

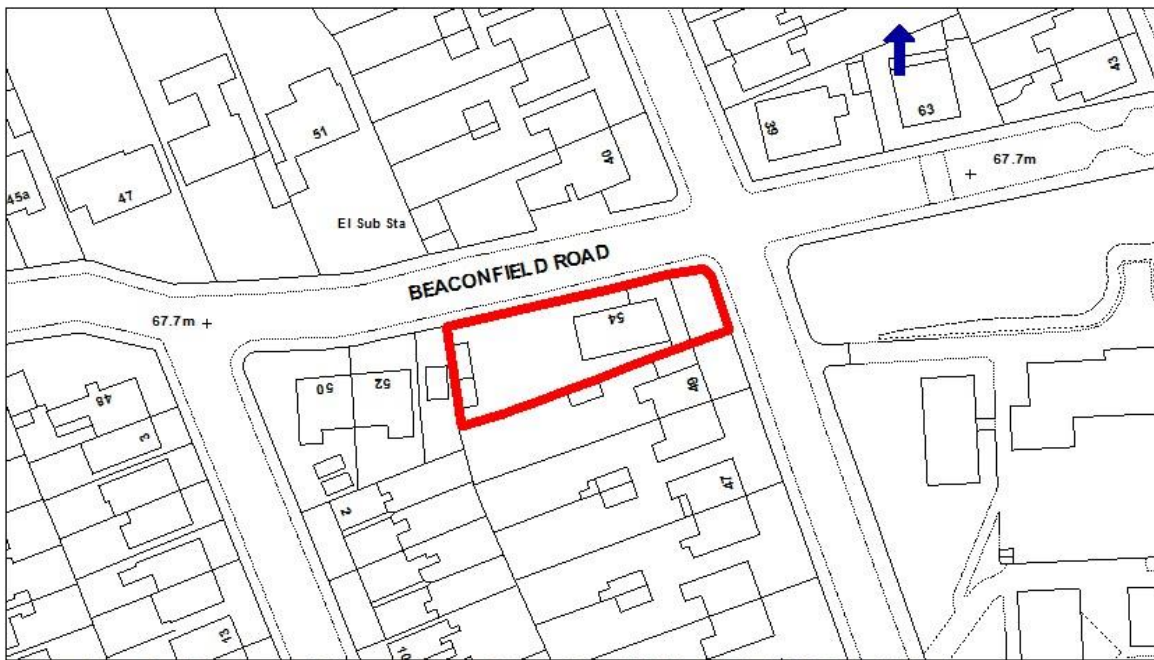
PLANNING APPLICATION REPORT



Application Number	15/01254/EXUS	Item	01
Date Valid	13/07/2015	Ward	Peverell

Site Address	54 BEACONFIELD ROAD PLYMOUTH		
Proposal	Establish existing use as a single family dwelling		
Applicant	Mr Gary Johns		
Application Type	LDC Existing Use		
Target Date	07/09/2015	Committee Date	Planning Committee: 27 August 2015
Decision Category	Member/PCC Employee		
Case Officer	Amy Thompson		
Recommendation	Issue Certificate - Lawful Use Cert (Ex)		

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1. Description of site

54 Beaconfield Road is a detached property on a corner plot between Beaconfield Road and Fircroft Road and is located in the Beacon Park area of the city.

2. Proposal description

Establish existing use as a single family dwelling.

3. Pre-application enquiry

None.

4. Relevant planning history

15/00973/FUL- Change of use from vacant shop to residential with associate changes. Application withdrawn.

91/00185/FUL- Change of use and conversion of shop to living accommodation. Granted conditionally.

5. Consultation responses

Legal Services- 'Can confirm that the application and supporting information supports the use of the property as a family dwelling and a lawful development certificate for an existing use can be issued.'

6. Representations

None received.

7. Relevant Policy Framework

The usual material planning considerations relating to matters such as Development Plan policy and other Guidance, the principle of development/ sustainability, design/ landscape, neighbour amenity and highways/ access do not fall to be considered under an application for a Certificate of Lawfulness of existing use or development.

The decision is based upon 'the balance of probabilities' and rests on the evidence submitted, the facts of the case and any relevant planning law and takes into account the facts presented and any contrary evidence if available.

Section S191 of the Town & Country Planning Act 1990 (as amended) allows for any person who wishes to ascertain whether any existing use of buildings or other land is lawful; any operations which have been carried out in, on, over or under land are lawful; or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, to make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

8. Analysis

(1) This application is a Certificate of Lawful Use and therefore the Local Planning Authority assesses the evidence submitted as part of the application and decides whether there is sufficient evidence or not to prove whether the existing use of the land, is lawful or not.

(2) 54 Beaconfield Road is a two-storey detached property that is situated in a predominantly residential area but there is a school and various local shops in the vicinity. The property had previously been used as a butchers shop which was located on the ground floor at the eastern end of the property, while the rest of the property was residential.

(3) The supporting evidence submitted with the application consists of a solicitor's letter and two statements from neighbors. The solicitor's letter dated 4th February 2015 states that the shop closed in approximately 1987. The supporting statements from neighbors also state that they have not witnessed the property being used as a business or for commercial use for over 20 years.

(4) Having assessed the application and supporting information there appears to be sufficient information that proves on the balance of probability that the property has not been used for commercial use for a period in excess of 20 years. The time in which planning enforcement action against a breach of planning control for this type of development is 10 years. Therefore providing the use does not contravene a requirement of any current enforcement notice a certificate of lawfulness for an existing use can be granted.

(5) The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

(6) This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

None.

11. Planning Obligations

Not applicable.

12. Equalities and Diversities

None.

13. Conclusions

On the balance of probabilities and with sufficient evidence having been provided, 54 Beaconfield Road has been in continuous use as a single family dwelling, for a period in excess of 20 years and therefore a Certificate of Lawful Use can be issued.

14. Recommendation

In respect of the application dated **13/07/2015** and the submitted drawings Location plan, block plan, existing and proposed floor plan, existing and proposed elevations.,it is recommended to: **Issue Certificate - Lawful Use Cert (Ex)**

15. Conditions

ISSUE CERTIFICATE

(1) On the balance of probabilities and with sufficient evidence having been provided, 54 Beaconfield Road has been in continuous use as a single family dwelling, for a period in excess of 20 years and therefore a Certificate of Lawful Use can be issued.

Informatives

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).