
Site Address:	23 Beach Road, Hayling Island, PO11 0AA		
Proposal:	Application for Lawful Development Certificate relating to residential use.		
Application No:	APP/14/01270	Expiry Date:	30/01/2015
Applicant:	Mr & Mrs H Seddon	Team:	Team 2
Agent:		Case Officer:	Karen Wooden
Ward:	Hayling West		

Recommendation:

1 Site Description

23 Beach Road is two storey detached property located in an urban area on Hayling Island. In 1989 permission was granted to use two bedrooms to Bed and Breakfast accommodation. This application seeks to determine that the property has been in sole C3 use in excess of 10 years.

2 Planning History

07/52314/001 - Two storey front extension. Permitted 15/01/08.

88/52314/000 - Change of use of three rooms on first floor (two double bedrooms and one single bedroom) to Bed and Breakfast accommodation. (amended to two rooms by letter received on 16th December 1988). Permitted 20/01/89.

86/15235 - Change of use from private house to bed and breakfast accommodation. Permitted 17/03/87. (Permission had a condition attached stating 'This permission shall enure solely for the benefit of Mr N E Sheppard and for no other person').

3 Proposal

Application for Certificate of Lawfulness relating to existing residential use.

4 Statutory and Non Statutory Consultations

HBC Revenues & Benefits - Confirmed that their records show the property has been charged for residential Council Tax for at least 10 years.

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: 7

Number of site notices: 0

Statutory advertisement: Not applicable.

Number of representations received: 0

6 Planning Considerations

- 6.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are whether available evidence suggests that it is reasonably probable that residential use, rather than bed and breakfast use, has taken place over the past ten years.
- 6.2 Evidence submitted -
neighbour letter confirming the property has been in residential use for over 10 years.
applicant's statement on the application form
- 6.3 Council's evidence -
Confirmation from Revenues and Benefits that their records show the property to be residential for Council Tax purposes for at least the last 10 years.
- 6.4 Permission was granted in 1987 for change of use to a bed and breakfast, and further permission was granted in 1989. Prior to 1987, and since 1992, when the current owners bought the property, it has been used for residential purposes.

7 Conclusion

On the balance of probabilities evidence consistently suggests that the property has not been used as a bed and breakfast for last 10 years but has been used as a dwelling Use Class C3. As such, it is recommended that a Certificate of Lawful Use can be issued.

8 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Use** for application APP/14/01270 as set out in Section 191 of the Town and Country Planning Act 1990 for the following reason:

For inclusion in decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 05 January 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 23 Beach Road, Hayling Island as a residential dwelling began, and has been continuous, for more than 10 years before the date of the application.

FIRST SCHEDULE:

This certificate relates to the following use:

Use of 23 Beach Road, Hayling Island, PO11 0AA as a dwelling house, (C3), as described in the written particulars and other documents submitted with this application - those documents being Application Form dated 04/12/14; Letter of Declaration - Emma McTigue dated 04/12/14: verbal confirmation from Revenues and Benefits on 18/12/14 and Location Plan (1:1250) ref SZ7199 date stamped 5 December 2014.

SECOND SCHEDULE: _

23 Beach Road, Hayling Island, PO11 0AA, as shown edged in red on submitted plan Location Plan (1:1250) plan number SZ7199 date stamped 5 December 2014.