

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H11-1048-19 **Applicant:** STP Properties & Leisure Ltd

Proposal: Use of upper floors as 3 flats, including associated entrance lobby.

Location: 36 Market Place Long Sutton Spalding

Terminal Date: 10th January 2020

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework 2019**

Section 191 of the 1990 Act

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT**Proposal**

This application seeks the granting of a Lawful Development Certificate (LDC) for use of the upper floors of 36 Market Place as 3 flats, plus associated entrance lobby.

Site Description

The property is located on the western side of the Market Place and is within Long Sutton Conservation Area. The ground floor, other than entrance lobby, is used as an estate agency. A funeral directors is located to the south and a takeaway/sandwich shop to the north.

History

H11-0071-87 - Full - Change of use of first floor from office to residential - Granted February 1987

Planning Considerations

This is a legal determination and planning policy is not relevant to the determination as to whether the claimed use is indeed lawful. The decision is based upon the case officer's judgment as to the case being proven on the balance of probabilities.

This application seeks the granting of a Lawful Development Certificate (LDC) for use of the upper floors of 36 Market Place as 3 flats, including associated entrance lobby. The applicant has submitted evidence in support of the claim, including layout plan, energy bills, statements from tradesmen carrying out the conversion works, an electrical installation inspection report, etc.

In order to become immune from enforcement and therefore lawful, the use must have been in continuous operation for a period of at least 10 years. The ten year rule applies because the proposal does not relate to a "single dwellinghouse".

Evidence has been submitted demonstrating "on the balance of probability" that the upper floors of 36 Market Place have been used as 3 flats, plus associated entrance lobby, for a continuous period of at least ten years. No enforcement action has been undertaken during this period. The development is now immune from enforcement action. It is therefore considered that there are no reasonable grounds to withhold the grant of a lawful development certificate.

Conclusion

Evidence has been submitted demonstrating "on the balance of probability" that the upper floors of 36 Market Place have been used as 3 flats, plus associated entrance lobby, for a continuous period of at least ten years. It is therefore recommended that a lawful development certificate be granted.