



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. S6/2009/220/LU

AGENTS NAME AND ADDRESS

MR R PEARSON
PEARSON ASSOCIATED
10 CIFFORD ROAD
BARNET
HERTFORDSHIRE
EN5 5PG

APPLICANTS NAME AND ADDRESS

MR J O'BRIEN
12 TOTTERIDGE VILLAGE
LONDON
N20 8JP

The Welwyn Hatfield Council hereby **REFUSE** to certify that on the 30th January 2009 the matter 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 is NOT lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. The proposed development does not comply with the drawings approved under application S6/2006/1596/FP received and dated 24 November 2006 comprising site plan (1:250), north, south, east and west elevations and those approved as a minor amendment to this application on the 21st May 2008. The drawings submitted with this application (S6/2009/0220) include an 'East Wing' which has not been granted approval as well as an increase in the depth of the building of approximately 800mm to the 'West Wing' and approximately 950mm to the Main building.

FIRST SCHEDULE: Certificate of lawfulness for proposed development comprising replacement dwelling based upon approved application S6/2006/1596/FP

SECOND SCHEDULE: West Lodge, Coopers Lane, Northaw, Herts

Tracy Harvey
Head of Development Control

Date: 9th March 2009

Refused Plan Numbers: COL/001 & COL/002 & COL/003 & COL/004 & COL/005 & COL/006 & COL/007 received and dated 30 January 2009

NOTES:

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the operations 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relate 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 is only conclusively presumed where there has been no material change, before the use is instituted or the operation began, in any of the matters relevant to determining such lawfulness.

GENERAL NOTE

1. If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

REFUSAL TO ISSUE A LAWFUL DEVELOPMENT CERTIFICATE

2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse to issue a Certificate of Lawful Development in whole or in part, (including modifying or substituting the description of the application of the use, operations or other matter in question then the applicant may appeal to the Secretary of State for the Environment, in accordance with Section 195 and 196 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act, 1991) within six months of receipt of this notice.
3. Appeals must be made on a form which is available from The Planning Inspectorate, Robert Carey, Room 11/11(6), Tollgate House, Houlton Street, Bristol BS2 9DJ (Telephone 01179878075 Fax 01179878782) or at www.planning-inspectorate.gov.uk.