

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

DECISION NOTICE

Application Ref: M/51/19/CLE

To Addressee

Ms E Poland
Heathland
South Lodge
South Avenue
Hurstpierpoint
BN6 9QB

Site Address

Gendarshe (now Sea Song)
Manor Way
Elmer
Middleton-On-Sea
PO22 6LA

Description of Application

Application for a Certificate of Lawfulness for an existing use - use of land to incorporate into garden

In pursuance of their powers under this Act and these Regulations the Council **REFUSE** to certify that the development described above is Lawful for the reasons stated below.

- 1 It is considered that the evidence submitted is ambiguous and imprecise as to clearly demonstrate that the use of the site has not been private amenity land for at least 10 years. Therefore, on the balance of probability, it has not been proved that the site has been used as garden land for a continuous period of 10 years or more.



Neil Crowther
Group Head of Planning

Case Officer:

Mr Z Denton

Arun District Council
The Arun Civic Centre

Decision Issued: **24th September 2019**

Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990

By Section 195 (as amended) of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority under Sections 191 or 192 and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Secretary of State and on any such appeal the Secretary of State:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Secretary of State you should write in the first instance to The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).