



**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)
APPLICATION FOR A CERTIFICATE OF LAWFUL USE
OR DEVELOPMENT**

DECISION NOTICE

Application Ref: Y/16/08/CLE

1 To Addressee

Mr A Greenwood
Rowan House
Baffins Lane
Chichester
West Sussex
PO19 1UA

2 Site Address

Oak Trees
Bilsham Road
Yapton

3 Description of Development

Application for Lawful Development Certificate for an existing use as a single dwelling.
(Resubmission following Y/81/06/CLE)

4 In pursuance of their powers under this Act and related Orders and Regulations the Council notify you that they **REFUSE** your application for a Certificate of Lawful Use or Development for the use, uses or development as described in the application for the reasons stated.

- REASON 1 The applicant has failed to show with the evidence produced, judged on the balance of probability, that Oak Trees, Bilsham Road, Yapton has been used as an independent dwelling for the four years required to satisfy the issue of Certificate of Lawfulness under Section 171B(3) and 191 of the Town and Country Planning Act 1990.
- REASON 2 The evidence is vague, ambiguous, imprecise and contradictory and fails the test in Circular 10/97 Annex 8 Para 8.12-8.16. In particular, the evidence submitted by the agent is considered to be vague and imprecise with reference to the building involved, whilst the evidence submitted by the agent and the applicants is contradicted by the evidence submitted by the planning officer on Y/68/04.
- REASON 3 The facts of occupation by Mr and Mrs Hyams and their children are capable of being interpreted as occupation ancillary to the main dwelling and within its curtilage under S55(2)(d) of the Town and Country Planning Act 1990.

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

Case Officer: Ms J Searle

Date of Decision: 12th May 2008

Date Decision Issued: 12th May 2008

Howard Cheadle

Howard Cheadle
Head of Planning & Housing Strategy

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

NOTES RELATING TO CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

By Section 195 of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority for a Certificate of Lawfulness of Existing/Proposed Use and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Office of the Deputy Prime Minister and on any such appeal the Office of the Deputy Prime Minister:-

- 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 Office of the Deputy Prime Minister you should write in the first instance to The Planning Inspectorate, Customer Support Unit, 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.