EASTLEIGH BOROUGH COUNCIL

Hayley Phillips
Bells Solicitors
5 Market Place
Romsey
Hampshire
SO51 8FX

Legal and Democratic Services
Our Ref: KL/6/15/10717
Your Ref: U/17/80149
Contact: Kieran Laven
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Email: kieran.laven@eastleigh.gov.uk
Britdoc: DX 122381 Eastleigh 2

BY FIRST CLASS POST AND EMAIL

24 May 2017

Dear Ms Phillips,

TOWN AND COUNTRY PLANNING ACT 1990 : SECTION 191 AND 192 (as amended by Section 10 of the Planning and Compensation Act 1991)

Town and Country Planning (Development Management Procedure) (England) Order 2015: Article 39

NOTICE OF REFUSAL OF CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

Re: CLEUD – Annexe, 23 Bridge Close, Bursledon, Hampshire, SO31 8AN
Application Number: U/17/80149, dated 28 February 2017
Applicant: Ms Eleanor Fothergill

Eastleigh Borough Council ("the Council") as Local Planning Authority hereby REFUSES to issue a Certificate of Lawfulness of Existing Use or Development in respect of the use described in the First Schedule hereto regarding the land specified in the Second Schedule ("the Site") hereto and shown edged red on the plan attached to this Notice with regard to your application dated 28 February 2017 for the following reason:

> On the information available it is concluded that a Certificate of Lawfulness of Existing Use of the Site for "Continued use of the Annexe as a separate single dwelling house next door to the property 23 Bridge Close" is not appropriate since:

1. From the evidence available to the Council the applicant has not discharged the onus of proof which is on her that on the balance of probability the site has been continuously used as a Site for "Continued use of the Annexe as a separate single dwelling house next door to the property 23 Bridge Close" for the period of 4 years before the date of the application as required under the time limit set out in Section 171B of the Town and Country Planning Act 1990. The present use as stated in the Statutory Declaration of the applicant is of use of the annexe by a family member, which does not represent a material change of use from the lawful C3 use of 23 Bridge Close, within which the Annexe is included.

SIGNED: ..... (Council's Authorised Officer)
Ian Austin, Legal Services Manager
On behalf of EASTLEIGH BOROUGH COUNCIL

DATED: 24 May 2017

If you are aggrieved by the above decision you may appeal to the Secretary of State under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (appeals against refusal or failure to give decision on application).

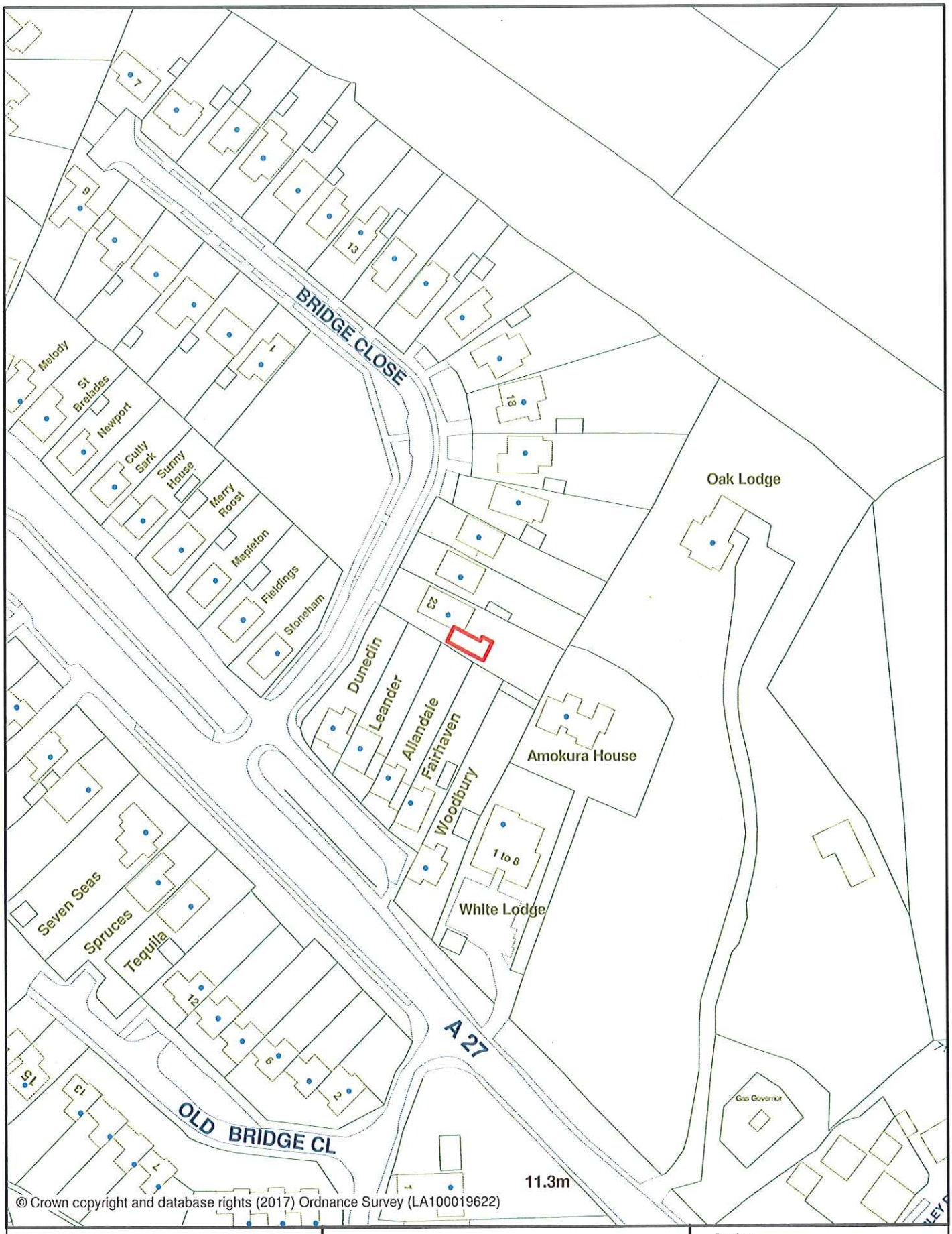
FIRST SCHEDULE

The use of the Site for "Continued use of the Annexe as a separate single dwelling house next door to the property 23 Bridge Close"

SECOND SCHEDULE

(The Site)

Part of the land known as the Annexe, 23 Bridge Close, Bursledon, Hampshire, SO31 8AN shown edged red on the attached plan.



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EASTLEIGH BOROUGH COUNCIL

Title:

Annexe, 23 Bridge Close,

Bursledon. SO31 8AN

Scale:
1:1250

Map Ref:
SU4810SE

Date:
21/04/2017

N