above .

The time period is ie 24 March 2011 – 24 March 2015 -- 4 years to date of the application.

The evidence does satisfy this test, purely on time alone, even if it is sparse—because the hotel closed in 2004 – more than 4 years ago but other questions arise .

I have at this date seen no contradictory evidence of this position. I explain why below. But I think more enquires are justified for reasons explained below.

Effectively the evidence is of non use as a hotel so it requires a “negative” to be proved. Ie the hotel use ceased in 2004 and Mr and Mrs Padley continued to reside there. But can two people ,with an adequate existing residence, suddenly expand residential activity to cover up to 10 bedrooms, plus several lounges, dining areas and other facilities? --and if so why ?

(2) Sufficiency of Evidence: NPPG Guidance LDCs Part 3 Application and Determination

The evidence judged on a balance of probability and the above criteria is insufficient and is imprecise and ambiguous.

Para 3 NPPG says that “....if an LPA has no evidence itself ,nor any from others, to contradict or otherwise make the applicant’s version less than probable , there is no good reason to refuse provided the applicant’s evidence alone is sufficiently precise and unambiguous”.

Para 3 in NPPG cited above 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 evidence analysis with comments is

Number	Item of Evidence	Comment
1	Application form I haven’t seen a copy there should be one on file	The claim is hotel closed in 2004
2	Statement brief	The claim is hotel closed in 2004 Padleys still continued use as residence No more evidence is provided than a half a side of A4 How did 2 people occupy 3 floors and 10 bedrooms ?
3	Map and photos	

[a] I suggest you check NNDR /council tax records as this change of use represents a change from commercial to domestic which should be recorded

[b] Also , a further query must be the size of the home created ie

Ground Floor –entrance ,lounges ,bar and service areas eg stores

1st floor -Padleys own residence [s2 bedrooms,kitchen,bathroom,lounge,office,] Captains Table Restaurant,and public lounges and at least 1 hotel bedroom

2nd floor - 10 bedrooms [varying from singles/doubles] plus bathroom and store

From which the question follows – how did the Padleys residence expand to cover all the extra accommodation or is it a case of there was no change of use , just a cessation of use as hotel?

[c] more evidence is required to detail exactly how the C3 flat expanded to cover 10 bedrooms , several lounges and dining areas over 3 floors

Your site visit may explain the uses of the other areas outside the Padleys flat

I see that there is no PD for change of use from C1 hotel to C3 dwelling in the GDPO 2015 as I can only find Class T to allow changes from hotels to nurseries /state funded school

At present the best conclusion, on the evidence, is the use is a flat within a disused hotel.

Let me know if you get more evidence

4.FURTHER EVIDENCE

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

5.TERMS

1. Refuse
2. Evidence is ambiguous imprecise and unclear .
3. Evidence fails to address or explain how one couple could expand their residence to cover 3 floors over 10 bedrooms and several lounges and 2 restaurants

ref/lgdr/lprec/pl/cleudetcmodelmem

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