

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/30/21/CLE

LOCATION: Flat 2
31 South Terrace
Littlehampton
BN17 5NU

PROPOSAL: Lawful development certificate for the existing property being split into flats & one flat converted from a "one bedroom" flat to a "studio" flat.

DESCRIPTION OF APPLICATION

A Certificate of lawful development is sought for the use of the property as flats and the conversion of a one bedroomed flat into a studio flat (Flat 2).

SITE AND SURROUNDINGS

Flat 2 is a flat in house in South Terrace, a residential area

RELEVANT SITE HISTORY

LU/406/84	Alterations To Garden Studio Flat & Alts To First And Second Floor	ApproveConditionally 31-10-84
LU/379/85/L	Application For Listed Building Consent For Convert 1 No 2 Bed Flat To 2 No 1 Bed Flats On Ground Floor	ApproveConditionally 18-11-85
LU/380/85	Convert 1 No 2 Bedroom Flat To 2 No 1 Bedroom Flats On Ground Floor	ApproveConditionally 09-09-85

Various application have been approved to convert the house into flats.

REPRESENTATIONS

Representations Received:

Littlehampton Town Council - Objection on grounds of the retrospective nature of the application would set an unfortunate precedent given the listed building status of the property.

Comments on Representations Received:

The application is determined on the facts of the matter alone.

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.

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 the conversion of the premises from a one bed flat to a studio flat.

The evidence produced is

- A sworn statement from the current owners of the flat.
- A builders schedule for the works
- A freeholders letter

- An inspection report from September 2019

CONCLUSION

The planning history shows there have been a number of conversions of the house to flats. The applicant provided sufficient evidence to decide on the balance of probabilities that flat 2 has been in use as a studio flat for the previous 4 years. A statement from the applicant, a schedule of works, a freeholders letter and a builders report is considered sufficient evidence. The works done to the flat are repair/renovation works which do not affect the listed characteristics of the property.

RECOMMENDATION

APPROVE

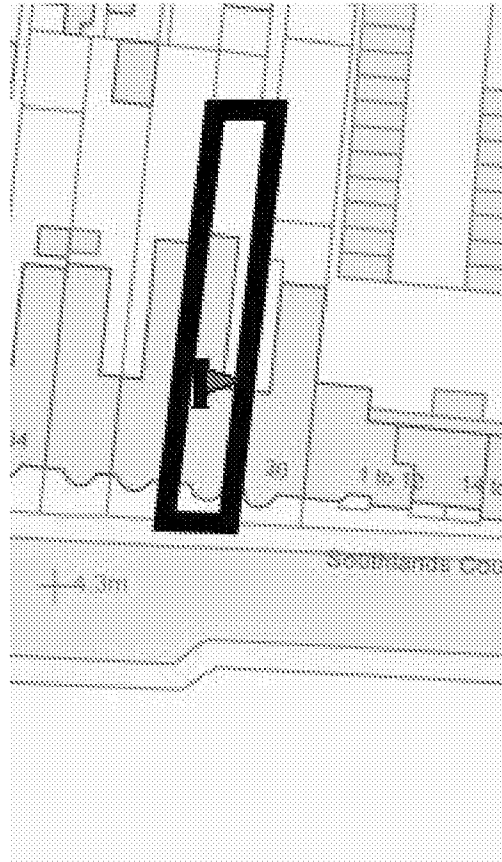
The use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that at the date specified above, the property had been in use as flats and flat 2 as a studio flat for a continuous period of 4 years.

FIRST SCHEDULE The subdivision of the house into flats and the use of flat 2 as a studio flat in accordance with plan Ground floor plan dwg.no. 19-10-GD-241-03 dated October 2019

SECOND SCHEDULE 31 South Terrace, Littlehampton, BN17 5NU

EXTENT OF USE The subdivision of the house into flats and the use of flat 2 as a studio flat

LU/30/21/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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