

Mr C Spencer
G4 Spring Mill
Main Street
Wilsden
Bradford
BD15 0DX

Application No: 6/2018/1967/LAWP

Date of Refusal: 5 October 2018

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 192 of the Town and Country Planning Act 1990.

First Schedule: Certificate of lawfulness for erection of outbuilding

Second Schedule: Manor Cottage Vineyards Road Northaw Potters Bar EN6
4PQ

Applicant: Gelber

Application Date: 10 August 2018

Refused Plans and Details:

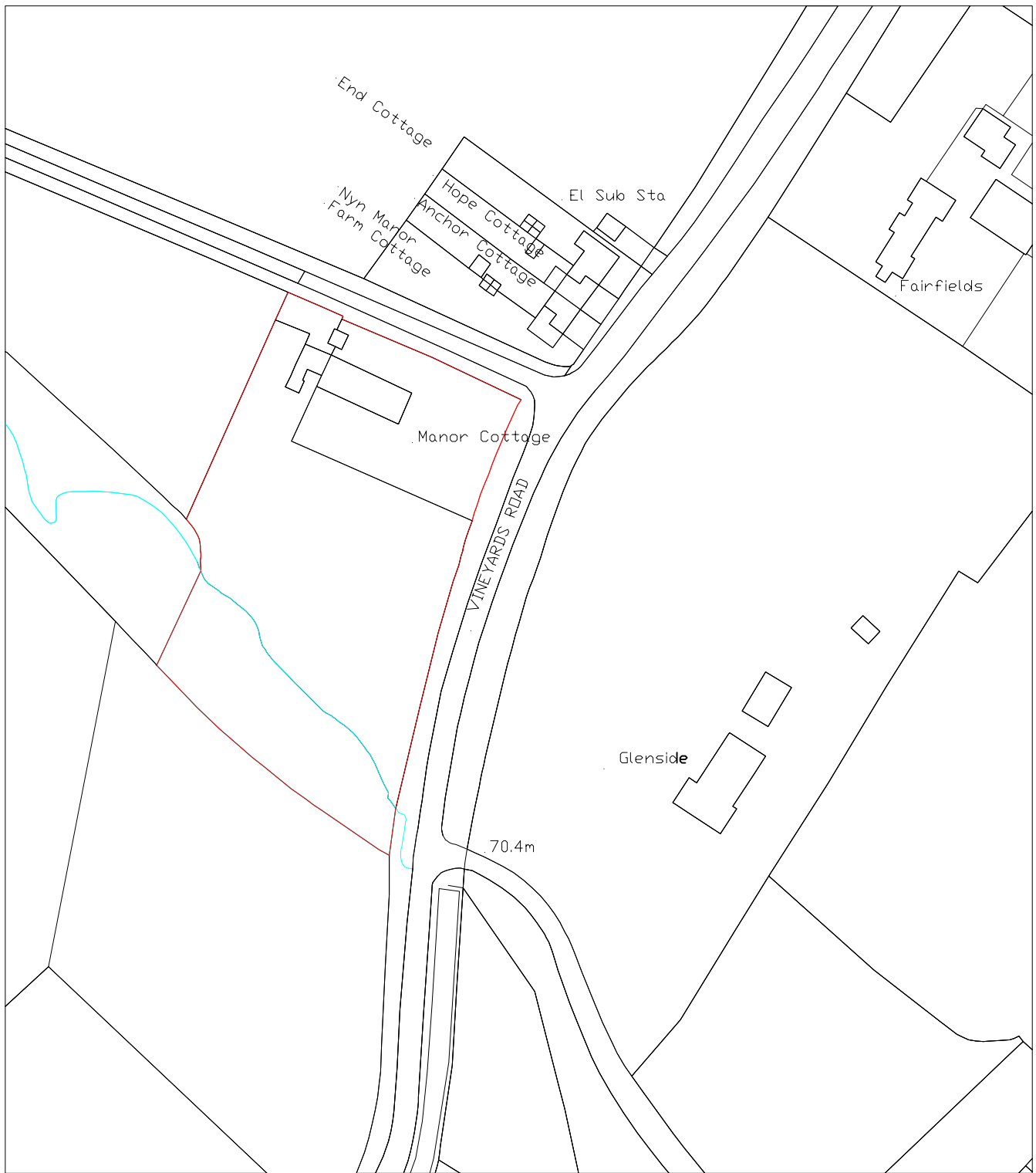
1. The proposed outbuilding, by virtue of its size and failure to demonstrate why such size is required for the intended use, is not considered to be reasonably or genuinely required for a purpose incidental to the enjoyment of the dwellinghouse. On the evidence available, the Certificate of lawfulness fails to accord with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and is refused.

REFUSED DRAWING NUMBERS


Plan Number	Revision Number	Details	Received Date
MC-R00-EX-101		Location Plan	26 July 2018
MC-R00-PR-105		Outbuilding	26 July 2018



Colin Haigh
Head of Planning



ReQuestAPlan
 Map number: TQRQM17319154327453
 Title: Manor Cottage
 Map Produced For: Cameron Spencer
 OS Licence number: 0100042766
 Date of Purchase: 15-11-2017
 1 Years subscription from 15-11-2017 for 1 workstation.

 tel: 020 3633 5060 web:www.freedomarchitecture.co.uk email: info@freedomarchitecture.co.uk	PROJECT ADDRESS Manor Cottage Vineyards Road Potters Bar EN6 4PQ	CLIENT: Jeremy Gelber		
		DATE 19/11/2017	REVISION DATE	REVISION
PROJECT: 8m rear extension into existing cottage	TITLE: Location Plan	DRAWN RR	SCALE 1:1250	
		CHECKED RR	DRG No. MC-R00-EX-101	

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 not 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.