

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

REF NO: P/112/18/CLE

LOCATION: 24 Honeysuckle Drive
Pagham

PROPOSAL: Lawful development certificate for an existing second vehicle hard standing.

DESCRIPTION OF APPLICATION

Certificate of Lawfulness for Existing Use or Operation and seeks to confirm whether following the passage of time, in this case a period of 4 years of continuous use, the 'second' vehicle hardstanding, finished with concrete paving slabs, is lawful.

DESCRIPTION OF SITE AND SURROUNDINGS

Mill Farm Estate Mobile Home Park comprising single storey detached properties of similar size, style and design. The application site features a single storey detached mobile home.

RELEVANT SITE HISTORY

P/29/89	Change of use from Holiday Caravan Park to Residential Home Park.	Refused 02-08-1989 Appeal: Allowed 06 06 1990
P/81/08/	Georgian style conservatory	ApproveConditionally 08-08-2008
P/14/49	Use as caraan and moveable dwelling site	Refused 07-06-1949
P/14/49/G	Use of land as caravan site	ApproveConditionally 15-02-1961
P/14/49/F	Use of land as caravan site	ApproveConditionally 07-07-1961
P/14/49/I	Renewal of consent for use of land as caravan site	ApproveConditionally 07-03-1962

Officers consider that no conditions have been imposed on the original permission for the holiday caravan park or the subsequent change of use from holiday caravan Park to Residential Home Park (appeal

decision noted) which would have an impact on the following assesment.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Parham Parish Council: No objection.

No Neighbour representations received.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

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.

CONCLUSIONS

Assesment:

S194 of the Town and Country Planning Act 1990 states that it is a criminal offence to supply false or misleading information. While the applicant hasn't personally provided a written statement, a Design and Access Statement has been provided with the application. This statement highlights that a second hard standing was added to the application property. This is considered sufficient for these purposes.

EVIDENCE:

As stated above the applicant hasn't personally provided a written statement. However, Within the Design and Access Statement, submitted by the agent, It is stated that:

"The Mill Farm residential homes site provided each unit with 1No Tarmac hardstanding to each

property.

A number of these properties have added an additional parking space over a period of time. Some 8 years ago an additional concrete paving slab hardstanding area (rather than in tarmac finish) was added to this property complete with necessary surface water drainage channel and grating."

The Council's evidence:

The Council's aerial photography for 2012, 2015, 2018 show a 'second' hard standing in place at the application property known as 24 Honeysuckle Drive, Pagham. The aforementioned aerial photography also shows a car parked on the 'second' hardstanding. The hardstanding in question is also shown on Google Maps aerial photography image date 2019.

Officers note that all the aerial photography available, as aforementioned, seems to show the hardstanding in the same position over the years. It is noted that there are gaps in the aerial photography available, however Officers consider it, in all probability, unlikely that the hardstanding would have been removed at and re-laid at any point. However, the 2018 aerial photography appears to show that the boundary fence has been moved to increase the area available for parking. Officers do not consider that any additional hardstanding was laid in 2018. While there is no definitive evidence to confirm this, officers have no evidence to confirm that this was or was not the case. Having regard to the aforementioned Design and Access Statement, Officers are satisfied, given that there is no evidence to state otherwise, that the 'second' hardstanding has been in place for a continuous period of at least 4 years.

SUMMARY:

Nothing on the face of it, contradicts the the submitted Design and Access Statement. Furthermore, the aerial photography available shows that the second hardstanding has been in situ over a number of years between 2012 and 2018. Additionally should the LPA be challenged there is no evidence to say that the second hardstanding has not been in situ for a continuous period of at least 4 years or more.

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, namely, the development (hardstanding) has been in situ for a continuous period of 4 years or more.

