From: Louise Mathie
Sent: 22 May 2019 12:02
To: Eve Hearsey
Subject: RE: Ingleside Garage, Lancing

Hi,

I believe there is sufficient evidence for the B8 use. Graham Munday's statutory declaration refers to the use of the land opposite for the parking and storage of vehicles between 1988 and 2018. John Rodwell mentions the parking area in his statutory declaration although in the context that the lease included this parking and vehicle storage area.

Timothy Granger refers to a visit in 2014 and specifically mentions the garage and parking use. There is also a letter from Martin Greenfield, one of the neighbours, who states that the garage and parking has been in operation since he started his business in February 2008.

There are also the Google photos from 2009, 2011, 2012 and 2017 all of which show the parking area in use.

For these reasons I believe there is sufficient evidence to grant B8 use as well as B2 use.

There is little in the submitted evidence regarding the office use. John Rodwell refers to the offices being reinstated in 1988 for normal office use but there is no direct evidence to show that the offices have been used for this purpose during the past 10 years. As things stand, there is insufficient evidence to demonstrate the office use. I would suggest that the applicant is contacted and asked whether he is able to provide further evidence on this use which can then be considered.

Regards,

Louise Mathie
Senior Lawyer & Deputy Monitoring Officer, Adur & Worthing Councils
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From: Eve Hearsey [mailto:eve.hearsey@adur-worthing.gov.uk]
Sent: 14 May 2019 12:30
To: Louise Mathie
Subject: Re: Ingleside Garage, Lancing

Hi Louise

Thanks for your email. However that application for the certificate included uses other than the garage. The application was for:-

"Lawful Development Certificate for existing use as car repair garage for the servicing, maintenance, bodywork repairs and paint spraying of motor vehicles together with tyre and exhaust fitting (Use Class B2). Use of first floor of building as offices in connection with the garage use (Use Class B1). Use of land to west of Ingleside Road for parking and storage of motor vehicles in connection with the garage use (Use Class B8)."

Therefore the application relates to B2; B1; and B8 uses. I am not sure they have shown this within their application.

If there is not enough evidence shall we issue a certificate just covering the B2 use?

Please advise me of the extent of use for the certificate.

Regards
Eve

Eve Hearsey
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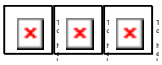

On Fri, 10 May 2019 at 15:13, Louise Mathie <louise.mathie@adur-worthing.gov.uk> wrote:

> Hi,
>
> Further to our conversation, I have looked at the application for the certificate of lawful development including the appendices referred to in the supporting statement.
>
> I note that the application was made on 8th February 2019 and the relevant time limit for enforcement is 10 years. The claimed use must therefore have been taking place continuously for the 10 years prior to the date of the application.
>
> The application says that the garage has been in existence since 1989. I note that there have been various temporary planning permissions permitting the premises to be used as a garage. The last permission for the garage expired in 1998. You confirmed that the council has not taken any enforcement action or visited the premises since this time and you have no evidence as to the use of the premises since this time other than what has been provided by the applicant. I did find reference to an officer report from 2011 (ADC/0078/11) which refers to the garage so there is some limited evidence that we hold that the garage was operating in 2011.

In my view, the supporting evidence provided by the applicant is sufficient to demonstrate that the garage has been operating continuously for at least 10 years prior to the application for the certificate. The various receipts for parts and company records all relate to garage type services and cover the relevant period. The documents are supported by the statutory declarations from Graham Munday who confirms the use of the property as a garage and sets out in further detail the type of work undertaken at the premises. There are also supporting statutory declarations from the landlord and letters from an employee although the latter document only covers the later period. There are also letters from neighbours which cover the 10 year period which confirm the continuous use. The statutory declarations should be given considerable weight in the absence of any evidence to the contrary as they are sworn statements. The letters from the neighbours and the employee carry a bit less weight because they are letters rather than statutory declarations. However, given that they are made by third parties it is not surprising that they have provided their evidence as letters rather than statutory declarations. The information provided in the letters is not contrary to any information we have and there is nothing to suggest that the letters are untrue. Taking everything together, I believe that the applicant has provided sufficient evidence to demonstrate that the premises has been used as a garage continuously for the previous 10 years. The garage may have been operated by various companies, trading names and individuals during this time but the use has been continuous. I would therefore grant the certificate applied for.

We did discuss the issue of MOT testing. This does not form part of the application. There is mention of MOT work being undertaken previously but this appears to have been discontinued and there is no evidence of MOTs being undertaken continuously during the past 10 years. The applicant will therefore need to submit a fresh application to include this use if he wishes to carry out MOT testing on site.

I hope this addresses the issues raised. However, if you do need any further advice, please let me know.

Regards,

Louise Mathie
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