From: Louise Mathie
Sent: 10 May 2019 15:13
To: Eve Hearsey
Subject: Ingleside Garage, Lancing

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,

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