

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Sport and Green Spaces

Address 20 CENTRAL AVENUE HAYES MIDDLESEX

Development: Use of single storey side extension as a 1 bedroom self contained flat (Application for a Certificate of Lawful Development for an Existing Development)

LBH Ref Nos: 58347/APP/2017/135

Drawing Nos: 1653-os-01
1653-pl-01

Date Plans Received: 13/01/2017 **Date(s) of Amendment(s):**

Date Application Valid: 16/01/2017

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the existing development described above in respect of the land edged red on the attached plans for the following reasons:

The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years, prior to the date of this application.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 APPRAISAL OF EVIDENCE SUBMITTED

The application seeks a certificate of lawful use for the retention of existing separate dwelling. The application property comprises of a two storey semi-detached house located on the South Eastern side of Central Avenue adjacent to Botwell Green Sports and Leisure Centre and within the Central Avenue Area of Special Local Character. The property has been previously extended to the side by way of a single storey side/rear extension which was allowed at appeal. The applicant seeks to prove that the side/rear extension which is accessed via a door in the side elevation, has a lawful use as a separate dwelling.

The application comprises of the following submission:

1. Application Form
2. Existing Plan and Location Map
3. Supporting Information comprising a letter from the Council Tax Dept

The supporting information comprises a letter dated 12th October 2016 from the London Borough of Hillingdon's Council Tax team stating that the Applicant has been registered and liable to pay Council tax on 20a Central Avenue, Hayes since 01 April 2011.

The onus of proof in a Certificate of Lawfulness application is firmly on the applicant to show that the Development has taken place and as a result is immune from enforcement action. Where the burden of proof is on the applicant, the relevant test on such matters is "the balance of probability".

The supporting information comprises a letter dated 12th October 2016 from the London Borough of Hillingdon's Council Tax team stating that the Applicant has been registered and liable to pay Council tax on 20a Central Avenue, Hayes since 01 April 2011. This is insufficient to determine whether the development has been in continuous occupation for at least 4 years prior to the application. The Council's Legal Department would have expected the Applicant to provide for example, utility bills, TV licences, bank statements showing rental payments entering Applicants bank account along with rent receipts showing continuous use for the entire 4 year period.

Conclusion

The evidence provided by the application is not sufficient to conclude unambiguously that the development has been in continuous occupation for at least 4 years prior to the application. As such the application is recommended for refusal.

3.0 Relevant Planning History

58347/APP/2004/3300 20 Central Avenue Hayes Middlesex

ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION (INVOLVING DEMOLITION OF EXISTING REAR CONSERVATORY AND BATHROOM)

Decision Date: 27-01-2005 Approved

58347/APP/2007/1852 20 Central Avenue Hayes Middlesex

ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION (INVOLVING DEMOLITION OF PART OF REAR GROUND FLOOR AREA).

Decision Date: 09-08-2007 Refused

58347/APP/2008/2139 20 Central Avenue Hayes Middlesex

Front porch (involving demolition of existing porch).

Decision Date: 09-09-2008 Approved

Contact Officer: Nicola Taplin

Telephone No: 01895 250230