

Delegated Officer Report -

App.No: 240520 (LDE)	Decision Due Date: 12 November 2024	Ward: Upperton
Officer: Emma Wachiuri	Site visit date:	Type: LD Certificate (existing)
Site Notice(s) Expiry date: 17 October 2024 Neighbour Con Expiry: 17 October 2024 Press Notice(s):		
Over 8/13 week reason:		
Location: 12 Ratton Road, Eastbourne		
Proposal: Lawful Development Certificate for existing use class C3 (Dwellinghouse)		
Applicant: Mr Patrick Lineen		
Recommendation: Grant Certificate		

Planning Status:

C3 (Dwellinghouse)

Constraints:

Convenants

Gilbert Estate

Archaeological Notification Ar

Consult county.archaeology@eastsussex.gov.uk

Extensions, New detached building, Below ground impact to a listed or curtilage listed building, Hard landscaping, Cable and pipe trench, New roads

1

Source Protection Zones

3

Relevant Planning Policies

N/A for Lawful Development Certificate application

Site Description:

This relates to a substantial three storey semi-detached building located on the eastern side of Ratton Road.

Relevant Planning History:

EB/1969/0291

ALTS TO CONV CONSERVATORY TO STUDIO AND WIDEN FOOTWAY CROSSING TO CAR
STANDING

Approved Unconditional

1969-06-12

EB/1966/0413

ERECT GARAGE AT SIDE

Approved Unconditional

1966-08-18

010103

Application for Lawful Use Certificate for use as a Christian home

And pastoral centre not being a use within any class of the Town and
Country Planning (Use Classes) Order 1987.

LD Certificate (proposed)

Issued

05/03/2001

Under this application it was confirmed that the property was in residential use and included a home
for the needy people and Christian workers, being run as an extended family home.

010529

Extension to first and second floors at front/side, and extension to
ground, first and second floors at rear, to provide additional
bedrooms and study.

Planning Permission

Approved conditionally

03/05/2002

The property was considered to operate on an 'extended family' basis with a mix of pasroral care.

Proposed development:

Lawful Development Certificate for existing use class C3 (Dwellinghouse)

Consultations:

N/A

Neighbour Representations:

Public notification regarding the application has been undertaken in the following ways:

- Letters have been sent to all registered properties adjoining the application site;
- A site notice has been displayed in the vicinity of the application site;

No representations have been received.

Appraisal:

Section 171B of the Town and Country Planning Act 1990 states that:

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

Section 115 of the Levelling Up and Regeneration Act 2023 (Time limits for enforcement) amended the time limits noted above so that:

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of,
 - (a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and
 - (b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of
 - (a) in the case of a breach of planning control in England, ten years beginning with the date of the breach, and
 - (b) in the case of a breach of planning control in Wales, four years beginning with the date of the breach.

Given that this application seeks confirmation of the lawfulness of the use of the building as a residential C3 dwellinghouse, Section 171B (3) of the Town and Country Planning Act 1990 (as amended) is relevant. The main planning consideration in this case is whether the applicant has demonstrated that, on the balance of probabilities, the use of 12 Ratton Road, BN21 2LS as a C3 (Dwellinghouse) has begun more than 10 years before the date of this application.

Submitted Evidence

In support of the submission the applicant has submitted the following evidence:

- Statutory Declarations
- Council Tax History
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Local Planning Authority's evidence

- The Council Tax records show that 12 Ratton Road, Eastbourne, BN21 2LS has been in the domestic valuation list continuously since at least 1995.
- Planning History indicates that the property has been in residential/domestic occupancy with ancillary pastoral care

Analysis:

The National Planning Practice Guidance (NPPG) 2014 advises that the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. In the case of applications for existing development or use, if a local planning authority has no evidence itself, nor from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The applicant is seeking to establish whether 12 Ratton Road, BN21 2LS has been in continuous use as a C3 (Dwellinghouse) and that the use has begun more than 10 years before the date of this application.

In this case, the evidence available to the Local Planning Authority suggest that 12 Ratton Road has been in residential use as a single family dwellinghouse (C3) and with an ancillary pastoral centre for more than 10 years before the date of this application.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

It is therefore considered that, on the balance of probabilities, 12 Ratton Road, BN21 2LS has been in single family dwellinghouse (C3) for more than 10 years before the date of this application. Under section 171B(1) of the 1990 Act no enforcement action can be taken against the development and, the C3 use is therefore lawful.

Recommendation:

Grant Certificate

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.