
Site Address:	Unit rear of, 13 South Street, Havant		
Proposal:	Application for Lawful Development Certificate relating to existing use as a MOT testing station.		
Application No:	APP/15/00787	Expiry Date:	25/09/2015
Applicant:	Mr A Watts	Team:	Team 1
Agent:		Case Officer:	Brendan Flynn
Ward:	St Faiths		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

Unit rear of, 13 South Street, Havant, The application site is within a predominantly residential area of Havant. The site comprises of a garage/office and is located behind the dwelling houses that front the road.

2 Planning History

None relevant.

3 Proposal

Application for Lawful Development Certificate relating to existing use as a MOT testing station Use Class B2. Supporting letters submitted by the applicant state that the nature of the business is a Workshop/Mot testing station

4 Statutory and Non Statutory Consultations

Legal

The considerations within the officer report based on the evidence available are appropriate.

5 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 44

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: I have been aware that a MOT business has been operating from the above address for over 30 years. I have lived next door since 2000 and the premises

has always been a garage/MOT testing station.

6 Planning Considerations

6.1 The outcome of the application hinges not on matters of planning policy but on the quality of evidence available as to the current use of the site and its longevity.

6.2 Submitted evidence

The following evidence has been submitted in support of the application:

Application form received 21st July 2015
MOT registration forms dating from 1977 received 21st July 2015
Copy of lease dated 6th December 2006 received 21st July 2015
Copy of lease dated 6th December 2009 received 21st July 2015
Letter from Mr Godden undated received 21st July 2015
O/S plan dated 31st July 2015
Letter from Mr Godden received 22 nd Jan 2016
Plan from Mr Godden received 22 nd Jan 2016
Letter from Mr Hickman dated 19th January 2016 received 22nd Jan 2016

6.3 Appraisal of the evidence

The evidence submitted with this application is limited. However, the LPA must still make a determination of the application as submitted and this must be based on the evidence provided and on the balance of probability. The factual evidence does appear to demonstrate that a business has been operating continuously for 10 years. Within the MOT registration forms, leases and subsequent letters of the 21st July 2015 & 22nd Jan 2016. The applicant described the nature of the business as a garage workshop and office involving in the MOT testing of motor vehicles. There were 44 neighbour notifications sent out only two responded both supporting the contention that the business has been operating in its present form for in excess of 10 years.

7 Conclusion

The applicant has provided evidence of a continuous B2 business use of the site, specifically involving the, MOT testing of motor vehicles, for a period in excess of 10 years. This application has been publicised in accordance with adopted procedures and no sufficient evidence to the contrary has been raised.

In conclusion, having reviewed all the information submitted with the application and on the balance of probability, it has been satisfactorily demonstrated that the site has been in continuous use, for a period of at least ten years for the MOT testing of motor vehicles. It is also considered reasonable as no evidence has been submitted to the contrary that the business activities are taking place within the normal working week. The Lawful Development Certificate should therefore be issued on this basis.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawfulness for application APP/15/00787 as set out in Section 191 of the Town and County Planning Acts 1990 (as amended) for the following reason:

For inclusion in decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 31 July 2015 the use described in the First Schedule to this Certificate in respect of land described in the Second Schedule was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

Use of unit rear of 13 South Street, Havant, as an independent MOT testing station, and has been continuous, for more than 10 years before the date of this application.

FIRST SCHEDULE

This certificate relates to the following use:

Use of Unit rear of, 13 South Street, Havant PO9 1BU, as a MOT testing station, (Use Class B2), as described in the written particulars and other documents submitted with this application.

SECOND SCHEDULE

Use of Unit rear of, 13 South Street Havant PO9 1BU, as shown outlined in red on submitted plan: OS license Number 100030848 received 31st July 2015.