Expiry Date – 18/10 ppa agreed to 6/11

Development Control – Delegated Officer Report

Application Number: AWDM/0/18 Recommendation – Grant

Site: 66 Williams Road, Shoreham

Proposal: Application for Certificate of Lawfulness for Existing Use as 2no. self contained units (66 and 66A).

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 23/10

Site and Surroundings

This application relates to a mid terrace property built as one house in the 1950's. The property as built has two doors in the front elevation, common with its neighbour to the north. The property was extended into the roof in 2009 under Building Regulations. In 2009 Building Regulations approval was also sought for a second internal staircase, the floorplan continuing to show one house. This application was rejected.

The property is not in a conservation area and is not listed.

Proposal

A Certificate of Lawfulness is sought to acknowledge that this property has been lawfully used as two separate and self contained units for at least the last 4 years.

66 is a three bedroom house, over two floors, with rear garden and front parking. 66a is a studio flat in the loft with its own street frontage front door. It also has a ground floor bedroom, first floor landing cupboard, rear garden and front parking space.

Relevant Planning History

None.

Consultations

None undertaken.

Representations

None received.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2018
Adur Local Plan 2017 Policies 1, 2 and 15 including 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.

Planning Assessment

Principle

The applicant seeks to establish that the property is two separate residential units and is lawful in planning terms and no enforcement action may be taken on the basis it has become immune from such action through the passage of time. The planning merits of the case are not material considerations. In order for a Certificate of Lawfulness to be issued the Local Planning Authority must be satisfied that on the balance of probability the two units have been in existence for 4 or more years (i.e. the '4-year rule').

The application is accompanied by the following evidence to support the claim:-

- An Affidavit from the applicant signed in the presence of a solicitor which states that the building has been arranged and let as two separate units with a corresponding floor plan colour coded to each unit.
- A letter from Sawyer & Co which states that the property has been let by them since February 2013 as two units with a corresponding floor plan colour coded to each unit.
- Copies of various utility bills, letting contracts, insurance contracts which relate to 66 and 66a or Top Floor Flat (TFF) some of which are older than 4 years.

The property was visited on 23rd October 2018 where it was found to be occupied by two households in the arrangement shown on the coloured floorplan received 23.10.18. The garden is subdivided and fenced as also shown on said plan. The evidence submitted at that time, copies of utility bills, contracts of letting and insurance details were not sufficient proof of 4 years continuous and separate use.

The applicant subsequently provided a signed affidavit stating 66 and 66a have been separately let as two self contained flats for at least 4 years, with plan attached and separate signed letter from Sawyer & Co saying they have continuously let 66 since 2011 and 66a since 2013, with corresponding plan.

Conclusion

It is considered that there is sufficient evidence on the balance of probability to corroborate the claim that the property has existed as two separate and self contained flats for 4 or more years and is immune from enforcement action by the Council.

Recommendation

ISSUE LDC

The Local Planning Authority is satisfied on the basis of the evidence submitted with the application that the property is two separate and self contained flats as shown on the submitted plan received 23.10.18 and has existed for 4 or more years and is lawful in planning terms.

Is recommendation contrary to any representations? NO.

Case Officer signed:	MOK	Date: 2/11/18
Authorised and signed by:	Peter Barnett	Date: 5 November 2018