

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL (Online Version)

APPEAL REFERENCE:

APP/C1950/X/12/2177638

A. APPELLANT DETAILS

Name Mr M Vignali

Address 45 Kentish Lane
Brookmans Park
HATFIELD
Hertfordshire

Phone no.

Fax no

Postcode AL9 6NG

Please confirm how you wish to correspond with us: Electronically, via the email address specified above

On paper, by post.

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

Name Mr Graham Fisher (gfplanning Limited)

Address 1 Woodlands Avenue
LONDON

Your reference GF/758

Phone no. (0208) 5301306

Fax no

Postcode E11 3RA E-mail gfplanning@hotmail.com

Please confirm how you wish to correspond with us: Electronically, via the email address specified above

On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of local planning authority (LPA) Welwyn Hatfield Council

Date of application to LPA 15 Feb 2012

Application Reference number S6/2012/0348/LUP

Date of decision (if any) 16 Apr 2012

D. APPEAL SITE ADDRESS

Address of site (please give full address)

45 Kentish Lane
Brookmans Park
HATFIELD
Hertfordshire

Postcode AL9 6NG

Grid Reference: Easting 05262233

Northing 02046969

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES NO

E. DETAILS OF THE APPEAL

I appeal under section 195(1) of the Town and Country Planning Act 1990 (as amended), against:

- The decision of the LPA refusing/refusing in part to grant a certificate of lawful use or development, **OR**
The LPA's failure to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

Give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought (*Continue on a separate sheet if necessary*).

Detached garage

State whether the application was made under section 191 or 192? 191 192

In the case of a proposal, had it been started before the application to the LPA was made? YES NO

Actual use of site at the time of application to the LPA (If not in use, write 'nil' and state last known use)

Residential garden and curtilage

F. APPEAL STATEMENT

This should be a clear and concise statement of your full case and the reason(s) why you consider the subject of the application to be lawful.

(Please note that the planning merits of what has been applied for are not relevant in deciding an application or an appeal; it rests entirely on the facts involved in each case).

Please continue on a separate sheet if necessary.

** See separate documents **

G. CHOICE OF PROCEDURE

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE _____

(for an explanation refer to the guidance leaflet)

This is normally the simplest, quickest and most straightforward way of making an appeal.

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE _____ ✓

(for an explanation refer to the guidance leaflet)

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

** See separate documents **

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO ✓

3. THE INQUIRY PROCEDURE _____

(for an explanation refer to the guidance leaflet)

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

- a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES NO
Please continue on a separate sheet if necessary.

H. OTHER APPEALS

Have you made any other appeals to the Secretary of State on this, or nearby land, for example, against a refusal of planning permission? YES NO ✓

If yes, please give details, including our reference number, if known.

I. SUPPORTING DOCUMENTS

Please enclose with the appeal form a copy of each of the following documents and tick the appropriate box for each document.

- ✓
- ✓ 1 The application made to the LPA;
- ✓ 2 Each of the plans, drawings and documents sent to the LPA as part of the application they considered;
- ✓ 2i List of plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- ✓ 3 The LPA's decision (if any);
- 4 All other relevant correspondence with the LPA;
- ✓ 5 A plan showing the site marked in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 Ordnance Survey map);
- ✓ 6 Copies of any additional plans, drawings and documents sent to the LPA, but which did not form part of the original application (e.g. drawings for illustrative purposes).
- ✓ 6i A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

J. CHECK SIGN AND DATE

Please tick '✓'

I have filled in all parts of the form

✓

I have attached all supporting documents ticked in section I.

✓

I have clearly marked the relevant plans

✓

I have sent a copy of this form and any documents to the LPA

✓

Date 8 June 2012

Name (in capitals) Mr Graham Fisher

On behalf of (if applicable) Mr M Vignali

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

K. NOW SEND

- Send a copy to the LPA
- You may wish to keep a copy of the completed appeal form for your records.

