
Site Address:	2A Eastoke Avenue, Hayling Island, PO11 9QW		
Proposal:	Application for Lawful Development Certificate relating to occupation of 2A Eastoke Avenue as a separate dwelling unit.		
Application No:	APP/15/00010	Expiry Date:	06/04/2015
Applicant:	Mrs A Fields	Team:	Team 1
Agent:	Mr I Fields	Case Officer:	Sally Smith
Ward:	Hayling East		

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

1 Site Description

2/2A is a two storey detached property with a single storey element on the northern side which the applicant refers to as 2A. the application seeks to determine that 2A is a separate dwelling unit

2 Planning History

A number of histories under the 51741 series. the most relevant to this application being:

88/51741/2 - Front extensions and single storey side extension. Permit Jan 1989. Condition imposed that 'The extension hereby permitted shall be occupied only in conjunction with the existing dwelling and at no time shall a separate dwelling be established'.

99/51741/004 - Conservatory which showed the whole application site edged red as 2/2A.

APP/14/00867 - First floor extensions, increase in roof height, extension to garage at no. 2A, replacement garage for conservatory at No.2 with terrace above, new entrance and new vehicular access to Southwood road. withdrawn October 14.

3 Proposal

Application for Certificate of Lawfulness relating to 2A being used as an independent residential unit. Submissions made:

Details of tenants from Nov 1999 together with signed statements from each that they had occupied 2A. Subsequent plan submitted also signed by them all which defines the area of 2A that they occupied. Statements accompanied by bills relating to the property during the period; separate registration with land registry;

4 Policy Considerations

N/A

5 Statutory and Non Statutory Consultations

HBC Revenues and Benefits advised that council Tax has been paid separately for the annexe from the main house since 1993. " pays as band E; 2A as band A.

6 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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: none

7 Planning Considerations

- 7.1 The consideration in this case is whether the property referred to as 2A and defined on the layout plan, has on the balance of probability been used as a separate residential unit for 4 years prior to the submission of the application. (Whilst the submissions have sought to establish a 10 year period, consultation with Legal has confirmed that for use as a dwelling only 4 years needs to be established.)
- 7.2 On the balance of probability, the evidence submitted and the information from Revenues and Benefits strongly substantiates the application that the unit referred to as 2A has been used as a separate dwelling unit for the required 4 year period.

9 RECOMMENDATION:

That the Executive Head - Economy and Planning be authorised to **Grant a Certificate of Lawfulness** for application APP/15/00010 as set out in Section 191 of the Town and Country Planning Acts 1990 (as amended) for the following reason:

For inclusion in decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 22 December 2014 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 2A Eastoke Avenue, Hayling Island as an independent residential dwelling began, and has been continuous, for more than 4 years before the date of this application.

FIRST SCHEDULE

This certificate relates to the following use:

Use of 2A Eastoke Avenue, Hayling Island, PO11 9QW, as a dwelling house, (Use Class C3), as described in the written particulars and other documents submitted with this application.

SECOND SCHEDULE

2A Eastoke Avenue, Hayling Island, PO11 9QW, as shown to the north of the redline on submitted plan: Existing ground floor 1:100 May 14 for 2 Eastoke Avenue ref 372su01 attached to letter of 04 March 2015 from Mr Ian Fields.