



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2015: Article 39
Application for Certificate of Lawfulness for an Existing use or Operation
DECISION NOTICE

Application Ref: WA/112/18/CLE

To Addressee

Douglas Briggs Partnership
 Flint Barns
 Ham Farm
 Bosham
 West Sussex
 PO18 8EH

Site Address

Star Plants
 Lake Lane

PO22 0AL

Description of Application

Lawful development certificate for the existing use of the land & associated structures. This application also lies within the parish of Yapton.

The use and development 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:

(i) the use as a horticultural unit does not require planning permission because is not considered to be development under s55(2)(e) of the Town and Country Planning Act 1990.

(ii) The following structures:

- a) Cambridge Glasshouse - PE/Y/4/93/AG**
- b) Toilet Block - PE/Y/60/97-AG**
- c) Haygrove 2 Polytunnels: Y/10/17/AG**

are considered to benefit from prior notification application applied and approved in accordance with permitted development rights under and subject to Part 6 , Class A and A.2 (conditions) of the Town and Country Planning (General Permitted Development) Order 1995 as amended.

The applicant is reminded that under Part 6, A.2 paragraph (5) where (a) the use of the building for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and (b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building for the purposes of agriculture within the unit permanently ceased, then, unless the Local planning Authority have otherwise agreed in writing, the building shall be removed from the land and the land shall be restored to its former condition.

The walkways between the planted beds are considered to engineering operations 'reasonably necessary for the purposes of agriculture within that unit' and are permitted development in accordance with Part 6, Class A (b) of the Town and Country Planning (General Permitted Development) Order 1995 as amended.

iii) The following structures:

Venlo Glasshouse and Liner Glasshouse

Roads and Outdoor Beds

Polytunnels, PH-14, Potting Shed

Reservoir

Polytunnels PH, A,B,C,

Outdoor Beds & ST1-9

Dispatch Shed

Haygrove 1 Polytunnels

Office Welfare and Canteen

Outdoor Beds 19-27

had been in use continuously for a period in excess of 4 years thus the development is immune from enforcement action in line with the Town and Country Planning Act 1990 (as amended) c. 8 Part VII Introductory Section 171B (1).

EXTENT OF USE

Use of the premises as a horticultural unit and the associated structures as set out in the existing site layout plan dwg.no. 6018-001B dated December 2018, Supporting statement for Star Plants Nursery ref.no. 6018 dated December 2018 and the information within the emails received from Douglas Briggs Partnership dated 15th March 2019 and 7th March 2019.

FIRST SCHEDULE

Lawful development certificate for the existing use of the Star Plants Nursery for horticultural use and associated structures.

SECOND SCHEDULE

Star Plant Nurseries, Lake Lane, Barnham, West Sussex, PO22 0AL

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

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Andrew Wood

Decision Issued: 26 March 2019



NOTES RELATING TO CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

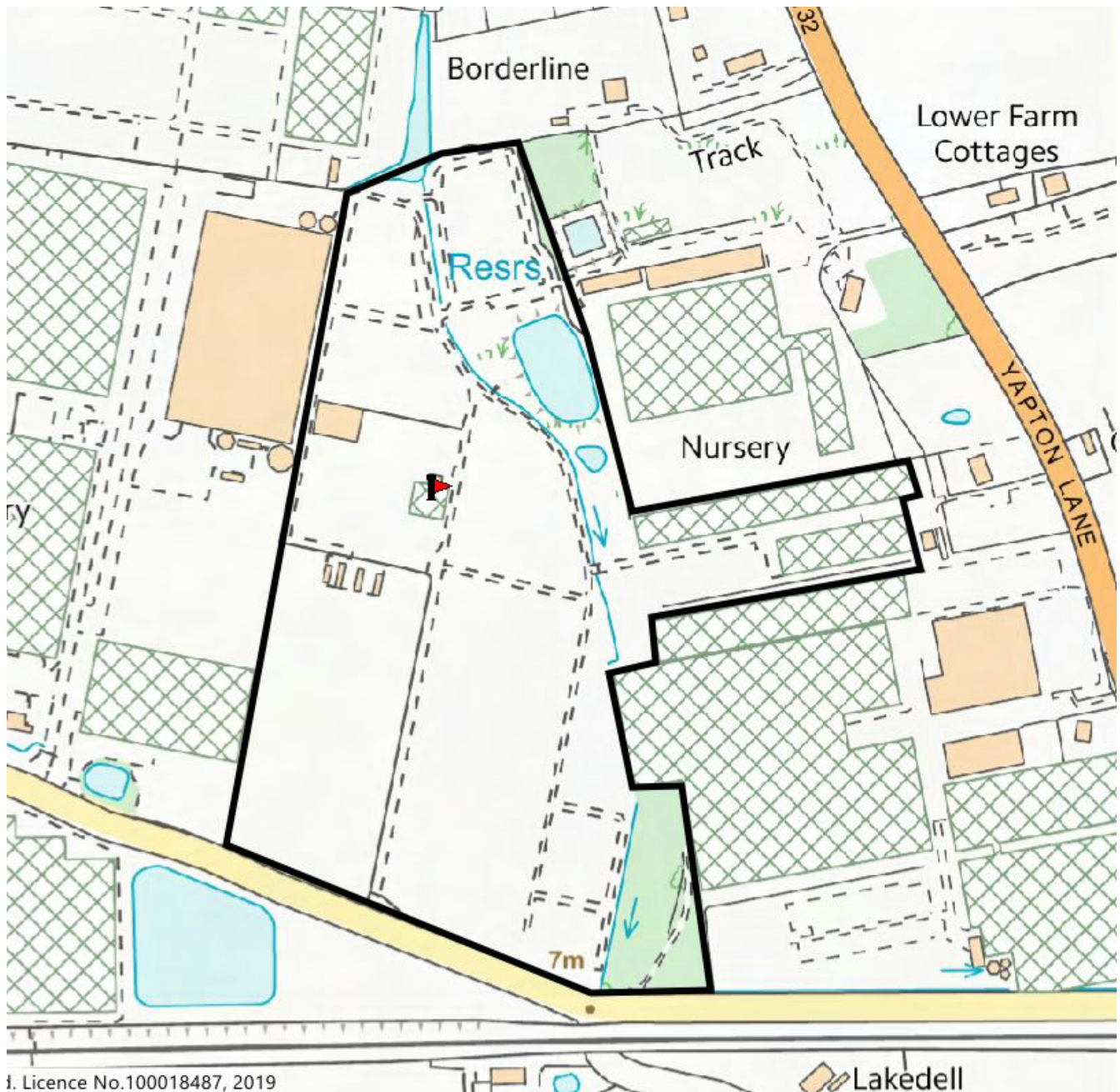
TOWN & COUNTRY PLANNING ACT 1990

This certificate is issued solely for the purpose of section 191 of the Town & Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, was not liable to enforcement action under section 172 of the 1990 Act on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

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).



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