

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/85/19/CLE

LOCATION: Sycamore Barn
6 Church Lane
Pagham
PO21 4NS

PROPOSAL: Lawful development certificate for the existing use of barn as self contained dwellinghouse.

DESCRIPTION OF APPLICATION

The application is for a Certificate of Lawfulness for the use of a barn as a self contained dwellinghouse.

SITE AND SURROUNDINGS

The site is occupied by single storey barn styled building. It is situated to the north side of Church Lane. 6 Church Lane sits to the east of the building.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations Received:

Pagham Parish Council

No objection.

No representation received from nearby occupiers.

Comments on Representations Received:

Comments noted.

CONSULTATIONS

Consultations Responses Received:

ADC Legal Response

I am of the opinion that Sycamore Barn has been in use as a self contained dwelling house since 10 April 2015. Therefore I am of the opinion that the application should be granted as sufficient information has been provided to justify the grant of a certificate based on the balance of probabilities.

Comments on Consultation Responses:

Comments 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.

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 change of use to a single dwelling is 4 years.

CONCLUSION

The evidence submitted in support of the application consists of

- A letter from ADC confirming the conversion.
- Statutory declarations from various tenants.
- Tenancy Agreements

It is clear from the evidence submitted and from the advice of the Planning Solicitor that the evidence judged on a balance of probability is sufficient and is precise and unambiguous. The LPA has no evidence itself, nor from other, to contradict or otherwise make the applicants version less than probable. There is therefore no good reason to refuse the application.

It is therefore recommended that the certificate is granted in accordance with the following terms.

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 a self contained dwelling for a continuous period of 4 years.

FIRST SCHEDULE

Use of the site as a self contained dwelling as indicated on the plans.

- Location Plan**
- Ground Floor Plan**

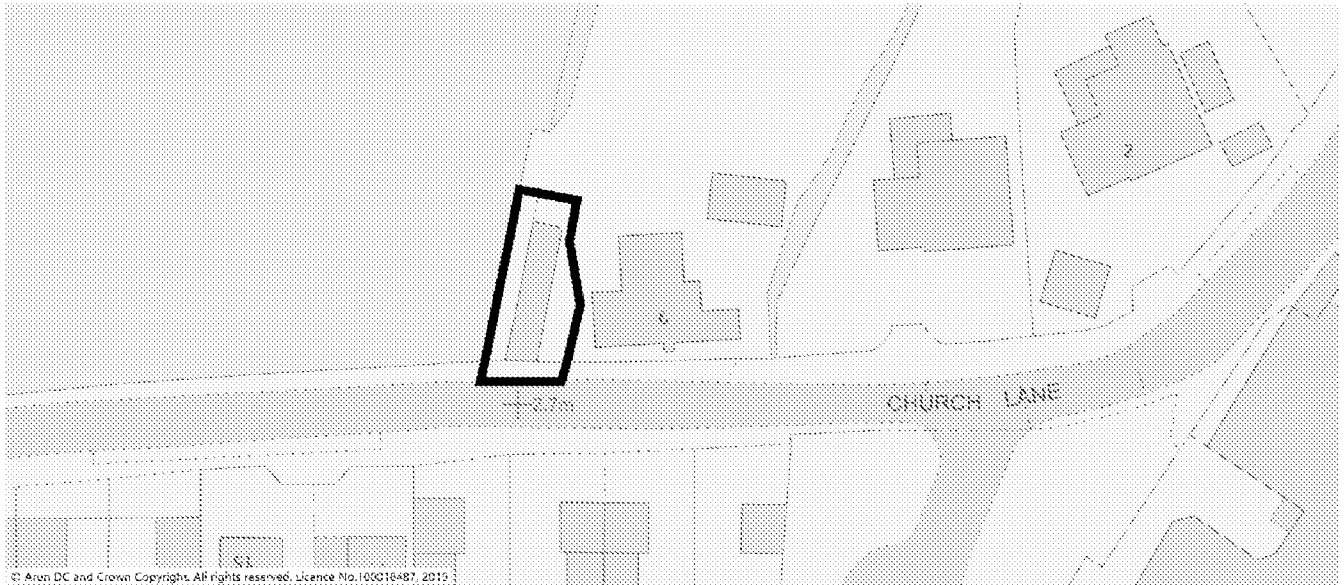
SECOND SCHEDULE

Sycamore Barn, 6 Church Lane, Pagham, West Sussex, PO21 4NS which is shown on the plan to this certificate, within the area edged boldly in black.

EXTENT OF USE

Use as a self contained dwelling comprising 1 bedroom, lounge/kitchen-diner, bathroom and storage area. There is parking for approximately 2 cars along the east and a patio area to the rear.

P/85/19/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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