ARUN
DISTRICT COUNCIL

# MEMO

S.D.

**FROM:**

Delwyn Jones Planning Solicitor
Resources Department
Tel Ext 737737

**TO:**

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

ref/lgdr/lprec/pl/cleudetcmodelmem

ref

ARUN
DISTRICT COUNCIL

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
Planning & Building Control General Enquiries
Tel: (01903) 737756 Fax: (01903) 730442
Dx: 57406 Littlehampton
Minicom: 01903 732765
e-mail:planning@arun.gov.uk
website: www.arun.gov.uk/planning

Felpham Parish Council
Mr R Wickens (Clerk)
St Mary's Centre
Grassmere Close
Felpham
PO22 7NU

**Your Ref:** OWPC952
**Our Ref:** FP/135/13/CLE
**Please ask for:**
Simon Davis

11th September 2013

Dear Sir/Madam

**Town & Country Planning Act 1990 (as amended)**
**Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended) - Article 35**

Application for Certificate of Lawfulness for existing use of garage as ancillary accomodation to dwelling house & addition of porch.
Limmard House Limmard Way Summerley Bognor Regis

Thank you for your internet comments made on 11th September 2013 which has been recorded as **'no objection'** with the comments as follows:

*No Objection*

Your views will be considered before the application is determined and I shall write to inform you of any decision made.

Please be aware that if the application is to be determined by the Council's Development Control committee and your letter has been received at a late stage after the Agenda has been published you will not receive a separate letter notifying you of the date of the meeting and procedures for public speaking. In such circumstances it is recommended that you track the progress of the application on the Council's website or telephone the Council for further information. Please be advised that any comments you make that are not included within the Committee Agenda will be reported to the Members of the Development Control committee. Please also be aware that only a small number of all planning applications received go the Development Control Committee. Most are determined under delegated powers by Officers in which case your comments will again be considered before the application is determined.

Please be aware that Planning Services operate an 'open file' policy and will publish details of your comments on the internet on the Arun District Council Planning section. Please ensure that you only provide information that you are happy will be made available in this way. If you supply information belonging to a third party, please ensure you have their permisison to do so. If you do not wish your comments to appear on the 'open file' please confirm this in writing and I will arrange for it to be destroyed although this means that its contents will then be disregarded.

In the event of a subsequent written representations appeal, against a refusal of planning permission on a householder application, any representations made on the application will be automatically forwarded to the Secretary of State. Unlike all other types of appeal, there will be no further opportunity to comment at the appeal stage.

Yours faithfully

[redacted]

Karl Roberts
Assistant Director Planning & Economic Regeneration



PCrep

SITE VISIT NOTES

Ref

Date 30/08/13.

SN Expiry 26/09/13 ~~(05/09/13)~~

Pre SV Notes/Things to look for:

* look @ ~~[illegible]~~ externals ✓

~~* Council Tax Records sought ✓~~

* look @ aerial photography ✓

Location of Site Notice:

ON Limmond Way ~~[illegible]~~ road name sign.

SITE DETAILS (Topography/Trees/Boundaries/Wildlife Features):

Flat

+ Shown on aerial photos 2005 + 2007 but not 2001.

BUILDING FEATURES (Storeys/House Type/Walls/Roof/Other):

Lounge with kitchenette, shower room + bedroom + porch.
Clearly not separate residential accommodation
Built for now dead Father in Law, now used as overflow for Grandy – Niece staying in it as @ ~~Aug~~ 201 SV.

NEIGHBOURING PROPERTIES (Building Lines/Windows/Extensions/Outbuildings):

CHARACTER (Area Character/Nature of Road/Style of Nearby Dwellings/Plot Sizes):

PARKING (Existing on site or nearby):

No issue as provide off street parking area.

## Simon Davis

**From:** [redacted] Damian Sullivan
**Sent:** 28 August 2013 11:24
**To:** Simon Davis
**Cc:** David Easton
**Subject:** FW: Residential Annexe to 2 Sea Drive, Felpham

Simon,

Regarding 2 Sea Drive, Felpham, the only additional information I'm aware of is contained within my file notes from the enforcement file. This explains my conversations held with the owner. David may wish to add to this as he know a more updated position. As you know, the flat is being rented out as a separate unit of accommodation (and been so since the 70's, on and off).

The other case on Limmard House was found to be a single dwellinghouse and so no breach. The allegation was the creation of a flat. For more details, the enforcement file would have to be examined which is on microfiche. Let me know.

Hope this helps,
Damian.