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

L. APPEAL DOCUMENTS

Please remember that any supporting documentation needs to be received by us within the appropriate deadline for the case type.

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please ensure that anything you do send by post is clearly marked with the reference number :

APP/C1950/X/12/2177638

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*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
===== APPEAL SITE ADDRESS =====
TITLE:      Health and Safety Issues
DESCRIPTION: Health and Safety Issues
FILENAME:   00 H&S.pdf

===== SUPPORTING DOCUMENTS =====
TITLE:      01. The application made to the LPA.
DESCRIPTION: application form
FILENAME:   01 application form.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
            the application. The plans and drawings should show all boundaries and
            coloured markings given on those sent to the LPA. Please number them
            clearly and list the numbers here or
DESCRIPTION: drawing 11015 11
FILENAME:   02 11015-11.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
            the application. The plans and drawings should show all boundaries and
            coloured markings given on those sent to the LPA. Please number them
            clearly and list the numbers here or
DESCRIPTION: drawing 11015 12
FILENAME:   03 11015-12.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
            the application. The plans and drawings should show all boundaries and
            coloured markings given on those sent to the LPA. Please number them
            clearly and list the numbers here or
DESCRIPTION: drawing 11015 13
FILENAME:   04 11015-13.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
            the application. The plans and drawings should show all boundaries and
            coloured markings given on those sent to the LPA. Please number them
            clearly and list the numbers here or
DESCRIPTION: drawing 11015 14
FILENAME:   05 11015-14.pdf

TITLE:      02i. A list of all plans, drawings and documents (stating drawing numbers)
            submitted with the application to the LPA.
DESCRIPTION: document list
FILENAME:   00 document list.pdf

TITLE:      03. The LPA's decision (if any).
DESCRIPTION: LPA's decision
FILENAME:   06 LPA Decision.pdf

TITLE:      05. A site plan (preferably on a copy of an Ordnance Survey map at not less.
            than 10,000 scale) showing the general location of the proposed development
            and its boundary. This plan should show two named roads so as to assist
            the location of the appeal si
DESCRIPTION: site plan
FILENAME:   12 location plan 11015-5A.pdf

TITLE:      06. Copies of any additional plans, drawings and documents sent to the LPA
            but which did not form part of the original application (e.g. drawings for
            illustrative purposes).
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Continued in Section M

M. SUPPLEMENTARY SHEET

Appeal Documents (continued)

DESCRIPTION: supporting statement

FILENAME: 07 SUPPORTING STATEMENT.pdf

TITLE: 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

DESCRIPTION: ss appendix 1

FILENAME: 08 APPENDIX 1.pdf

TITLE: 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

DESCRIPTION: ss appendix 2

FILENAME: 09 APPENDIX 2.pdf

TITLE: 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

DESCRIPTION: supplementary statement

FILENAME: 10 SUPPORTING STATEMENT SUPPLEMENTARY.pdf

TITLE: 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

DESCRIPTION: supplementary appendix

FILENAME: 11 SUPPORTING STATEMENT APPENDIX.pdf

TITLE: 06i. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

DESCRIPTION: document list

FILENAME: 00 document list.pdf

===== APPEAL STATEMENT =====

TITLE: Appeal Statement

DESCRIPTION: grounds of appeal

FILENAME: 00 grounds of appeal.pdf

===== CHOICE OF PROCEDURE =====

TITLE: Choice of procedure - reasons for hearing

DESCRIPTION: hearing reasons

FILENAME: 00 hearing reasons.pdf

45 KENTISH LANE, BROOKMANS PARK, HERTFORDSHIRE, AL9 6NG

CERTIFICATE OF LAWFULNESS APPEAL BY M VIGNALI

GROUNDS OF APPEAL

N.B. The appellant's case comprises these grounds and the submitted supporting and supplementary statements, but the right is reserved to expand and amplify these.

