



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ARUN DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

(AS AMENDED BY THE PLANNING & COMPENSATION ACT 1991)

PLANNING CONTRAVENTION NOTICE

1. It appears to the Arun District Council ('the Council') being the Local Authority for the purposes of Section 171C of the Town & Country Planning Act 1990 ('the Act'), that there may have been a breach of planning control in respect of the land described in Schedule 1. ('the land')
2. The suspected breach of planning control is specified in Schedule 2.
3. This Notice is served on you as the person/organisation who is the owner or occupier of the land or who has an interest in it, or is carrying out the operations in, on, over or under the land or using it for the purposes specified.
4. In exercise of its powers under Section 171C (2) and (3) of the Act, the Council require you, so far as you are able, to give them the information stated in Schedule 3, in writing, within 21 days, beginning with the day on which this Notice is served on you. The attached form, which includes the questions in Schedule 3, is provided for this purpose.
5. If you wish to make any representations about this notice, the Council, or representatives of the Council, will provide you with an opportunity to make representations in person on the date specified in Schedule 4, at the Arun Civic Centre, Maltravers Road, Littlehampton.

Signed:

Dated: 10th August 2020


Neil Crowther
Group Head of Planning
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

SCHEDULE 1

(Land to which this notice relates)

The Scooter Warehouse, Hangleton Lane, Ferring, West Sussex, BN12 6PP

SCHEDULE 2

(Suspected breach of planning control)

Alleged unauthorised mechanical operations & residential occupation

SCHEDULE 3

(Information required)

Please complete and return the attached questionnaire & plan
retaining one copy for your records

SCHEDULE 4

25th August 2020

ARUN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

PLANNING CONTRAVENTION NOTICE

1) State the nature of your interest (if any) in the property/land and the name and full address of any other person known to you who has an interest in the land (e.g. joint owners, lessees, mortgagees, tenants, etc.);

The whole site is owned freehold jointly by Robert Hutton-Burgwin & Mark Hutton-Burgwin. [REDACTED]

The site is occupied by a number of tenants – see plan MC 002 dated August 2020 in the attached bundle of paperwork.

2) Please indicate on the enclosed Ordnance Survey map extract the boundary/area of land in which you own or have an interest.

See attached plan MC 001 dated August 2020 with the site we understand our clients own outlined in red.

3) Please state your full name, date of birth, National Insurance number and your usual home address.

Robert John Hutton-Burgwin. [REDACTED]

Mark William Hutton-Burgwin. [REDACTED]

4) What is/are the full name(s) of the person(s) currently using/occupying all buildings within the site & specify each building of which those person(s) currently use/occupy?

See plan MC002 attached dated August 2020.

5) Give any information you hold as to any planning permission granted for any use or operation or give any reason for planning permission not being required for any use or operation.

We refer to the previous information provided when we were dealing for our clients with the established use certificate subsequently granted on parts of the site in 2012/13. For ease of reference we have attached a copy of the statement of history signed off by us on 9th July 2012.

6) Are vehicle or motorbike/scooter repairs, servicing or other mechanical operations conducted from any buildings within the site? If so, please identify where on the attached plan.

Yes – see plan MC002.

7) What type of works are carried out in each of the buildings?

We have annotated on plan MC 002 the uses being carried out in the respective parts of the subject site as at August 2020.

8) If the answer to question 6 is yes, are the repairs, servicing or other mechanical operations operated as a business - For example: are services charged for?

Yes

9) If the answer to question 6 is yes, on what date did the repairs, servicing or other mechanical operations commence?

From our discussions with Mrs Coney we understand the enquiries which brought forth this notice relate to firstly the garage in the North East corner of the site currently occupied by Ben Hurrell . Secondly it relates to the residential unit.

We refer to the historical statement as part of the previous established use application dated 9th July 2012 . The various buildings on the subject site have been used for a range of commercial purposes over many decades. We have also attached a summary of the dates of use and occupation of these two component parts dated August 2020. As you will note use of the north eastern garage unit has been for workshops/repairs/mechanical works since at least 2002.

