Development Management – Delegated Officer Report

Application Number: AWDM/0100/16 Recommendation: GRANT Certificate

Site: 43 Busticle Lane, Sompting

Proposal: Application for a Lawful Development Certificate for the existing use of the first floor as two dental surgeries with de-contamination room and office (D1) use

Date of Site Visit: 29 February

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks a Lawful Development Certificate for the existing use of the first floor as two dental surgeries with de-contamination room and office (D1) use.

The application site is located on the western side of Busticle Lane. The surrounding area is residential in character

Planning History:

The change of use from a dwellinghouse to a dental surgery was permitted in 1988. An application to change the use of the first floor to a dental surgery was refused in 1992. A subsequent application in the same year to enlarge the forecourt was approved.

Consultations:

None undertaken

Representations:

Sompting Parish Council support the application

Relevant Planning Policies:

Not applicable

Planning Assessment

This is an application to determine whether the change of use that has been carried out was lawful.

The statement of the owner confirms that planning permission was refused for such change of use in 1992 but the works were then carried out in 2004. A spreadsheet submitted with the application shows that a sum of money was paid for the building

works in 2005. The builder, who is the husband of the owner of the Dental Practice has stated that the works were carried out in 2004 and 2 employees have submitted evidence that the rooms have been used for such purpose since then.

A Fixed Assets Register has also been submitted which shows that equipment was purchased for the surgery at that time.

From the evidence submitted and on the balance of probability it is considered that the existing use of the first floor as two dental surgeries with de-contamination room and office (D1) use is lawful.

Recommendation

The Adur District Council hereby certify that on (date of decision) the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in 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), and is APPROVED for the following reason: -

On the balance of probability it is considered that the existing use of the first floor as two dental surgeries with de-contamination room and office (D1) use is lawful as the change of use began more than 10 years before the date of the application.

Is recommendation contrary to letter(s) of representation? N/A

Case Officer: Gary Peck Date: 23 March 2016

Authorised by: Date: 23RD March 2016.