
Site Address: 38 Kings Road, Hayling Island, PO11 0PD
Proposal: Application for Lawful Development Certificate relating to operation of a taxi hire business utilising an office within the existing dwelling and shared commercial and private parking area.
Application No: APP/15/00691
Applicant: Mr W Hammond
Agent:
Ward: Hayling East

Expiry Date: 12/11/2015
Team: Team 1
Case Officer: Brendan Flynn

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

1 Site Description

The application site is a three bedroom terrace house in a residential street. The first floor bedroom 3 is used as an office in conjunction with a private vehicle hire business parking is provided for the vehicles on the driveway to the front of the property.

2 Planning History

None relevant

3 Proposal

Application for Lawful Development Certificate relating to operation of a taxi hire business utilising an office within the existing dwelling and shared commercial and private parking area.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: One letter of support from the immediate neighbour confirming the operation of the business for over 10 years

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

Accounts for year ended 31.7.2004 (address recorded as W Hammond, 38 Kings Road)

Accounts for year ended 5.4.2009 (W Hammond, Hayling Travel, 38 Kings Road)

Accounts for year ended 5.4.2010 (W Hammond, Hayling Travel, 38 Kings Road)

Accounts for year ended 5.4.2011 (W Hammond, Hayling Travel, 38 Kings Road)

Accounts for year ended 5.4.2012 (W Hammond, Hayling Travel, 38 Kings Road)

Accounts for year ended 5.4.2013 (W Hammond, Hayling Travel, 38 Kings Road)

Accounts for year ended 5.4.2014 (W Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 04/11 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 01/11 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 10/10 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 07/10 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 04/10 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 01/10 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 10/09 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 07/09 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 04/09 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 01/09 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 10/08 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

VAT return for period 07/08 (Wayne Roy Hammond, Hayling Travel, 38 Kings Road)

A4 Appointment Diary for 2004 (including 2 receipts from 2004)

A4 Appointment Diary for 2005

A4 Appointment Diary for 2006

A4 Appointment Diary for 2007

Contents of A4 ring binder containing appointments for 2008

Contents of A4 ring binder containing appointments for 2009

Contents of A4 ring binder containing appointments for 2010

Contents of A4 ring binder containing appointments for 2011

Contents of A4 ring binder containing appointments for 2012

Contents of A4 ring binder containing appointments for 2013

Contents of A4 ring binder containing appointments for 2014

Havant Borough Councils confirmation of Private Hire Operators licence held at 38 Kings Road since 1st April 2004

Letters from two drivers

Letter from Mr Byron (immediate neighbour)

6.3 Appraisal of the evidence

The evidence submitted with this application is compelling. LPA must 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, as demonstrated in the above listed documents. The applicant described the nature of the business as a private car hire business run from a spare bedroom on the first floor of the property. Parking for three vehicles is provided in the area hatched blue to the

front of the property there are no passenger pick ups from the property. There were 6 neighbour notifications sent out only one responded 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 sui generis business use of the site, specifically involving private hire cars, 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 parking and booking private hire cars. It is also considered reasonable as no evidence has been submitted to the contrary that the business activities are Confined to bedroom 3 and the area hatched blu on the plans submitted. The Lawful Development Certificate should therefore be issued on this basis.

8 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawfulness for application APP/15/00691 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 19th June 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 Bedroom three as an office and land hatched blue for parking 3 private hire vehicles at 38 Kings Road Hayling Island, and has been continuous, for more than 10 years before the date of this application.

FIRST SCHEDULE

This certificate relates to the following use:

Mixed Use of 38 Kings Road as a residential dwelling Use Class C3 and sui generous use of Bedroom three as an office and land hatched blue for parking 3 private hire vehicles at 38 Kings Road Hayling Island, as described in the written particulars and other documents submitted with this application.

SECOND SCHEDULE

Use of 38 Kings Road Hayling Island PO11 OPD, as shown outlined in red on submitted plan: received 6th August 2015, area hatch blue on plan received 17th September 2015, and bedroom three on plan received 14th December 2015.