10) If the answer to Question 6 is yes, on what days of the week are repairs, servicing or other mechanical operations carried out?

Monday to Saturday inclusive.

11) If the answer to Question 6 is yes, during which hours per day are repairs, servicing or other mechanical operations carried out?

0800 to 1800.

12) If the answer to Question 6 is yes, who conducts the repairs, servicing or other mechanical operations? Please provide full name & address if this differs from the details provided in Question 4)

See response to question 4

13) If the answer to Question 6 is yes, how many employees are there?

Currently 6 including part timers and trainees.

14) If the answer to question 6 is yes, do you have products, equipment, tools, parts, vehicles, motorbikes or scooters delivered to your property specifically for this purpose?

Yes

15) If the answer to question 6 is yes, please confirm how many deliveries you have of products, equipment, tools, parts, vehicles, motorbikes or scooters each week / month / year.

To the north east workshop once per day. To our clients premises which comprises the scooter warehouse/workshops likewise once per day.

16) If the answer to question 6 is yes, please provide the number of vehicles, motorbikes or scooters are worked on in a week / month / year.

For the North East workshop this varies but we understand it averages one to two vehicles per day. For the scooter workshop there is on average one sale per day and one service per day.

17) Are any of the buildings within the site used in connection with any other business elsewhere, and if so, please provide details with a plan of such a business elsewhere, and confirm to which building within the site the business relates?

No

18) Are there any vehicles, motorbikes or scooters parked or stored at the property, or within any of the buildings or the yard within the site of which you own and are not related to the business use approved under FG/172/12/CLE? If yes, please provide details of such vehicles, motorbikes or scooters.

Yes- within the areas for identification purposes shown crosshatched in red on plan MC002 .

19) If the answer to question 6 is yes, how is any refuse or waste material removed from the site?

All waste is taken away by licenced contractors - currently we understand Biffa.

20) If the answer to question 6 is yes, please indicate on the attached Ordnance Survey map extract the buildings/yard area to which this relates.

See plans previously referred to.

21) Are any buildings within the site used as residential accommodation?

Yes

22) If the answer to question 21 is yes, what is/are the full name(s) of the person(s) using/occupying the building(s) as residential accommodation? When did the current occupiers first use/occupy the building(s)?

David Hooper. They have been in occupation since June 2014.

23) If the answer to question 21 is yes, what, if any, are the names of other previous occupiers & what dates did they use/occupy any building(s) as residential accommodation?

The residential unit on the subject site has been in residential use since the early 1980's - see the attached schedule of dates of use/occupation previously referred to.

24) If the answer to question 21 is yes, please state in full the circumstances which led to the building(s) being used as residential accommodation.

The residential unit was established by our clients father in the early 1980's and has been continuously occupied as residential since that time.

From our clients recollection they had problems initially with burglaries and having a residential unit on the site was deemed advantageous but it is now a standard residential unit and has been for decades.

25) If the answer to question 21 is yes, is the accommodation provided advertised in any way? If so, please supply details

No - Apart from standard marketing if the accommodation became vacant and a new tenant was being sought.

26) If the answer to question 21 is yes, what facilities/utilities are provided in the building(s)? (Please include and describe furniture and goods present)

We understand from speaking with our clients the accommodation comprises Hall, lounge, 2 bedrooms, kitchen and bathroom/WC. It is let on a standard assured shorthold tenants on a unfurnished basis. It has mains electricity and water with foul drainage to a cesspit.

27) If the answer to question 21 is yes, are there separate meters installed to record consumption of fuel/water and/or other services applicable to the residential accommodation? If so, please provide details of the providers for those services

There is a separate electricity metre for the resident troll unit. There is a water meter for the whole site and usage is apportioned by our clients between the various users.

28) If the answer to question 21 is yes, who meets the cost of the fuel and other services provided to the residential accommodation?

