

I wish to make three points in respect of this application:

1. In order to succeed the Applicant must show that Blenheim Cottage has been used continuously as a permanent residence for the 10 year period prior to today – ie since 2013. Therefore the evidence of how the house may have been used in an earlier time some years before 2013 is not directly relevant. In this respect it is notable that **\*all\*** the evidence given in the application is either vague and non-specific as to time, or else relates to a specific time (2007) many years before this period. Despite the claim on the form that there has been “no” period of interruption there is a notable gap in evidence as to use of Blenheim Cottage in the critical years between 2013 and 2015 (when it was sold and Dr Waine moved in). This is crucial and without this evidence (which could have quite easily been obtained if it existed) surely the applicant has failed to show the necessary 10 years of continuous use.
2. The conclusion that, over this critical period, the property was NOT in fact used as a permanent residence is reinforced because the IOW planning enforcement team looked into precisely this question in 2011 / 2012. **[[[I know this because I had an email from Paula Debenham of the IOW planning enforcement team on 1 June of this year stating (with my emphasis added) “I can advise that we previously investigated this matter in 2011 and 2012 where we found that the unit was \*not\* occupied for permanent residential purposes.”]]]** In other words there was compelling evidence given at that time sufficient to persuade the council planning team that the property was **\*not\*** then being used (in breach of the planning condition) as a permanent residence. This means that the starting point now must be that the property was not actually used as a permanent residence during this period, and it would need strong evidence (which has not been supplied at all) that there was a change made after the council investigation 2012 but before 2013 (which would be the start of the relevant 10 year period).
3. The fact that the applicant is now saying something completely contrary to the conclusions of the council’s own investigation in 2011 / 2012 makes me wonder what enquiries he made about this matter when purchasing the property in 2015, when I imagine he would have been advised that there was a restriction applicable to his planned use of the property and that he should investigate this matter thoroughly before going ahead with the purchase. If he was advised in 2015 that the property could already - at that time - be used as a permanent residence he could have applied then for a certificate of lawfulness. Since he clearly intended to use it as a permanent residence (he moved his mother into the house immediately) it is very surprising he did not seek to regularise the position then or soon afterwards. It is certainly notable that his application now is entirely silent on this point. I can only conclude that the reason he made no such application, and says nothing about it now, was that he was advised in 2015 that any such application would be refused because the house had not in fact been used as a permanent residence in the years immediately prior to his acquisition. This hypothesis is of course completely consistent with the conclusions of the council’s own 2011/12 investigation.

For these reasons it seems to me that the application should be refused. Especially when considering the council’s earlier conclusions on this precise point the applicant would, in order to succeed, need to show very strong evidence of use as a continuous permanent residence between 2013 and 2015, something which would likely entail showing also that important information must have been withheld or concealed from the earlier investigation, and there is no evidence given at all on this point.

Regards

