

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: LU/238/19/CLE

LOCATION: Unit 3 Ferry Road
Littlehampton Marina
Littlehampton
BN17 5DS

PROPOSAL: Lawful development certificate for existing building being used for offices with ancillary storage.

DESCRIPTION OF APPLICATION

The application seeks a certificate of lawfulness for the existing use of the building for office use with ancillary storage.

The evidence submitted by the applicant includes the following:

- Statutory Declaration of Mr. David Finnamore, Managing Director and Principal Owner of the Applicant Company
- Statutory Declaration of Mr. T Mills lease of Unit 3, Littlehampton Marina from August 2008 to the current day.
- Lease of Unit 3, Littlehampton Marina to T. Mills 1st August 2008 - 30th September 2013.
- Deed of Assignment of above lease to Homeguard Direct Ltd dated 25th November 2009.
- Lease of Unit 3, Littlehampton Marina to Homeguard Direct Ltd 1st October 2013 - 30th September 2018.
- Lease of Unit 3, Littlehampton Marina to Protect You Ltd 1st June 2016 to 31st March
- Location Plan plan dwg.no. LMRSC/1a received on 31st July 2019.
- General Arrangement Floor Plan Dwg.no. 103 B dated 20/11/98.
- Elevations Unit 3 Dwg.no. 104 dated 20/11/98.

SITE AND SURROUNDINGS

The site is an industrial unit formerly used as a boat showroom which has been converted to use for light industrial/office use.

RELEVANT SITE HISTORY

None relevant

REPRESENTATIONS

Representations Received:

None.

Comments on Representations Received:

N/a.

CONSULTATIONS

Consultations Responses Received:

None.

Comments on Consultation Responses:

N/a.

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Section 191 to 195 Town & Country Planning Act 1990 and NPPG guidance on LDC's have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy.

- (i) What is judged on a balance of probability;
- (ii) The onus of proof is on the applicant (and not the LPA) to adduce the evidence; and
- (iii) The LPA may have on its files relevant evidence either supporting or contradicting that of the applicant.

Section S171(1)-(3) and S191 TCPA 1990. The relevant time period is September 2009 to September 2019 i.e. 10 years to the date of the application.

CONCLUSION

From the evidence submitted there is no other evidence to contradict or otherwise make the applicant's version less than probable. The evidence demonstrates that the land has been in continuous use for offices with ancillary storage for a period in excess of ten years up to and until the time the application was submitted.

The evidence provided is sufficiently precise and unambiguous to justify the grant of a certificate on the

balance of probability.

There is therefore no good reason to refuse the application.

RECOMMENDATION

APPROVE

The use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that at the date specified above, the land has been used for offices with ancillary storage for a continuous period of 10 years.

FIRST SCHEDULE

Use of the site for offices with ancillary storage as indicated on the following plans:

- Location Plan dwg.no. LMRSC/1a received on 31st July 2019.
- General Arrangement Floor Plan Dwg.no. 103 B dated 20/11/98.
- Elevations Unit 3 Dwg.no. 104 dated 20/11/98.

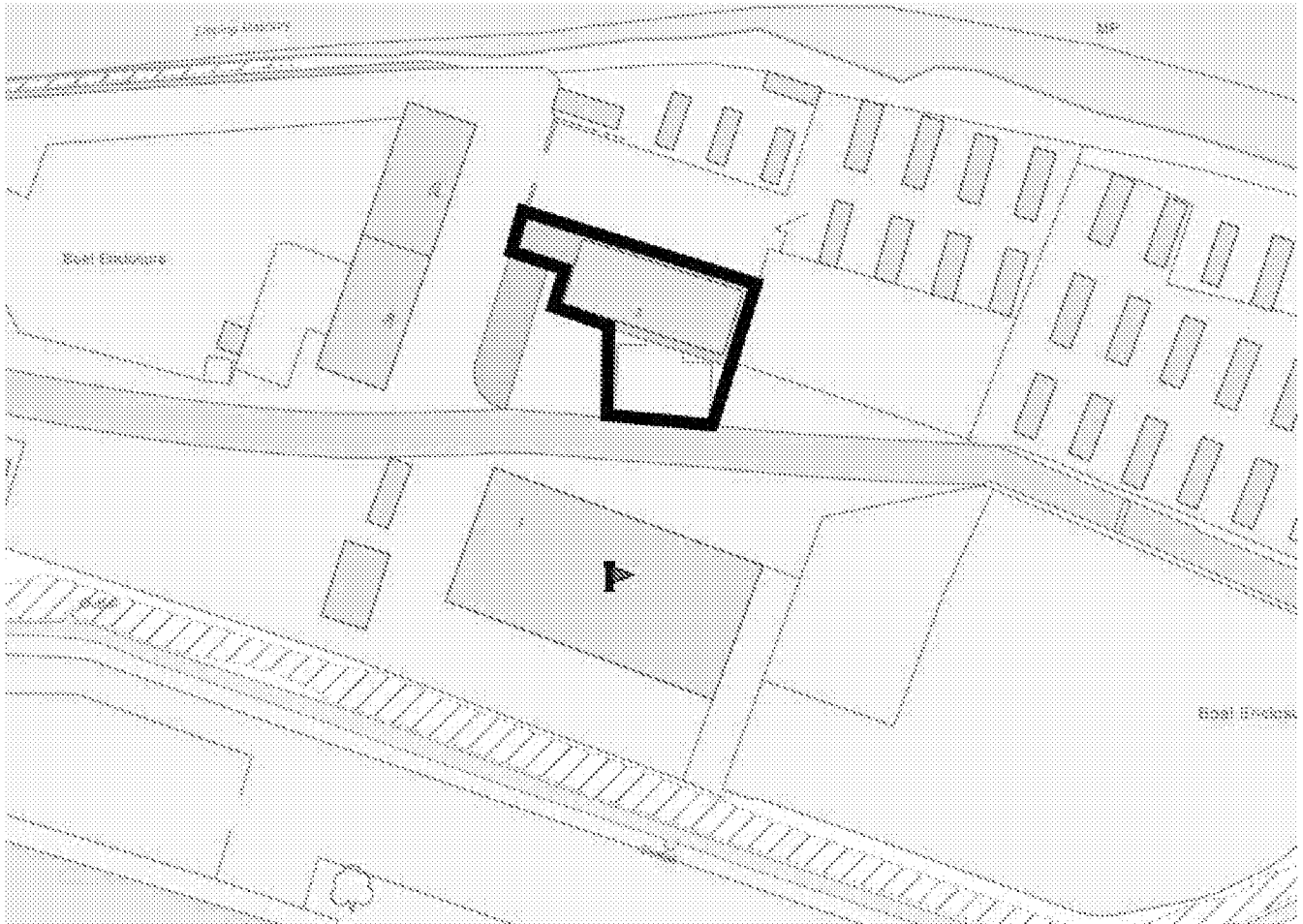
SECOND SCHEDULE

Unit 3, Ferry Road, Littlehampton Marina, Littlehampton, BN17 5DS.

EXTENT OF USE

Use of the site for offices with ancillary storage

LU/238/19/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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