

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2011/1528/LUE</b>
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**NOTATION:**

The site lies within the Metropolitan Green Belt and Landscape Character Area in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The property is within a gated residential area set away from the highway. The dwelling is within the Green Belt and the rear garden is surrounded by woodland.

**DESCRIPTION OF PROPOSAL:**

Certificate of lawful development for (i) an existing driveway shown hatched running north-east from the turning area in front of the dwellinghouse (Woodlands) to the garage/storage building (approximately L-shaped); and (ii) the garage/storage building, used incidentally to Woodlands, to the north-east of the site as shown on drawing number 11023-04

**PLANNING HISTORY:**

S6/2004/1385/FP - Amendment of Planning Permission Ref: S6/2001/1530/FP, to Allow for an Alternative Garage Design for Plots 1-4 (Retention of Existing without Dormer Windows) approved 08/11/2004

S6/2004/886/FP – Amendment to Planning Permission S6/2001/1530/FP to Allow for an Alternative Garage Design for Plot 1-4. Refused 27/08/2004

S6/2001/1530/FP – Demolition of Existing Buildings and Hardstandings and Erection of Six Dwellings, Together with Garages, Access, Landscaping And Provision For Two Wildlife Lakes. (Revision to Planning Permission Ref No. S6/2001/114/FP) Approved 11/12/2002

**SUMMARY OF DEVELOPMENT PLAN POLICIES: N/A**

**CONSULTATIONS: N/A**

**TOWN/PARISH COUNCIL COMMENTS: N/A**

**REPRESENTATIONS: N/A**

**DISCUSSION:**

**The main issues are:**

This application has been submitted to establish if the operations described have been completed 4 years prior to the date of receipt of the application. Evidence has been provided to accompany the application to establish the 4 (four) year time period.

## **SUMMARY OF EVIDENCE PROVIDED:**

**Doc 1** – Email from Nicola Jackson, English Heritage Buildings Ltd (EHBL) dated 30<sup>th</sup> April 2011

The email is confirming completion of groundworks

**Doc 2** – Delivery receipt, signed by Nick 2 (unknown) dated 8<sup>th</sup> July 2007 confirming materials sent to address

**Doc 3** – Contact log, dated between 24<sup>th</sup> April 2007 and 3<sup>rd</sup> July 2007, which I understand it is from EHBL, contains details regarding payment dates and delivery dates.

This document is not reliable or provides useful information

**Doc 4** – Diary entries, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> June 2007 supplied by it is understood EHBL 11<sup>th</sup> June 2007 has payment £34368.76 for Mr N Rickards of Potters Bar, Hertfordshire 12<sup>th</sup> June 2007 has Mr N Rickards name mentioned.

This document is not reliable or provides useful information

**Doc 5** – Weaver Brother Roofing Limited, invoice 2315 dated 18<sup>th</sup> July 2007. for works carried out, it is date stamped 24<sup>th</sup> July 2007, the invoice includes labour and a deduction (company working on behalf of EHBL).

The invoice amounts have been redacted so cannot be used to confirm payments. The reason this information may have been removed, is so the customer is unaware of original costs. The invoice confirms that it was issued after the work has been completed.

**Doc A** – English Heritage Buildings letter, quotation 23715 dates confirming timeline of works

**Doc B** – Certificate of guarantee of the completed frame from English Heritage Building, effective from June 2007

**Doc C** – Document C contains 17 page of payment information, invoices from EHBL and Barclays Bank statement confirming payments

Page 1: English Heritage Invoices and payments schedule, from first payments to the remain balance

Page 2 & 3: Supply Quotation dated 28<sup>th</sup> March 2007

Page 4 & 5: Assembly Quotation dated 28<sup>th</sup> March 2007

Page 6: Roofing Quotation dated 28<sup>th</sup> March 2007

Page 7: Quotation Summary dated 28<sup>th</sup> March 2007

Page 8: Invoice 13982, dated 19<sup>th</sup> December 2006 £15,000.00 inclusive of VAT for holding deposit.

Page 9: Barclays Statement 1<sup>st</sup> December 2006 – 2<sup>nd</sup> January 2007, confirming payment on 21<sup>st</sup> December 2006.

Page 10: Letter from English Heritage Buildings, dated 29<sup>th</sup> March 2007.