---

**From:** Simon Davis
**Sent:** 27 August 2013 17:15
**To:** Damian Sullivan
**Subject:** Residential Annexe to 2 Sea Drive, Felpham

Hi Damian,

I see you are listed as being the officer for ENF/598/11/ (unless you have passed to David in which case just forward this to him). I now have a CLE application for the annexe – FP/70/13/CLE. Do you have any information you can share re the use (i.e. beyond what has been submitted)?

---

Also I have an application for Limmard House, LimmardWay, Summerley (Ref FP/135/CLE) which you had as ENF/170/10/UAD. Any info on that one also?

Ta

Kind Regards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)
Telephone: +44 (0)1903 737874
Visit Arun's web site at www.arun.gov.uk
P Save the environment - think before you print.



ARUN DISTRICT COUNCIL FP/135/13/CLE

ARUN
DISTRICT COUNCIL

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
Planning & Building Control General Enquiries
Tel: (01903) 737756 Fax: (01903) 730442
Dx: 57406 Littlehampton
Minicom: 01903 732765
e-mail:planning@arun.gov.uk
website: www.arun.gov.uk/planning

Mr K Hillyard
Limmard House
Limmard Way
Summerley
Bognor Regis
PO22 7NH

**Our Ref:** FP/135/13/CLE
**Please ask for:**
~~**Mr J Smith**~~ Mr S Davis
**01903 737761** Amended letter sent out.

Dear Mr K Hillyard

22 August 2013

**Town & Country Planning Act 1990 (as amended)**
**Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended) - Article 35**
**Application for a Lawful Development Certificate for an Existing Use or Operation or Activity including those in a breach of condition**

**Development** Application for Certificate of Lawfulness for existing use of garage as ancillary accomodation to dwelling house & addition of porch.

**Location** Limmard House Limmard Way,Summerley,Bognor Regis

**Receipt:**

Mr K F Hillyard T/AS Hillyard Associates Receipt No. P93335 Amount £ 172.00

Thank you for your application received on 13th August 2013. I am writing to acknowledge that it was accepted as a valid application on 13th August 2013. On receipt of this letter if you have any concerns about the way that the Council has described your application you should contact the Case Officer: Mr J Smith, to discuss the matter.

The Council will publicise this application by means of a site notice on or near the application site and on our website. The notice needs to be displayed for not less than 21 days. During this time I hope you will do all that you can to ensure that it is not removed or defaced and that it is removed at the end of the specified period. If there are any problems with regards to the site notice (e.g. vandalism), please contact your Case Officer.

Your application cannot be determined until the end of the statutory publicity and consultation period which is 26th September 2013.

You can follow how your application is progressing on the Council's website:
www.arun.gov.uk/planning.

The Council aims to make as many decisions as possible before the end of the statutory determination period, which in this case will be 8th October 2013. However, this is not always possible for a number of reasons, including on-going negotiations or the scheduling of Development Control Committees.

If you have not received a decision by 8th October 2013 or agreed in writing to extend the time in which the Council make a decision, you can appeal to the Secretary of State. Your appeal (under section 195 of the Town & Country Planning Act 1990) would be that the Council has failed to make a decision and you would be asking a Government Planning Inspector to make the decision instead. You can do this on a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the planning portal website www.planningportal.gov.uk/planning/appeals/.

packcle

This acknowledgement only relates to this certificate and not to any other applications you may have made, or may need to make to the Council, for example Building Regulation approval. You will need to carry out your own checks to determine whether any other consents or permissions are required.

For advice on whether Building Regulations are required, please visit the government's website www.planningportal.gov.uk or seek your own professional advice. If in general you wish to know more about Building Regulation approval and the Building Control Services offered by Arun District Council please see www.arun.gov.uk/buildingcontrol

Finally, can I remind you that it is an offence under S194 of the Town and Country Planning Act 1990 (as amended) to knowingly or recklessly make false or misleading statements, use documents, or withold any material information for the purpose of procuring a particular decision on an application for a certificate. On summary conviction in the Magistrates' Court, the penalty is a fine not exceeding Level 5 (currently £5000) or on conviction on indictment in the Crown Court the penalty can be imprisonment for a term not exceeding two years, or an unlimited fine, or both. Moreover, the Council are entitled to revoke a certificate where a false statement was made, or information withheld.

Please do not hesitate to contact the Case Officer if you have any queries.

Yours sincerely



Karl Roberts
Assistant Director Planning & Economic Regeneration

**Please note: When an application is submitted online or with an email address in the agent details, most correspondence, including the decision notice will be sent by email. It is therefore important that you inform us if you make any change to your email address during the course of this application.**

packcle