Development Control – Delegated Officer Report

Application Number: ADC/0138/07 **Recommendation – Certificate to be Issued**

Site: **Old Salts Nursery Old Salts Farm Road Lancing West Sussex**

Proposal: **Application for Certificate of Lawfulness for occupation of bungalow by persons not employed or last employed in agriculture in breach of condition 2 of permission L/130/81/TP**

The Application

The site is located within the strategic gap and the countryside area, on the site of 'Old Salts Nursery.' Permission was granted in 1981 for a 4 bedroom detached bungalow which was required for use in relation to the nursery. The application was permitted subject to a condition which stated that the dwelling shall be limited solely to person (s) or dependants of those employed in the locality in agriculture. The site lies within a countryside area were permission for development unrelated to agriculture would not normally be permitted.

This application is for a Certificate of Lawfulness in relation to non-compliance with Condition 2 of permission L/130/81/TP for more than 10 years continuously since 1990. The current and previous owners of the property have provided evidence to state that they have not been employed in any agricultural business since this time.

Representations and Consultations

Third Parties: - No comments received

Relevant Planning Policies and Guidance

This application is a legal decision where the planning merits of the proposal are not taken into consideration, therefore there are no relevant planning policies of relevance to note in this case.

Planning Assessment

This application is a legal decision to determine whether the occupation of the existing bungalow by persons not employed or last employed in agriculture has taken place for more than 10 years and is therefore lawful.

In support of the application declarations have been made by the present occupiers of the property, Mr and Mrs Fowler and the previous owner who was in occupation of the property from 1982 until 2003. The declarations state that neither of these occupiers from 1990 to the present day have been

employed in any agricultural business. Details are also provided of the employment back ground of the previous owners.

As a result of the damage caused to the glass houses on site in the 1987 hurricane and the further storm in 1989 the business could not continue and has not been used as an agricultural site since this time.

It is considered that the evidence provided is satisfactory and therefore it is accepted that on the balance of probability that the use has been continuous for 10 or more years in this case.

Recommendation

The Adur District Council hereby certify that on the 5th March 2007 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason: -

1. The use commenced more than 10 years ago and thereby rendering it exempt from enforcement action.

First Schedule

Occupation of bungalow by persons not employed or last employed in agriculture in breach of condition 2 of permission L/130/81/TP.

Second Schedule

Old Salts Nursery, Old Salts Farm Road, Lancing

Notes.

1. This certificate is issued solely for the purposes of section 191 of the Town and County Planning Act 1990 (as amended)
2. It certifies that the 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.
3. This certificate applies only to the extent of the matter described in the First Schedule and the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

Case Officer...[signature]...Date...9/5/07...

C. Jack
9.5.07