The tenant.

29) If the answer to question 21 is yes, is rent charged for the residential accommodation, and if so, is a tenancy agreement(s) in place? If a tenancy agreement is in place, how long is remaining on the agreement?

Yes. There is a standard AST agreement in place which has expired so the tenant is now on what is called a periodic assured shorthold tenancy. A copy of the tenancy agreement can be provided if you wish.

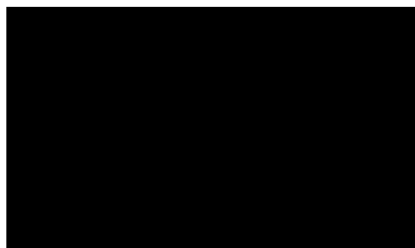
30) If the answer to question 21 is yes, is the use of the building(s) permanent or temporary? If temporary, please state the date on which the building(s) will cease to be used in the way described

The residential use is permanent and has been for decades.

31) If the answer to question 21 is yes, please indicate on the attached Ordnance Survey map extract the building(s) to which the residential accommodation relates

See plan MC 002.

Signature

A large black rectangular box redacting the signature of Stuart Clark.

STUART CLARK Marshall Clark LLP as agents for the site owners.

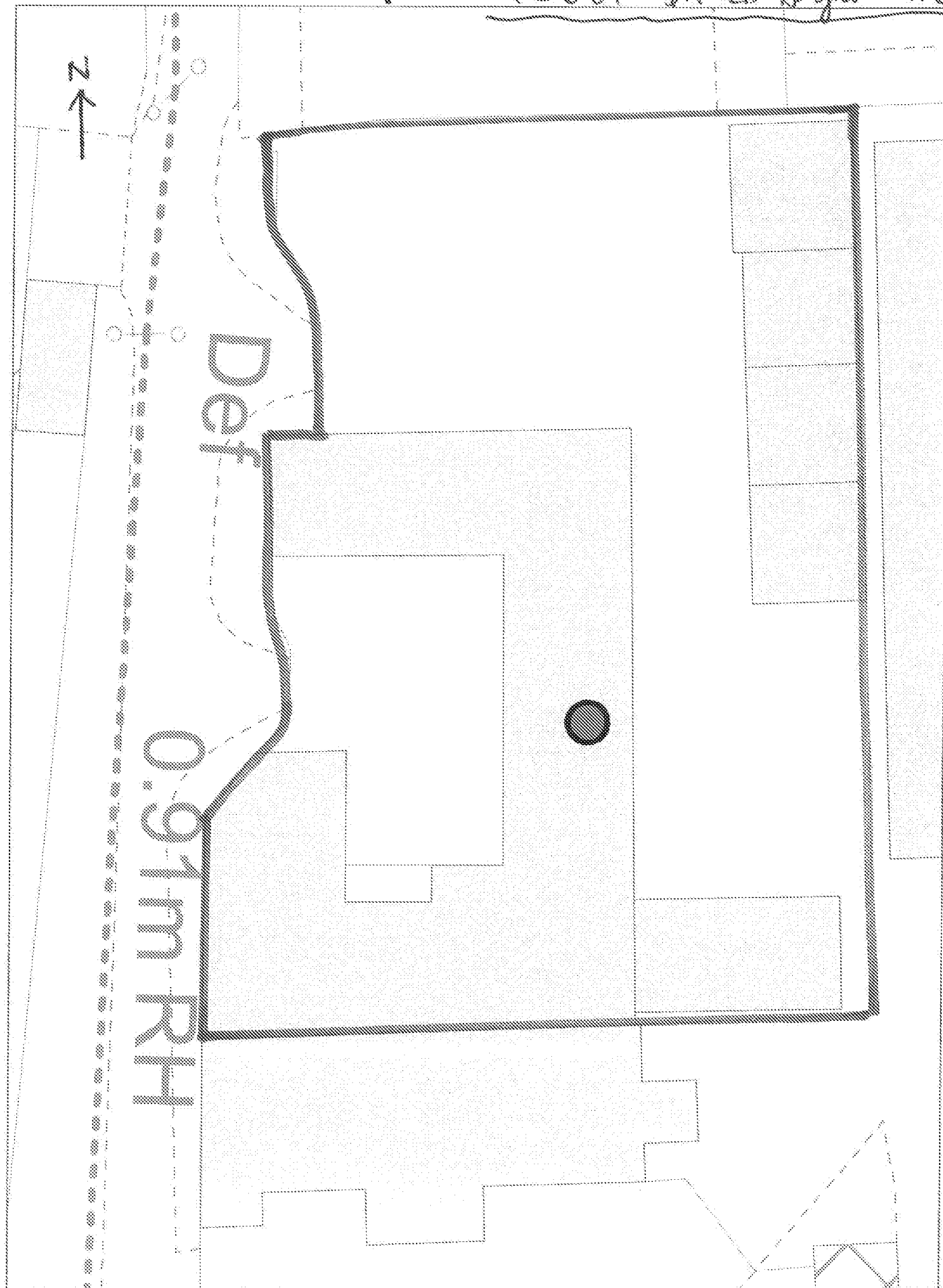
Date 27 August 2020

WARNING

1. It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within 21 days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a **fine of £1,000**. A continuing failure to comply, following a conviction, will constitute a further offence.
2. It is also an offence knowingly or recklessly to give information, in response to this Notice, which is false or misleading.

ADDITIONAL INFORMATION

3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an Enforcement Notice, under Section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.
4. If the Council serve a Stop Notice, under Section 183 of the 1990 Act, any compensation which may become due to you under Section 186 for loss or damage caused by that Notice will not be payable if that loss or damage could have been avoided by the information requested in this PCN being provided or by your co-operation in any other respect.



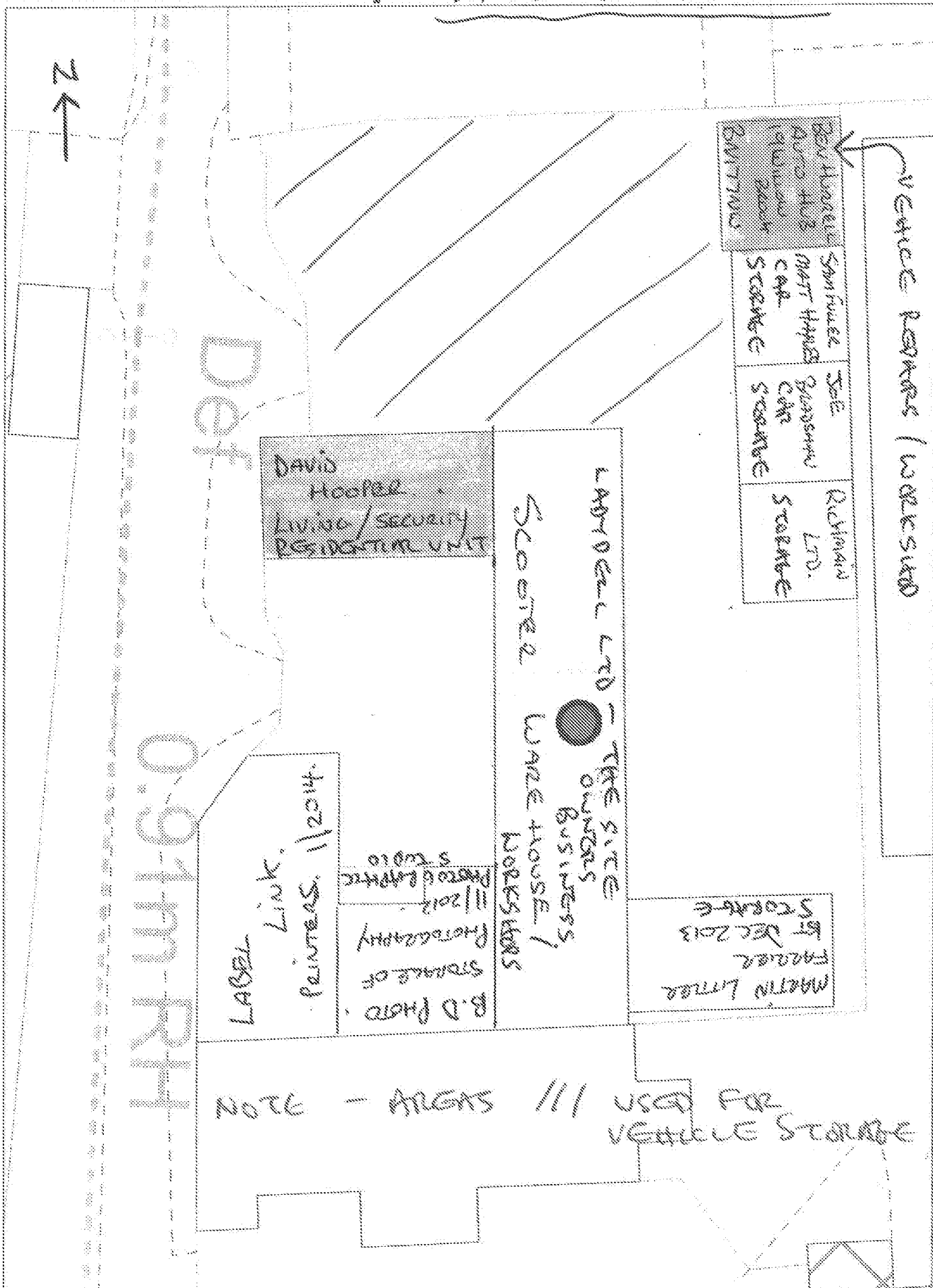
Mapping produced by Arun District Council

