

**Decision maker:** Planning Committee

**Subject:** Enforcement appeal decision relating to Cosmopolitan House, Cecil Place, Southsea

**Report by:** Claire Upton-Brown, City Development Manager

**Ward affected:** St Thomas

**Key decision (over £250k):** No

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal.

**2. Recommendations**

That the report is noted.

**3. Background**

Planning permission was refused in October 2010, January 2011 and July 2011 for the use of the site as a single dwellinghouse with an appeal against the last refusal being dismissed in May 2012. An application for a Certificate of Lawful Development for the existing use of the site as a single dwellinghouse was refused in November 2012. An Enforcement Notice was issued against the unauthorised use of the site as a single dwellinghouse in February 2013.

The grounds of appeal related to whether when the Notice was issued the use had been taking place for a long enough period that it was immune from enforcement action.

The Inspector noted that the appeal was accompanied by "more evidence now than was available when they refused to issue the Certificate of Lawful Development". Having regard to the evidence submitted in support of the appeal the Inspector concluded that "on balance, I consider it more probable than otherwise that the building was in residential use during the disputed period and therefore for more than 4 years prior to issue of the enforcement notice, so that the use is now lawful".

The appeal was allowed and the Notice quashed.

**4. Reasons for recommendations**

For information to the Planning Committee

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Enforcement file 12/00124/ENF	Planning Services
Inspector's decision notice APP/Z1775/C/13/2194241	Planning Services