1. Having regard to its physical features, its relationship with the remainder of the appeal site (including the dwellinghouse) and relevant case law and appeal decisions, it is considered that the land comprising the rear part of the appeal site (where the proposed building would be sited) forms part of the curtilage of the dwellinghouse.
2. A garage is commonly accepted as being a building required for a purpose incidental to the enjoyment of a dwellinghouse. A garage of the size proposed is not disproportionate compared to the size of the dwellinghouse it would serve. The location of the proposed garage and its access arrangements would ensure an incidental relationship with the dwellinghouse. Therefore, the development is required for a purpose incidental to the enjoyment of the dwellinghouse.
3. As agreed by the LPA, the development complies with all the limitations set out in Class E of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
4. Therefore, the development is permitted by that Order and would be lawful.

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CERTIFICATE OF LAWFULNESS APPEAL BY M VIGNALI – DOCUMENT LIST

List of Application Documents

1. Application Form
2. Drawing no 11015/11
3. Drawing no 11015/12
4. Drawing no 11015/13
5. Drawing no 11015/14
6. LPA's Decision
7. Supporting Statement
8. Supporting Statement – Appendix 1
9. Supporting Statement – Appendix 2
10. Supplementary Statement
11. Supplementary Statement – Appendix

Not Included With Original Application

12. Location Plan 11015/5A

45 KENTISH LANE, BROOKMANS PARK, HERTFORDSHIRE, AL9 6NG

CERTIFICATE OF LAWFULNESS APPEAL BY M VIGNALI – HEALTH AND SAFETY ISSUES

There are large dogs kept at the property, so the Inspector's site visit needs to be accompanied.

45 KENTISH LANE, BROOKMANS PARK, HERTFORDSHIRE, AL9 6NG

CERTIFICATE OF LAWFULNESS APPEAL BY M VIGNALI – REASONS FOR ELECTING FOR A HEARING

The main issues in this appeal are:

1. Whether the rear part of the application site lies within the residential curtilage of the dwellinghouse at no 45 Kentish Lane.
2. Whether the proposed building can be considered as required for a purpose incidental to the enjoyment of the dwellinghouse.

In respect of these matters, we consider that it will be critical to the determination of the appeal to discuss in detail the application of relevant appeal decisions and court cases to the proposed development. It will be equally critical to examine the physical features of the rear part of the application site and its relationship with the remainder of the site, including the dwellinghouse.

The hearing procedure is ideally suited to achieve the above, as the decision will turn on the interpretation of appeal decisions and court cases and the discussions involved will not include any dispute of facts. Moreover, the ability to continue the hearing discussions at the site visit will be particularly valuable to the Inspector's appreciation of the case.

Your attention is also drawn to decision APP/Y3615/C/11/2161968 which forms document 11 in the appeal bundle, where a hearing was used in respect of an appeal with similar issues.

Putting people first.

**Application for a Lawful Development Certificate
for a Proposed use or development.
Town and Country Planning Act 1990: Section 192,
as amended by section 10 of the Planning and Compensation act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2010**

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

WELWYN HATFIELD PLANNING
OFFICE COPY
20 FEB 2012
No: 2012/0348

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text" value="01992 768866"/>	<input type="text"/>

Mobile number:

Fax number:

Email address:

3. Site Address Details

Full postal address of the site (including full postcode where available)

House: Suffix:

House name:

Street address:

Town/City:

County:

Postcode:

Description:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:

Northing:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land: a) Owner b) Lessee c) Occupier d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you? Yes No

7. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful:

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application:

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

Is the proposed operation or use: Permanent Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

8. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations? Yes No

If Yes, please give detailed descriptions of all such operation and indicate on your plans (includes describing any proposal to alter or create a new access, layout or any new street; construct any associated hardstandings; means of enclosure; or draining the land/building)

Does the proposal consist of, or include, a change of use of the land or building(s)? Yes No

Has the proposal been started? Yes No

Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information.



Date:

15/02/2012

Warning:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.