FIRST SCHEDULE

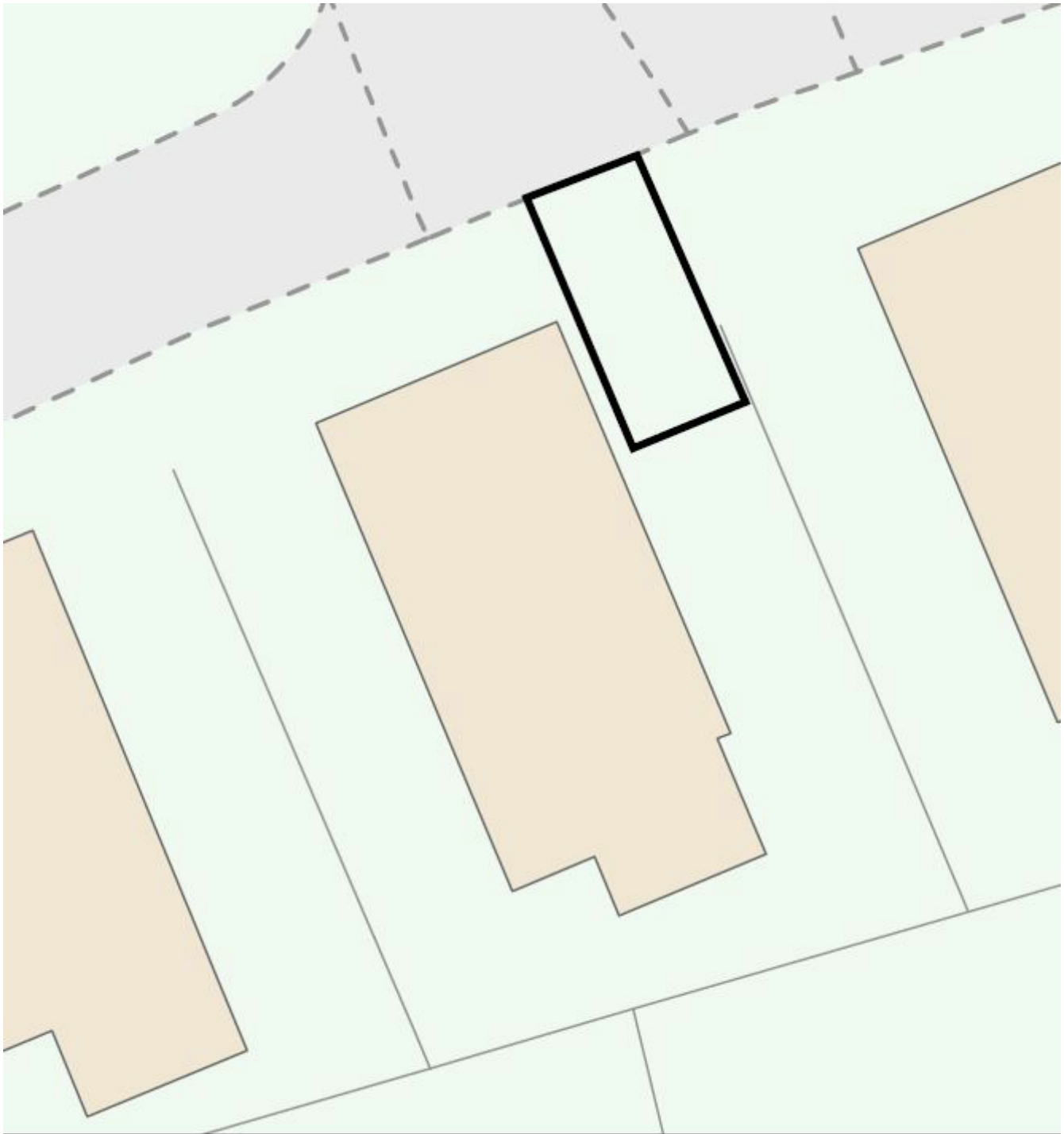
The siting of an area of hardstanding for the parking of vehicles at 24 Honeysuckle Drive, Pagham, PO21 3PT.

SECOND SCHEDULE

Land at, Honeysuckle Drive, Pagham, PO21 3PT. which is shown on the plan to this certificate as within the area edged boldly in black.

EXTENT OF USE

The siting of an area of hardstanding for the parking of vehicles within the area edged boldly in black on the attached plan at 24 Honeysuckle Drive, Pagham as per plans



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.