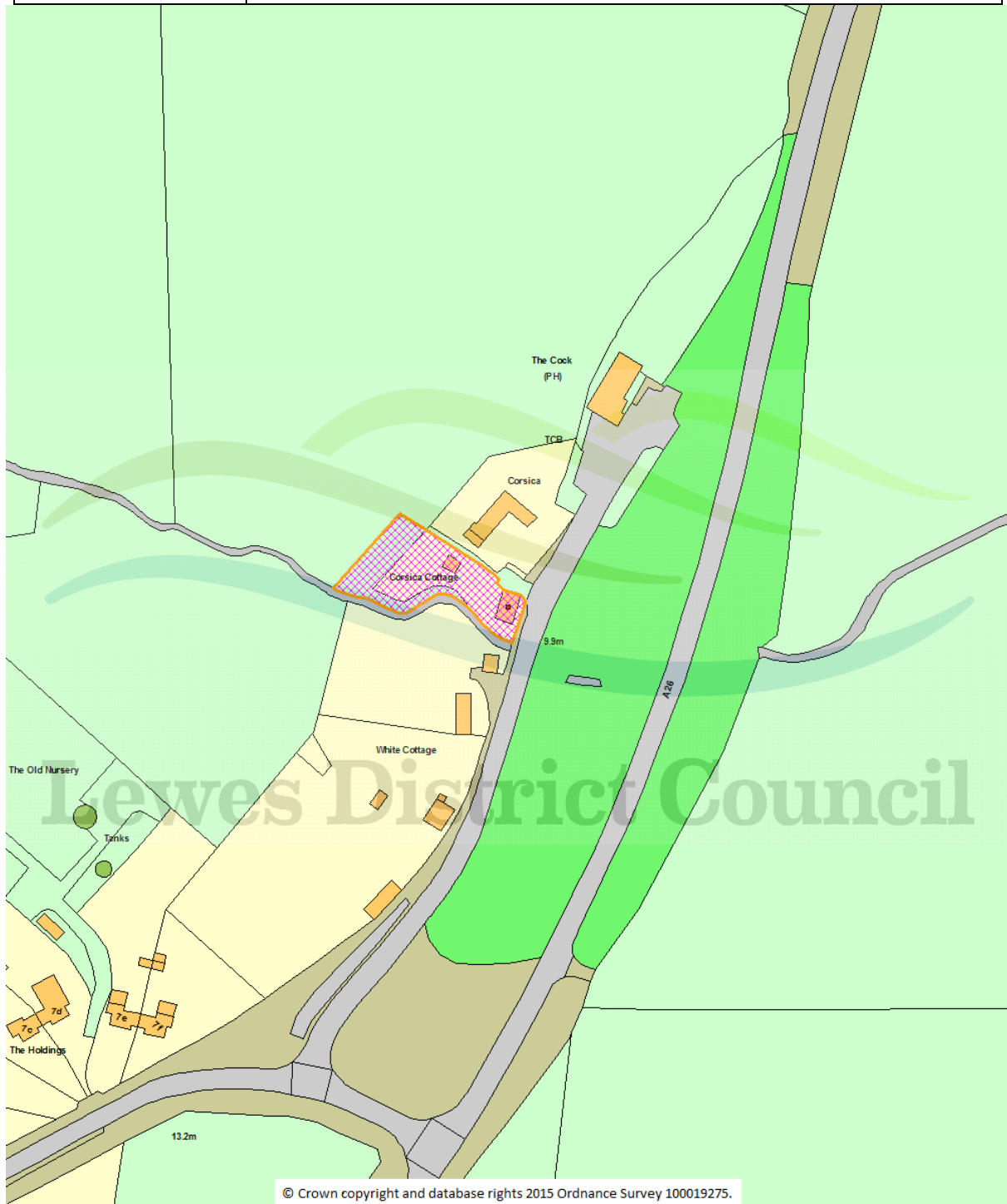


APPLICATION NUMBER:	LW/17/0395	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr & Mrs Pilfold	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Certificate of Lawful Use/Dev (Existing) for Use of land to rear of property as residential garden (C3).		
SITE ADDRESS:	Corsica Cottage Old Uckfield Road Ringmer East Sussex BN8 5RX		
GRID REF:	TQ 43 13		



1. SITE DESCRIPTION / PROPOSAL

1.1 Corsica Cottage is a detached dwelling situated on Old Uckfield Road to the north-west of the A26. It enjoys a rural location, with footpath 2b running along the north-eastern boundary behind a 2m close board fence, open fields to the north-west, and the Norlington Stream to the south-western boundary. Planning permission has recently been granted for the erection of a detached, timber annexe in the rear garden (LW/17/0006).

1.2 This planning application seeks a Certificate of Lawful Use (CLU) (existing) to ascertain whether the continued use of an area of land to the rear as an extension to the existing garden is lawful. In this case, a CLU (existing) is determined on evidence submitted by the applicant to prove that the use has continued for a period of four years or more. It falls to be determined by the Planning Committee as the applicant is related to a Lewes District Council employee.

2. RELEVANT POLICIES

Not applicable.

3. PLANNING HISTORY

LW/17/0006 - Erection of a detached annexe - **Approved**

LW/00/1309 - Section 73A Retrospective application for continued change of use from agricultural to garden - **Approved**

E/53/0018 - Proposed improvements and installation of W.C's and drainage works. CRDC No Objection 02/02/1953. (Address Continued) Holding 2 & Brambles Ham Farm Ham Lane Ringmer East Sussex BN8 5SB.
- **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

None received at time of writing.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received at time of writing.

6. PLANNING CONSIDERATIONS

6.1 The Town and Country Planning Act 1990, Section 171B (1) states: *"Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed."* In this case, the operation is the separation of a parcel of land from the field to the rear and its incorporation into the residential curtilage of Corsica Cottage.

6.2 As part of the application submission the applicant has submitted a receipt for the purchase of the land dated 1st July 2011 and an invoice for the erection of post and rail fencing dated 26th December 2011. Although the fencing receipt is not accompanied by information directly relating to the separation of the land in question from the field, aerial photographs dated 2012, and contained within Lewes District Council's mapping system,

clearly show the fencing works had been carried out and this area of land has been subsumed within the curtilage of Corsica Cottage.

6.3 At the time of writing, no representations have been received as a result of the consultation process, and the Committee will be apprised of any comments that are submitted. However, the submitted documentation and, in particular, the evidence of the aerial photographs, mean that on the balance of probability the land has been used as part of the residential garden associated with Corsica Cottage continuously for a period exceeding 4 years. It is therefore considered lawful in terms of planning in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

7. RECOMMENDATION

That a Lawful Development Certificate is issued.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	22 May 2017	PL3
Planning Statement/Brief	10 May 2017	
Additional Documents	10 May 2017	SUPPORTING 1
Additional Documents	10 May 2017	SUPPORTING 2
Additional Documents	10 May 2017	SUPPORTING 3