



MEMO

FROM:

Planning Solicitor
Resources Department
Tel Ext

TO:

J Chapman
Planning Officer
Dated 20/1/2009

REF:EG/83/08/CLE CONSULTATION

ADDRESS : POLING MOTOR CO FORDINGBRIDGE INDUSTRIAL PARK BARNHAM RD BARNHAM

NATURE OF OPERATION : ERECTION OF INDUSTRIAL BUILDING USED FOR STORAGE OF MOTOR VEHICLES PARTS AND EQUIPMENT B2/B8 USE 15X 45 OVERALL

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 on balance that you grant for reasons that follow subject to your finding any contradictory evidence.

I append some caveats and further checks below to make the CLEUD more precise if on balance of probabilities you issue it

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 operations so the time limit is 4 years under the above .

The time period is ie 19 December 2004 - 19 December 2008 ie 4 years to date of the application.

The evidence satisfies this test. I refer to all papers in the application dated July 2003 - 27 October 2003 and December 2003 which I detail below

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*

Subject to what I say below the evidence judged on a balance of probability and the above criteria is insufficient 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.

Erection of building and date circa October 2003.

There is a large bundle of papers ie invoices and bank records confirming payments for building materials and labour rendered to the applicant whose name and address appear on them .The dates circa August –October 2003 appear about right and in accord with appellants claims

On balance of probability these relate to the erection of the application building for which the same materials and building labour would have been required. The applicants claims form the vital link between labour materials and building unless there are other reasons for production of these papers which aren't apparent to me

Use of Building

I suggest you need to describe precisely the uses ie B2 or B8 ,the hours worked ,staff numbers , items stored , dimensions etc all of which Ive listed in the draft terms of a CLEUD below

I suggest you ascertain these from the site visit and /or direct enquiry of the applicant .If you get no satisfactory reply then you could refuse because of inadequate information to issue the certificate .

Further Checks

I suggest you make further enquiry of NNDR , Environmental Health , and Enforcement ,aerial photos and Microfiche to see whether these help to confirm the above evidence

Planning History print out on file shows a series of active planning events .You or one of your colleagues may recall a site visit when the building was noted . I suggest this as a further check.

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. use Class B2 /B8? Subject to confirmation
3. identify precise land boundaries on plan for extent of use.
4. identify building dimensions
5. identify cartilage dimensions
6. describe accommodation ie number of rooms etc
7. limit persons in occupation /at work

8. limit hours of work
9. describe any car parks or other curtilage uses/space

I suggest you negotiate /ascertain further information to enable a precise CLEUD to be issued as per 10/97 Annex 8 para 8.16 -21 et seq

ref/lgdr/lprec/pl/cleudetcmodelmem

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