

Mr P Symonds
2 The Coach House
Corneybury Farm
Ermine Street
Buntingford
SG9 9RS

Application No: 6/2017/0430/LAWE

Date of Refusal: 17 May 2017

WELWYN HATFIELD BOROUGH COUNCIL, hereby certify that on the application date, the operations/development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate WOULD NOT have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990.

First Schedule: Certificate of lawfulness for existing outbuilding to be ancillary to the existing dwelling

Second Schedule: The Warren, 8 Carbone Hill Northaw Potters Bar EN6 4PL

Applicant: Mr I Cooper

Application Date: 8 March 2017

In accordance with the accompanying plans and particulars subject to the following reason(s): -

1. the height of the building would exceed 2.5 metres in the case of a building within 2 metres of the boundary of the curtilage of the dwellinghouse. The building as it exists fails to comply with the height limitation contained within paragraph E.1(e)(ii) of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No evidence has been put forth to suggest that the building has been in-situ for a period of time exceeding the time limit for enforcement action on operational development defined within section 171B of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority are not satisfied that the operational development involved in the erection of the outbuilding would have been lawful at the time of application, and as such, the application should be refused.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
732/SP5	A	Block Plan	24 April 2017
732/LP2	A	Location Plan	24 April 2017

A handwritten signature in black ink, appearing to read 'C Haigh', written in a cursive style.

Colin Haigh
Head of Planning

Town and Country Planning Act 1990

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990.
2. It certifies that the operation/development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation/development is only conclusively presumed where there has been no material change, before the use is instituted or the operation/development began, in any of the matters relevant to determining such lawfulness.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse permission for
- a certificate for lawful development, there is no time restriction.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.