

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

**REF NO:** EG/36/11/CLE

**LOCATION:** 17 Elm Grove South  
Barnham

**PROPOSAL:** Application for certificate of lawfulness for an existing use as a detached bungalow

**DESCRIPTION OF APPLICATION**

Predominantly flat

**DESCRIPTION OF SITE AND SURROUNDINGS**

N/A

**RELEVANT SITE HISTORY**

|           |                         |                                    |
|-----------|-------------------------|------------------------------------|
| EG/8/57/A | School keepers bungalow | ApproveConditionally<br>18-02-1959 |
|-----------|-------------------------|------------------------------------|

Large conifer on the side boundary with the school.

**REPRESENTATIONS**

**Representations received:**

Metal railings to the front and side painted in maroon dilineating the school boundary.

**Comments on Representations received:**

Brick built bungalow enclosed within the school site. The building has been used as part of the school, either as a caretaker's dwelling or as offices. To the front of the site are no stopping road markings as this is the entrance to the school. To the rear of the site are school buildings and school paths.

**CONSULTATIONS**

Planning Solicitor

**Consultations responses received:**

The site is within the St. Philip Howard Catholic High School. There is a public footpath to the side and rear of the building.

**Comments on Consultation responses:**

**LEGISLATIVE BACKGROUND**

This is an application for a Certificate of Lawfulness for an existing use as a residential dwelling.

The applicant must provide evidence that the use has been established for four continuous years.

**CONCLUSIONS**

Designation applicable to site:  
(NOT REQUIRED FOR CLE/CLP)

**RECOMMENDATION**

**REFUSE**

**REASONS FOR REFUSAL OR INFORMATIVE(S)**

- 1 The applicant has failed to show on the balance of probability, the caretakers bungalow has been separated from the school and used as a separate dwelling house for the qualifying 4 years 22nd June 2007 and 22 June 2011 to satisfy the issue of Certificate of Lawfulness under Section 171 (1-3) and Section 191 of the Town and Country Planning Act 1990.
- 2 The applicant has failed to show with the evidence produced, judged on the balance of probability that the caretakers bungalow has been used as a separate dwelling house independent of the school for the 4 years required to satisfy the issue of Certificate of Lawfulness under Section 171 (1-3) and Section 191 of the Town and Country Planning Act 1990.
- 3 The evidence submitted is insufficient, imprecise and ambiguous and fails the test in Circular 10/97 Annex 8 Para 8.12-8.16.