

2 Council Cottages

Cuckfield Lane

Warninglid

RH17 5UB

Application for a lawful development certificate for existing use of the land for the stationing of a log cabin for Ancillary C3 purposes

- The application seeks a lawful development certificate for use of the land for the stationing of a log cabin for Ancillary C3 purposes.
- It is considered that a certificate should be issued as use of the land for stationing of a log cabin for Ancillary C3 purposes has been undertaken for a period in excess of 4 years and is therefore immune from enforcement - the log cabin was completed by 16th February 2020.
- The site is accessed via an existing rear entrance to the property, from Cuckfield Lane. The log cabin is located at the northernmost end of the garden.
- The applicant purchased the property in late 2019 and built the log cabin in early 2020, which has been used for the purpose of storage, a gym and home office space.
- Power was provided to the log cabin during the build, but no water supply, drainage or waste water was, or has since, been installed.
- Heating is provided by means of electric radiators.
- The applicant has continued to use the main dwelling on site as their primary residence and the log cabin is not used for residential purposes.

S.191(4) of the TCPA states:

“If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.”

Paragraph 006 of the relevant planning practice guidance (2014) explains that the applicant is responsible for providing sufficient information to support an application.

This paragraph, furthermore, explains that, in the case of applications for an existing use, if the authority holds no evidence itself, nor from any others, to contradict or otherwise make the applicant's version of events less than probable, there is no

good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on a balance of probability.

Case law, furthermore, would confirm that in the determination of an application for a certificate of lawfulness, the applicants' own evidence does not need to be corroborated by independent evidence in order to be accepted. If the authority holds no evidence itself, or from others, to contradict or call into question the probability of the applicant's version of events there is no good reason to refuse an application.

The applicant has provided photographs of the site, which demonstrate the log cabin was substantially complete on or before the 16th February 2020.

The evidence is summarised as:

1. IMG_4276.jpg: External image showing the log cabin in relation to the overall site and that it was complete by 02/03/20.
2. IMG_3278.jpg: Internal image showing the log cabin was complete with electrical installation by 08/02/20.
3. 60354529380__7C155551-954B-49CD-AEBE-DD35ECA29EB8.jpg: External image showing the log cabin complete by 16/02/20.
4. 5f5d1493-9382-42cf-8cc7-efa8aca6baab.jpg: External image showing the log cabin complete and landscaping work started by 29/03/20.

The photographs are included below. The original copies of the photographs are available for inspection as required and include the metadata, which provides the location and date of the photograph.

The evidence is sufficiently precise and unambiguous to justify the grant of a certificate on a balance of probability.

As such it is requested that a certificate of lawful development for use of the land for and log cabin C3 Ancillary purposes is issued.



IMG_3278.jpg: Internal image showing the log cabin was complete with electrical installation by 08/02/20.



60354529380__7C155551-954B-49CD-AEBE-DD35ECA29EB8.jpg: External image showing the log cabin complete by 16/02/20.



IMG_4276.jpg: External image showing the log cabin in relation to the overall site and that it was complete by 02/03/20.



5f5d1493-9382-42cf-8cc7-efa8aca6baab.jpg: External image showing the log cabin complete and landscaping work started by 29/03/20.