DELEGATED REPORT

FILE REFERENCE: SMD/2016/0316

MAIN ISSUES:
Whether the building identified in the application has bene substantially complete for in excess of four years.

PUBLICITY/REPRESENTATIONS:
Forsbrook Parish Council – "no comment"
Site / Neighbour Notices – no representations

CASE OFFICER ASSESSMENT:

From the planning officer site visit on 20th June 2016 it was ascertained that a building comprising the elevations shown in the submitted drawing 2887-03 revision A (dated 14th May 2014) was present at the location marked in red on submitted drawing 2887-01 (dated 23rd November 2015) and on drawing 2887-09 dated 23rd November 2015 which is the plan accompanying a sworn affidavit by Mr Arthur Doherty of Heath House Farm who says in the same statutory declaration that he also built the structure. His statutory declaration states that he began the construction in September 2009 and completed the work "in early 2010".

The submitted declaration is corroborated by aerial photographs submitted and which the Council is able to independently verify from its own records. The Council's October 2011 aerial photograph shows a building at the location in question which corresponds, so far as can be seen in an aerial view, to the plans.

It is considered that the submitted evidence is sufficiently precise and unambiguous to an enable the Council to accept that the building in question has indeed been substantially complete for in excess of four years and must therefore be accepted as lawful.

No evidence has been submitted as to the building's planning use. It was apparent that the building has been laid out internally with stable loose boxes and also two rooms being used ancillary to a café in an adjacent building. There is no evidence as to how long this usage has been underway.

RECOMMENDATION:

That a certificate of lawfulness be issued solely in respect of the building per se without reference to any planning use.

Date 13/07/2016 **Signed** _____
Arne Swithenbank

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date **Signed** _____