

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

Number of representations received: None

6 Planning Considerations

6.1 9 St Marys Road is a large house clearly in full residential use at the time of site visit.

6.2 The following evidence has been submitted and officer comments follows:

Letter of Declaration - Melissa Green. States that the property has been in residential use since 2008 and they is no counter evidence to challenge this statement.

Letter from Lawcomm - Conveyancer's to the applicants. This letter does not provide any evidence with regard to any established use

Letter from Virgin Money - States that the property has been deemed a domestic property for mortgage services for the last ten years.

Portsmouth Water letter - Confirms that the property is charged on a basic tariff but not for how long.

6.3 Planning history relating to the site - there is no valid planning permission showing return to a C3 use

6.4 The evidence provided is not significant in quantity. However there has been no evidence submitted to the contrary and so there is no evidence to suggest that this unit has not been in a C3 use for a period of over 4 years.

7 Conclusion

7.1 The applicant has provided continuous evidence of residential use since 2007 and this application has been publicised in accordance with adopted procedures and no evidence to the contrary has been raised.

7.2 In conclusion, having reviewed all the information submitted with the application and on the balance of probability , it has been satisfactorily demonstrated that 9 St Marys has been in continuous use, for a period of over four years, as a residential unit. Any use as a language school during that time is considered to be ancillary and does not alter the C3 primary use of this property. As such, it is recommended that a certificate of lawful use be issued.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/14/00816 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 21 October 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 9 St Marys Road as a residential dwelling began, and has been continuous, for more than 4 years before the date of the application.

FIRST SCHEDULE:

This certificate relates to the following use:

Use of 9 St Marys Road, Hayling Island, PO19 9BY as a dwelling house, (C3), as described in the written particulars, plans and other documents submitted with this application - those documents being Application Form dated 04/08/14; Letter of Declaration - Melissa Green dated 30 May 2014; Letter from Lawcomm dated 16 October 2013; Letter from Virgin Money dated 9 June 2014; Letter from Portsmouth Water dated 3 June 2014; and Location Plan (1:1000) and Block Plan (1:500) drawing number A104 date stamped 4 August 2014.

SECOND SCHEDULE: _

9 St Marys Road, Hayling Island, PO19 9BY, as shown edged in red on submitted plan Location Plan (1:1000) and in black on Block Plan (1:500), drawing number A104 date stamped 4 August 2014.