

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/95/19/CLE

LOCATION: Lagnersh House, Annexe
Lower Bognor Road
Pagham
PO20 1LW

PROPOSAL: Lawful development certificate for the existing use of building as a single dwellinghouse.

DESCRIPTION OF APPLICATION

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

SITE AND SURROUNDINGS

The site is occupied by a number of buildings consisting of Lagnersh House, Lagnersh Barn and the Annexe. The site is located outside the built up area boundary. and surrounded by fields.

RELEVANT SITE HISTORY

P/28/16/HH	Replacement outbuilding	ApproveConditionally 21-04-16
P/119/18/PL	Erection of agricultural barn for storage of farm machinery & hay along with associated hardstanding.	ApproveConditionally 15-05-19
P/79/05/	Conversion of existing barn into detached dwelling.	ApproveConditionally 07-10-05
P/29/03/	Conversion of existing barn into detached dwelling.	ApproveConditionally 10-07-03
P/129/01/	Conversion of existing utility garage & storage building	ApproveConditionally

into guest accommodation.

01-02-02

Relevant site history noted.

REPRESENTATIONS

Representations Received:

Pagham Parish Council

No objection.

No representation received from nearby occupiers.

Comments on Representations Received:

Comments 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.

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 statements from previous tenants from the period 2015 to present, a statement from the local postman and window cleaner, council tax notice and a note from ADC regarding the banding of council tax.

The application is considered to contain sufficient information to demonstrate that the use occurred more than 4 years ago. It is considered on the balance of probability that consent should be granted. The LPA has no evidence itself, nor any from others, to contradict or otherwise make the applicant's 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 has been in use as a self contained dwellinghouse for a continuous period of 4 years.

FIRST SCHEDULE

Use of the property as a self contained dwellinghouse as indicated on the plans

- Location Plan
- Block Plan
- Floor Plan

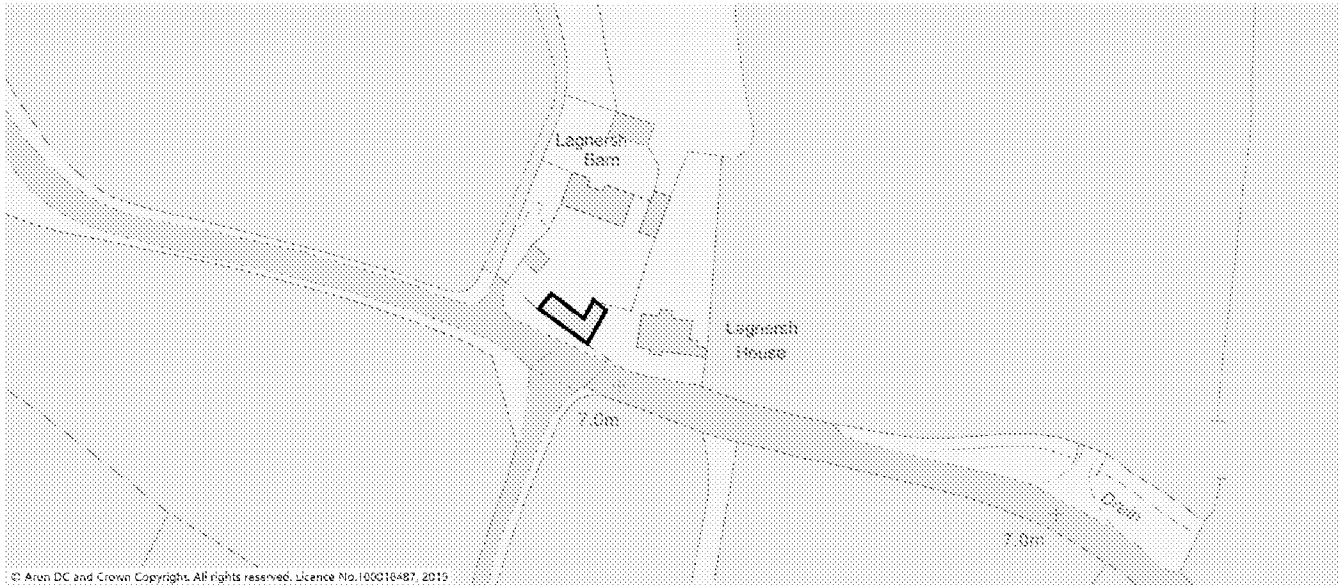
SECOND SCHEDULE

Annexe, Lagnersh House, Lower Bognor Road, Pagham, PO20 1LW which is shown on the plan to this certificate within the area edged boldly in black.

EXTENT OF USE

Use of the property as a self contained dwellinghouse.

P/95/19/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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