Exp 10/1

Development Control – Delegated Officer Report

Application Number: ADC/0435/06 Recommendation – REFUSE

Site: **Longacres Farm, Steyning Road, Shoreham-by-Sea**

Proposal: **Use of land for standing a residential mobile home (application for certificate of lawfulness for existing use)**

The Application

The application relates to a site used for standing a residential mobile home within the enclosed yard beside the fly-over.

Consultations and Representations

ADC Assistant Solicitor: Advises that the evidence is insufficient and the application should be refused.

Third Parties: The Shoreham Society ask for special care as a precedent could be set and refer to the unit being there for upwards of 10 years but have no knowledge about the length of the period of occupation.

Relevant Guidance

Circular 10/97 "Enforcing Planning Control: Legislative Provisions and Procedural Requirement" (DoE 1997): Annex 8

Assessment

A Certificate must be granted if the 10 year time period within which enforcement action could have been taken against the unauthorised 'development' (ie. the use of the land for standing a residential mobile home) has expired.

The basis of determination is 'balance of probability' rather than actual evidential proof.

In this case, the supporting evidence mainly comprises copies of correspondence between the applicant (who owns the land) and the Council's Development Control section. It is accepted in this correspondence that a caravan has been in the yard since at least 1992 but NOT that it has been occupied as a residence.

The applicant claims someone has lived on the land since the early 1970s – latterly Ray Beech until he died in about 2000 (NB. he appears to have originally lived in a caravan in an area of bushes well to the north of the present site but the applicant claims he lived in a caravan in the yard). Carlie

Scott lived in a smaller caravan there in 1998-9 (NB. copies of letters from Miss Carlie Scott have been submitted – one letter says she was a former temporary occupant of a small caravan whilst Ray Beech lived in another caravan but gives no dates or details; the other letter dated 10 May 2005 says she has lived in the caravan since 1998). The applicant stated in 2005 that the previous caravan was replaced by the present mobile home. He has also sent copies of letters from 2 people who formerly kept horses on the land – B.Patterson says that he had a horse there from 1993-6 and Mr Beach was living in a mobile home in the yard; W.Smith says he had a horse there from 1994-2001 and Mr Beach lived in a caravan in the yard until his death in approx 1999-2000 – Miss Scott also lived in a small caravan prior to this and then moved into the one that Mr Beach had occupied.

None of the above are in the form of statutory declarations and therefore total reliance cannot be placed upon the statements made.

Contrary evidence is the copy of the letter from the Valuation Office (Inland Revenue). This demonstrates that no residential caravan was listed on the property until 25 October 2004.

It is concluded that the evidence is inconclusive and inadequate to show that, on the balance of probability, the use is established.

Recommendation

That the application for a Certificate be REFUSED for the reason :-

1. The local planning authority is not satisfied from the submitted evidence that, on the balance of probability, the site was commenced to be used for the standing of a residential caravan more than 10 years prior to the date of the application and, consequently, the application does not meet the requirements for a certificate of lawfulness contained in section 191 of the Act.

Case Officer.....[redacted] Date.....10/1/07.....

Head of Planning & Community.[redacted]ate..10.1.07..