

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192  
(as amended by section 10 of the Planning and Compensation Act 1991)  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995  
ARTICLE 24  
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

**PLANNING DECISION NOTICE – REFUSAL**  
**For Planning Application No. S6/2012/0348/LUP**

**AGENTS NAME AND ADDRESS**

Mr P Nicholas  
Building Design Consultants  
47 Deer Park Way  
Waltham Abbey  
Herts  
En9 3YN

**APPLICANTS NAME AND ADDRESS**

Mr M Vignali  
45 Kentish Lane  
Brookmans Park  
AL9 6NG

The Welwyn Hatfield Council hereby **REFUSE** to certify that on the 20/02/2012 the development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown edged red on the plan attached to this certificate was not lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. Sufficient evidence has not been put before me which suggests that the parcel of land to the rear which accommodates the stable block, as outlined in red on the Site Location Plan (1:1250), can be considered as part of the residential curtilage. Whilst the stables have appeared to cease use, the two parcels of land in question remain defined by existing boundary treatments and it is considered that the parcel of land to the rear does not constitute part of the residential curtilage. Therefore, the proposed double garage cannot be considered under permitted development as its location fails to form part of the residential curtilage of the dwellinghouse.

2. The proposed double garage would be isolated away from the host building and its relationship with 45 Kentish Lane would be inconsistent with a building that is proposed to be incidental to the enjoyment of the dwellinghouse as such. It is therefore considered that the proposed garage is of a distance not to be considered incidental to the dwellinghouse.

**FIRST SCHEDULE: Certificate of lawfulness for proposed replacement stable block with garage**

**SECOND SCHEDULE: 45 Kentish Lane Brookmans Park HATFIELD AL9 6NG**

**Date:16-04-2012**

**Refused Plan Numbers:** 11015/14 & 11015/13 & 11015/11 received and dated 20 February 2012



Tracy Harvey  
Head of Planning