Page 11: Invoice 14466 dated 4<sup>th</sup> April 2007 £7,912.50 inclusive of VAT

Page 12: Invoice 14804 dated 7<sup>th</sup> June 2007 £34,368.00 inclusive of VAT

Page 13: Barclays Statement 1<sup>st</sup> June 2007- 2<sup>nd</sup> July 2007, confirming payment on 11<sup>th</sup> June 2007

Page 14: Invoice 14954 dated 9<sup>th</sup> July 2007 £15,275.00 inclusive of VAT

Page 15: Barclays Statement 2<sup>nd</sup> July 2007- 2<sup>nd</sup> August 2007, confirming payment on 11<sup>th</sup> July 2007

Page 16: Final Invoice 15246 dated 11<sup>th</sup> September 2007 £3,818.75 inclusive of VAT

Page 17: Barclays Statement 28<sup>th</sup> March 2008, confirming payment.

This evidence is consistent the invoice details all of the work that has been carried out backed up by Barclays Bank statements and the quotation.

#### **Doc D-**

1. Heritage Construction letter dated 18<sup>th</sup> July 2011, confirming when the driveway was completed.

This letter was only completed this year; this could be why the information is somewhat vague and reads in past tense

2. Heritage Construction, quotation for driveway dated 21<sup>st</sup> February 2007.

This quote ties in with the date of when the work commenced on the driveway.

**Doc E** – Scott Frost invoice 1000147 dated 15<sup>th</sup> April 2007.

**Doc F** – Photo of foundations of garage, undated

**Doc G** – Photo showing drainage and work commencing, undated

**Doc H** – Photo of completed garage with signed statement from EHBC stating that the photo was taken by their surveyor on 19<sup>th</sup> July 2007.

- English Heritage Buildings, letter confirming damage to drive, dated 31<sup>st</sup> August 2007.

This letter is evidence why there was a delay in payment for the last invoice and the reason why the invoice was held back. The company that installed the garage had damaged the drive.

- Drawing 11023-04 site plan
- Drawing, proposed elevations and floor plans from English Heritage Buildings
- 1:2500 Location plan

From the evidence provided, it is considered on the balance of probabilities that the garage has been existence for a period of more than four years.

Building

The issue for consideration is when the 'building was substantially complete'. The completion of assembly payment was made on the 4<sup>th</sup> July 2007. This is past tense and so the assembly of the significant part of the building would have been present at the time. It is therefore a matter to determine when the roofing was 'substantially completed'.

The invoice from the roofing company is dated 18<sup>th</sup> July 2007 and as referred to above, there are date stamps of 24<sup>th</sup> July. The photographs submitted which are annotated, state that they are a true copy of the photograph taken by the surveyor on 19<sup>th</sup> July 2007.

There has been a query regarding the final payment made, which was made in March of the following year. This has been explained as being a payment withheld due to the damage to the driveway. Other than the letter from EHB dated 31<sup>st</sup> August, there has been no further information supplied.

Notwithstanding this, on the balance of probabilities, It is considered that the information submitted confirms that the building was substantially complete on or before 19<sup>th</sup> July 2011.

Driveway

A handwritten letter from English Heritage Construction dated 18<sup>th</sup> July 2011 who completed the works, confirms the drive was completed in mid March. This letter ties in with the date that we received an enforcement complaint.

A letter from English Heritage Building dated 31<sup>st</sup> August 2007 confirms the drive was present at this date

Evidence has been provided within a photograph showing the footings of the building adjacent to a paved driveway, together with an email dated 30<sup>th</sup> April that all groundworks are complete.

With all the information provided for the driveway, It is considered that on the balance of probabilities that the driveway has been existence for a period of more than four years.

**CONCLUSION:**

The applicant has demonstrated, on the balance of probabilities, from the evidence provided that the garage and driveway have been constructed 4 or more years prior to the submission of the application and it is considered that a Certificate of Lawfulness should be granted.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. The applicant has demonstrated from the evidence provided that, on the balance of probabilities, the garage and driveway have been completed for 4 years or more from the date of submission of the application. The proposal is therefore lawful in accordance with Section 191 of The Town and Country Planning Act 1990 (As Amended).

**INFORMATIVES: N/A**

**DRAWING NUMBERS:** 1:2500 site location plan & Drg No. RICKARDS & 11023-04 received and dated 15<sup>th</sup> August 2011.

**Signature of author.....**

**Date.....**