© Arun District Council and Crown Copyright. All rights reserved. Licence No: 100018487, 2020

Production Date: 10 August 2020

www.arun.gov.uk





SITE/BUILDINGS KNOWN AS THE LADYDELL SITE

EAST SIDE OF HANGLETON LANE

FERRING, WORTHING

WEST SUSSEX BN12 6PP

**STATEMENT OF HISTORY OF USES AT THE LADYDELL SITE STARTING FROM
ITS DEVELOPMENT AS A BUILDERS & JOINERY WORKSHOP WITH ANCILLARY
BUILDINGS IN THE LATE 1960'S/EARLY 1970'S TO DATE**

INTRODUCTION -

This statement is being provided by Marshall Clark LLP together with the accompanying paperwork/plans and documents as evidence of the uses carried on at this site from the early 1970's to date.

The statement should be read in conjunction with the application for a Lawful Development Certificate for an existing use or operation which is being submitted to Arun District Council dated 09 July 2012. The application for lawful development follows complaints being made against the site owners about the uses being carried on during the mid/late part of 2011.

SUBJECT SITE -

The site is situated upon rising ground on the eastern side of Hangleton Lane in an area which includes a range of mainly non residential commercial uses. The site is outlined in red on the enclosed Ordnance Survey Sheet Extract - Drawing No. MC001.

**SUMMARY PLANNING
HISTORY-**

We enclose a copy of the site history provided to Marshall Clark by Arun District Council which sets out the various applications made on the subject site - document MC002.

The first application which is of relevance in this context is Application No. FG-61-69. A copy of the approval documents is attached (document MC003) where consent was given for use of the site and buildings as a builders yard, joinery workshop and ancillary buildings.

Planning permission under Application No. FG-98-70 was given for a change of use of garage and stores to building managers and general office with toilets plus a new access to the rear land. A copy of this application together with the accompanying plans is attached under document MC004.

Note - The plans clearly show the buildings being used for various manufacturing/storage purposes and external yards etc.

