ARUN
DISTRICT COUNCIL

MEMO

FROM:	TO:
Delwyn Jones Planning Solicitor Resources Department Tel Ext 737737	S Davis Planning Officer Dated 16 9 13

REF:FP/135/13 CLE CONSULTATION
ADDRESS : LIMMARD HOUSE LIMMARD WAY SUMERLEY BOGNOR REGIS
OPERATION : GARAGE AS ANNEXE AND PORCH

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 grant 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 CIRCULAR 10/97 ANNEX 8

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

The application is for material change of use to residence and operations so the time limit is 4 years under the above .

The time period is ie 8/8/09 - 8/8/13 4 years to date of the application.ie for operational development and residential conversion.

The evidence does satisfy this test.

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

The evidence judged on a balance of probability and the above criteria is sufficient 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.

The evidence , as described below is sparse , but on a balance of probability , proves the case and is not contradicted by anything that I have seen.

I suggest you check Council tax records to see what property is registered here. I am not sure whether what is referred to is an annexe as an addition to the main dwelling or the use of the annexe as separate accommodation. This should be clarified . But it appears that the annexe was built 2002 and so presumably has been so used since then. I have interpreted the evidence as an addition to the main house.

Also, the garage is for internal works, which would not be development.

Let me know if your site visit/further researches finds out more.

Is the porch PD anyway?

Number	Item of Evidence	Comment
1	Application form	Use started 2002 when building built.
2	Builders Letter invoice ref 744 dated 8/12/02	An invoice is a bill presented for works done ---there is always a tiny niggle that it is a piece of papers that proves only was rendered for payment –but ordinarily bills are for work done!

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. identify precise land boundaries and dimensions on plans/drawings for extent of use and operation.
3. describe accommodation ie number of rooms etc
4. limit persons in occupation

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