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Ref.
Council Isles of Scilly,
Planning Office,
Weslyan Chapel ,
St. Mary's

Attn Lisa Walton
26th Sept 14

Dear Ms. Walton,

Lawful Development Certificate Application for Chalet at White Cottage , Porthloo , St. Mary's

Thankyou for your letter of 2nd Sept last.

I can see that you might have concerns about the size of the chalet as shown on the older o/s sheets as it was smaller in those days but the position is exactly the same ?

Originally this was a dilapidated building (pic 1)and when the applicant first moved into White Cottage in 2005 , he rebuilt it (Pic 2) to its present high standard of construction. You have concerns that there is not enough evidence that the building has been in existence for the statutory 4 years ? but the owner has sent you signed affidavits from Leanne Hicks and Joanne Salter stating that they occupied it from June 2006 to November 2012. There are also other signed statements confirming that the building was so occupied . I think that these alone should prove that the chalet was in existence . In order to reinforce these statements the applicant has given me copies of the Television Licences issued for the chalet (known as The Office) dated Oct 2006, Sept 2007/8/9/10/11 and 12.

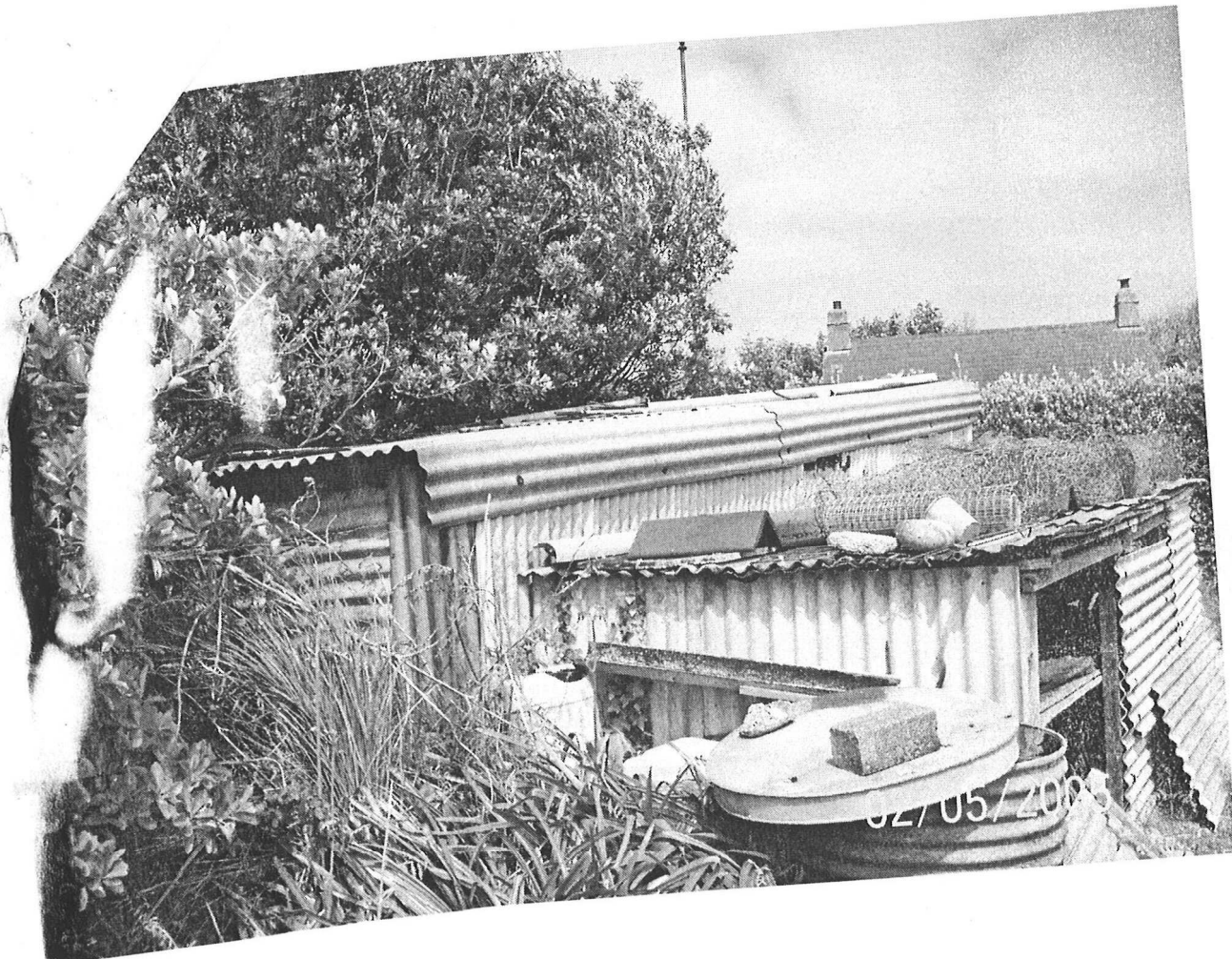
I hope you will consider that this evidence covers the 'burden of proof 'which lies with the applicant. There is a D of E circular on planning control which is quite useful in setting out evidence in a case like this at appeal. It advises that the burden of proof is with the applicant but the relevant test of evidence is the ' balance of probability'. The circular adds that if a Local Authority has no evidence of its own or from others to contradict or otherwise make the applicants version less than probable there is no good reason to refuse the application .

In these circumstances I hope you will be convinced that the Use has become Lawful and feel able to issue the approval ,

Yours Sincerely,

[Redacted signature box]

TERRY HIRON



Pic 1.



Pic 2