Planning permission was granted under Application No. FG-95-72 for the erection of a new garage/store in the north eastern corner of the site with the use being for the garaging of motor vehicles i.e. storage purposes. Copies of the documents and plans are under document No. MC005.

Planning permission was granted under Application No. FG-183-80 for change of use for storage of imported pets including ancillary office accommodation. We do not have a copy of all the planning papers but included under document MC006 are copies of the plans and Ordnance Survey Sheet Extract stamped by Arun District Council with the planning reference number.

Note - The site use is shown on the sketch plan as clearly comprising a range of buildings used for B1 offices, and B8 storage plus external yards etc.

The above provides the general history of the site and its development/uses which leads us now to the position in support of the application for Lawful Use. We have enlarged the Ordnance Survey Sheet Extract in order to cross reference the supplemental documentary information on the established uses to the relevant parts of the building/site to which they relate. The enlarged drawing is under document number MC007.

The owner of the site has received rents from the various commercial buildings for many years. The earliest records we have been able to find in this context are for the year ended 31 March 2001 which show the rental income [REDACTED]

[REDACTED] Extracts from the company accounts for the subsequent years through to 2011 are all enclosed for your reference under document number MC008.

We have further provided computer print outs of the rents received over the years starting in May 2000 for Seasprite [REDACTED]

[REDACTED] Other copy documents are enclosed with the various rental payments highlighted thereon in yellow. We have further photocopied the relevant paying in slips from our client's records with National Westminster Bank showing the monies paid into their account from these occupying sources.

With reference to Document MC007 those sections coloured in pink were occupied by Seasprite Sports from 31 May 2000 up to 01 September 2010. We have enclosed a copy of Seasprite's letter dated 09 January 2012 confirming this position. Document number MC009. Seasprite used the building for the importation and wholesale distribution of sports equipment.

Tortex Engineering occupied the rear/eastern parts of the subject site together with 3 garages parallel to the east boundary and a stand alone storage container since 1996 i.e. for well in excess of 10 years. A copy of the licence agreement between our clients and Tortex is enclosed dated 25 July 1996 document MC010 albeit a somewhat poor copy. Those parts of the site which Tortex have occupied are shown coloured in blue on the enlarged Ordnance Survey Sheet Extract and used for textile machining and storage.

NS Marine Ltd rented the northern parts of the site coloured yellow on the enlarged plan for approximately 10 years vacating in 2008. We would cross reference you for documentary evidence of this to the photocopy financial information of rent receipts. The use was for the repair and storage of marine engines and equipment.

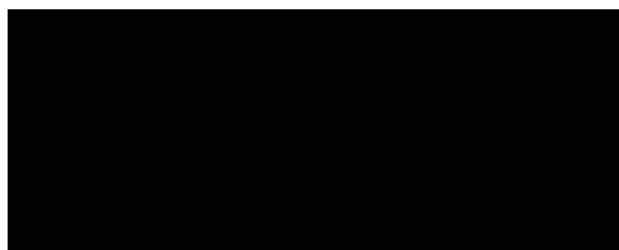
The remaining parts of the buildings cross hatched in red on the enlarged Ordnance Survey Sheet Extract have been occupied by the site owners/applicants in the context of this application for a lawful development certificate. They have been in occupation with their family business for circa 25 years using it for the storage and distribution of various products including scooters and other means of mechanical propulsion.

CONCLUSIONS

The site comprises a collection of buildings and garages/stores.

The site started off as a builder's yard/joinery workshop with ancillary offices and has evolved over the years to be occupied and used by various commercial businesses. All of these businesses have used the accommodation for either light industrial/engineering purposes and offices under Class B1 or for storage/distribution/warehousing under Class B8 of the Town & Country Planning Use Classes Order, for well in excess of 10 years.

We consider the package of paperwork attached suitably proves the use for these purposes but if there are any questions arising there from the writer Stuart Clark will be happy to assist.



DATED 09-07-12.....

Worthing
West Sussex
BN11 1QP