

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

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) The Evidence Produced in relation to the matters applied for during the relevant 10 year period from the 8th July 2006 until 8th July 2016 (the validation date). This evidence in support of the Certificate being granted is considered below.

Listed below is the evidence documents/files produced on behalf of the applicant for the Certificate:

Letter from Moss & Co. (Direct Accounts) Ltd- summarising the evidence and including a statement that *We can confirm that we have occupied the building since January 2006. and we changed the registered office on the 22nd January 2008 from Station Road, Hayling Island to Creek Road, Hayling Island, but we were trading at Creek Road prior to changing the registered office.*

Moss & Co (Direct Accounts) Ltd have traded since 2010 prior to that date they were trading as Direct Accounts Ltd.

Documents submitted to Companies House dating back to 18th December 2000 have been produced.

The accounts dated 2008 show trading address as 29 Creek Road.

8 Evidence/Conclusion

8.1 It is considered that there is clear evidence that the ground floor of the building has been used as an accountants since at least 22nd January 2008.

8.2 The period between 8th July 2006 and 22nd January 2008 is less clear in terms of the evidence. This period is within the relevant 10 year period. The Local Planning Authority is not aware of any evidence to contradict the claim that the building has been occupied by the accountants since January 2006.

8.3 The relevant test for a Certificate of Lawfulness is as follows:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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.

8.4 It is considered in this case on the balance of probability that the use has been taking place over the relevant 10 year period at the site. A Certificate of Lawfulness can therefore be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL**

USE for application APP/16/00667 as follows:

Havant Borough Council, as Local Planning Authority, certifies that on 8 July 2016 the use described in the First Schedule to this certificate in respect of land described in the Second Schedule and as shown edged 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) for the following reason:

It appears to the Local Planning Authority on the balance of probability that the uses described in the First and Second Schedules and plan attached to this Certificate, have taken place for a continuous period of at least ten years up to the date of the current application.

The Authority has considered evidence and additional information submitted by the applicant and the planning history of the site.

FIRST SCHEDULE:

This Certificate relates to the following use:

(i) use of ground floor office as accountants within use class A2

In association with (i) above, the use in the area edged red on the attached plan A is considered to have been demonstrated over the relevant 10 year period.

SECOND SCHEDULE:

For the purposes of the first schedule (i) above, this relates to the ground floor and land edged red on the attached Plan A at 29 Creek Road, Hayling Island, PO11 9QZ