



**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)
APPLICATION FOR A CERTIFICATE OF LAWFUL USE
OR DEVELOPMENT**

DECISION NOTICE

Application Ref: EG/36/11/CLE

1 To Addressee

West Sussex County Council
The Tannery
Westgate
Chichester
West Sussex
PO19 3RJ

2 Site Address

17 Elm Grove South
Barnham
PO22 0HJ

3 Description of Development

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

4 In pursuance of their powers under this Act and related Orders and Regulations the Council notify you that they **REFUSE** your application for a Certificate of Lawful Use or Development for the use, uses or development as described in the application for the reasons stated.

- REASON 1 The applicant has failed to show on the balance of probability, the caretakers bungalow has been seperated from the school and used as a seperate 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.
- REASON 2 The applicant has failed to show with teh evidence produced, judged on the balance of probability that the caretakers bungalow has been used as a seperate 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.
- REASON 3 The evidence submitted is insufficient, imprecise and ambiguous and fails the test in Circular 10/97 Annexe 8 Para 8 8.12-8.16.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mrs S Leeson

Date of Decision: 20th September 2011

Date Decision Issued: 20th September 2011



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

By Section 195 of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority for a Certificate of Lawfulness of Existing/Proposed Use and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Secretary of State and on any such appeal the Secretary of State:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Secretary of State you should write in the first instance to The Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).