

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/335/20/CLE

LOCATION: Land at Littlehampton Marina
Ferry Road
Littlehampton
BN17 5DS

PROPOSAL: Certificate of lawfulness for existing storage of touring caravans & motorhomes

DESCRIPTION OF APPLICATION

An application for a certificate of lawful use for use of land for the storage of motorhomes and touring caravans.

SITE AND SURROUNDINGS

A piece of open land at Littlehampton Marina

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

Littlehampton Town Council - No objection.

Comments on Representations Received:

Noted.

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 Dec 2010 to Dec 2020 i.e. 10 years to the date of the application.

CONCLUSION

The evidence presented is a statement from the site owner that the site has been in use for the storage of motorhomes and touring caravans for more than 10 years and google earth maps showing the site in use for this purpose on 31/12/2010 and 2018.

The google earth map for 2010 shows the site laid out to parking and approximately 20 caravans/motorhomes parked up on the site. The 2018 google earth map shows the site fully occupied with 180/200 caravans/motorhomes parked up. The site is in use for the parking up of caravans/motorhomes in both google earth maps and it is on the balance of probabilities likely that the site has been continuously used for this purpose.

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 for the parking up of caravans/motorhomes for a continuous period of 10 years.

FIRST SCHEDULE

The storage of caravans/motorhomes.

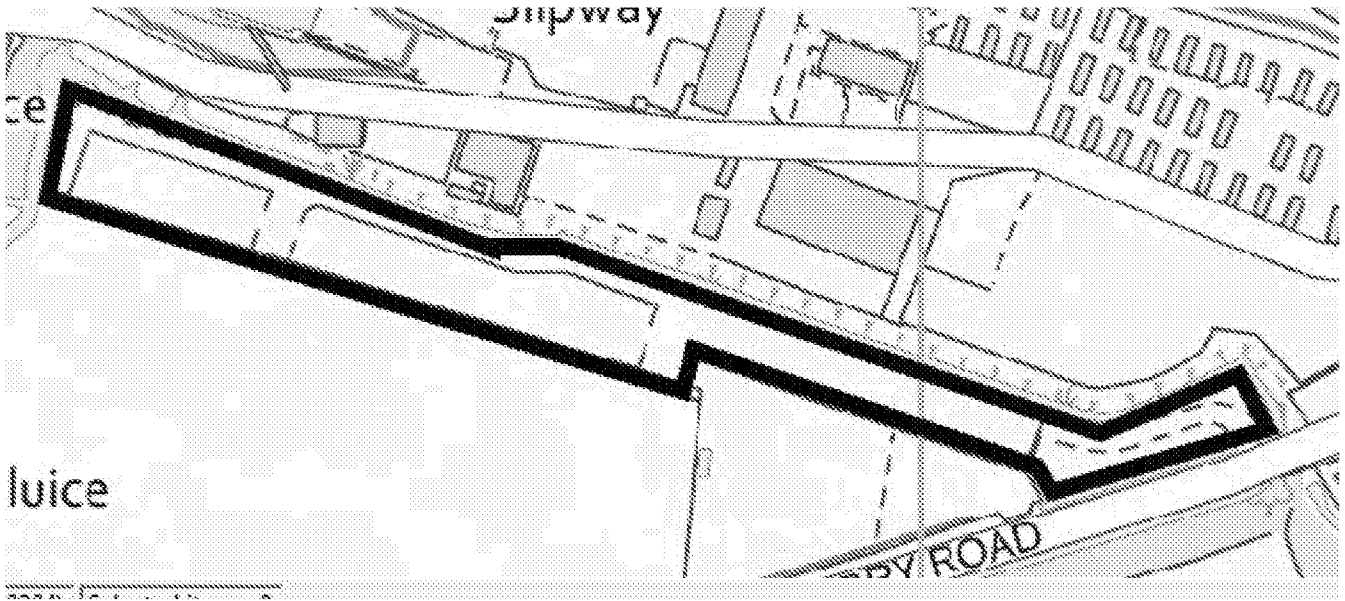
SECOND SCHEDULE

Land at Littlehampton Marina, Ferry Road, Littlehampton, BN17 5DS

EXTENT OF USE

The storage of caravans/motorhomes.

LU/335/20/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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