

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/241/20/CLE

LOCATION: 6 Selborne Place
Selborne Road
Littlehampton
BN17 5NH

PROPOSAL: Lawful development certificate for existing use of building as a large House in Multiple Occupation (Sui Generis).

DESCRIPTION OF APPLICATION

Application for the continued use of the property as an 8 bed HMO.

SITE AND SURROUNDINGS

Locally Listed Building, semi-detached, 4 storey building with brick and tile-hung elevations, decorative brickwork with honeycomb tile detailing and clay tile roof. White UPVC and timber doors and framed windows.

In Littlehampton Sea Front Conservation Area. Primarily residential in character (with 1 restaurant 'Vardar' at no.3 and 4 and a children's nursery at no.5). Urban environment. Mixture of traditional semi-detached and terraced housing, post-war/modern houses and blocks of flats.

RELEVANT SITE HISTORY

LU/163/20/PL	Demolition of existing rear conservatory, erection of single storey front & rear extensions & change of use from large HMO (Sui Generis) to 5 No. flats (4 net) (C3 Dwelling house). This application affects the character & appearance of the Littlehampton Seafront Conservation Area & may affect the setting of a listed building. This application is not CIL Liable as flats in Zone 4 (Zero Rated).	Refused 25-08-20
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Recent application for conversion to flats refused.

REPRESENTATIONS

Representations Received:

Littlehampton Town Council - Objection.
- overdevelopment.

4 Letters of objection
- increase from 8 - 11 beds overdevelopment.
- lack of parking.
- nursery next door.
- road safety an issue.
- adverse impact on neighbouring properties.
- fails to meet HMO standards.
- out of keeping with Conservation Area.

Comments on Representations Received:

This application is assessed on matters of fact. Policy considerations are not taken into account.

CONSULTATIONS

Consultations Responses Received:

ADC Environmental Health - No comment.

ADC Private Sector Housing - No objection.

Comments on Consultation Responses:

Noted.

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.

PRINCIPLE

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.

The relevant time limit for this operation would be 4 years.

BACKGROUND

A CLEUD application has been received for use of the premises as an 8 bedroomed HMO.

The evidence produced is

- An email from the HMO office attesting that the property was used as an HMO.
- A reference in a planning application reference LU/163/20/PL to the property being used as an 8 bed HMO.
- An affidavit from the new owners of the property stating that the property had been used as an 8 bed HMO from 2004 when taken up by the previous owners until the time of the application.

CONCLUSION

The applicant has provided sufficient evidence to decide on the balance of probabilities that the property has been is use as an HMO for the previous 4 years. A statement from the applicant, a letter form the HMO officer, a reference to the HMO in a previous planning application is considered sufficient evidence.

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, it has been proved on the balance of probabilities that the property had been in use as a HMO with 8 bedrooms for a continuous period of 4 years in accordance with plan 054.EX.01a.

FIRST SCHEDULE

The use of 6 Selborne PLace, Littlehampton as a House in Multiple Occupation comprising 8 bedrooms.

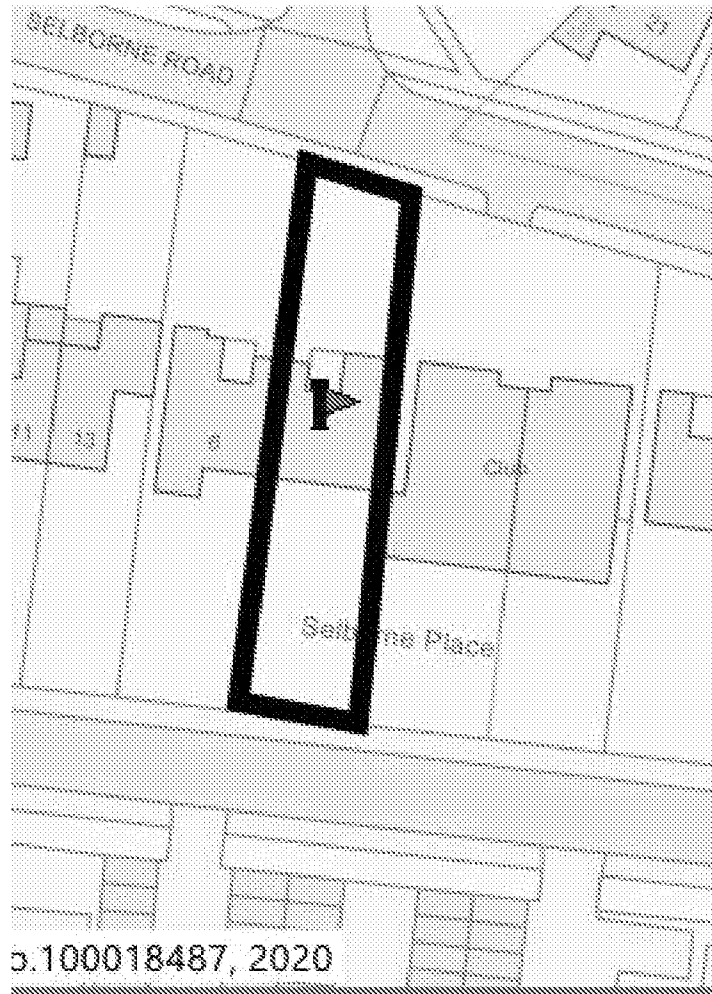
SECOND SCHEDULE

6 Selborne Place, Selborne Road, Littlehampton, BN17 5NH

EXTENT OF USE

Use of property as an 8 bedroomed HMO.

LU/241/20/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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