

HEAD OFFICE

71 - 75 SHELTON STREET
COVENT GARDEN,
LONDON,
WC2H 9JQ



LOCAL OFFICE

CROWN HOUSE HOME GARDENS
DARTFORD
KENT
DA1 1DZ

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPULSORY PURCHASE ACT 2004)
SECTION 78 APPEAL.**

**STATEMENT OF CASE ON BEHALF
OF THE APPELLANT**

APPELLANT : MS GURPRIT KAUR

**APPEAL SITE : 92 PORTERS WAY
WEST DRAYTON
UB7 9AD**

OUR REF : B2121/2024

LPA REF : 69971/APP/2024/1050

DATE : 1st SEPTEMBER 2024

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EXPERT TOWN PLANNERS AND ARCHITECTURAL DESIGN CONSULTANTS SPECIALISING IN ALL ASPECTS OF RESIDENTIAL & COMMERCIAL PLANNING APPLICATIONS AND PLANNING APPEALS

CONTENTS

1. INTRODUCTION

2. SITE LOCATION AND DESCRIPTION

3. THE APPEAL PROPOSAL

4. POLICY CONSIDERATIONS

5. PLANNING CONSIDERATIONS

6. APPEAL PRECEDENTS

7. CONCLUSIONS

ENCLOSURES

1. Appendix A - Site Location Plan.
2. Appendix B - Planning Application Form
3. Appendix C - The Council's Decision Notice.
4. Appendix D - Photographs of the Site and Area.

1.0 INTRODUCTION

- 1.1 London Borough of Hillingdon refused a Certificate of Lawful Use of Development at 92 Porters Way West Drayton UB7 9AD in respect of retention of an outbuilding as an independent unit of accommodation/flat (Application for a Certificate of Lawful Development for Existing Development) on 5th July 2024, application reference 69971/APP/2024/1050, for the following reason:

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 probabilities, the use has existed and been continuous for at least a period of four years, prior to the date of this application.

2.0 THE SITE LOCATION AND DESCRIPTION

- 2.1 The Appellant site relates to a two-storey linked semidetached dwelling located at on Porters Way.
- 2.2 The host property benefits from a hard standing forecourt capable of accommodating 2, an alleyway that leads to the rear garden. The outbuilding is accessed via the main dwelling and the alleyway.
- 2.3 The surrounding area is predominantly residential characterised by semidetached and terrace buildings.
- 2.4 The host building is not listed; the site does not lie within a Conservation area and there is no Article 4 Direction on the property or any other restrictions on the site.

MS GURPRIT KAUR

92 PORTERS WAY WEST DRAYTON

UB7 9AD



The photo shows the host dwelling 115 West Way



The photo shows the outbuilding in its current use as a self contained unit.

3.0 THE APPEAL PROPOSAL

- 3.1 The appellant sought a Certificate of Lawful Use Development for 4years continued use in respect of retention of an outbuilding as an independent unit of accommodation/flat (Application for a Certificate of Lawful Development for a Existing Development) flat at No 92 Porters Ways.
- 3.2 Copies of the planning application forms submitted to the Council are enclosed in Appendix B. The existing and proposed layout plans, are illustrated on drawings attached. The photographs of the site are enclosed in Appendix D.

4.0 POLICY CONSIDERATIONS

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 gives priority to the provisions of development plans in determining planning applications and appeals as well as all other material considerations.

- 4.2 **Section 191 of Town and Country Planning Act of 1990 (as amended)**
Certificate of lawfulness of existing use or development.

- 4.3 **Section 171B of Town and Country Planning Act 1990(as amended)**
Time limit

This appeal would be considered under the planning legislation as it concerns a matter of law rather than planning policy

5.0 LEGAL CONSIDERATIONS

- 5.1 This section considers the legal issues relating to this appeal and demonstrates – with relevant legislation- that this appeal should be upheld.

5.2 Reasons for refusal:

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 probabilities, the use has existed and been continuous for at least a period of four years, prior to the date of this application.

- 5.3 In refusing planning permission, the LPA raised the following concerns and objections which will be discussed point by point:

1- Principle of the development

2- Unlaw development within the meaning of Section 191 and 192 of the Town and Country Planning Act 1990 (as amended)

3- Insufficient evidence

5.4 The principle of development

Despite this appeal being considered under planning legislation, it is important that the planning policies that encourage such development should be looked at. The principle of the development is supported by Paragraph 119, 120, 124 and 125 of the revised NPPF July 2023. Paragraph 119 advice that Planning policies and decisions should **promote an effective use of land in meeting the need for homes and other uses**, while safeguarding and improving the environment and ensuring safe and healthy living conditions; while Paragraph 120 highlights that **Planning policies and decisions should encourage multiple benefits from both urban and rural land**.

And Paragraph 124. states that Planning **policies and decisions should support development that makes efficient use of land**.

- 5.5 Furthermore paragraph 125 highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, **it is especially important that planning policies and decisions** avoid homes being built at low densities, and **ensure that developments make optimal use of the potential of each site**. In these circumstances: a) plans should contain **policies to optimise the use of land in their area and meet as much of the identified need for housing as possible**; and that **local planning authorities should refuse applications which they consider fail to make efficient use of land**, taking into account the policies in this Framework.

- 5.6 Paragraph 130(e) stressed Planning policies and decisions should ensure that developments **optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development** (including green and other public space) and support local facilities and transport networks.

More importantly, Policy GG2 of the London Plan 2021 advocates that to **create successful sustainable mixed-use places that make the best use of land**, those involved in planning and development must:

A-enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites

B prioritise sites which are well-connected by existing or planned public transport

C **proactively explore the potential to intensify the use of land** to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and

D applying a **design-led approach to determine the optimum development capacity of sites.**

- 5.7 Policy GG2.c of the London Plan 2021 advice that To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must: proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

- 5.8 In this case, the Appellant has a reasonably large rear garden which he consider to be grossly underutilised and sought to erect an outbuilding; he also consider the terrace roof on the rear first floor to be unused and wasted and sought to use the space, the proposed developments would optimise the potential of the site plus ensure the site is put in effective use as encouraged by Paragraph 119, 120, 124, 125 and 120 of the NPPF 2023 which urge LPAs to support such developments; and Policy GG2 of the London Plan 2021 which

advocates that those involved in planning and development must proactively explore the potential to intensify the use of land to support mixed uses.

The principle of development is a material consideration in this case, and it should be given heavy weight.

5.9 Unlaw development within the meaning of Section 191 and 192 of the Town and Country Planning Act 1990 (as amended)

The main material consideration in this case is whether the existing development has been in 4 years continuous use within **the meaning of Section 191 and 192 of the Town and Country Planning Act 1990 (as amended)** or not.

The Appellant grounds of appeal is that the described development at rear of 92 Porters Way, West Drayton UB7 9AD has been in continuous use as a self-contained unit for more than four years. This claim has been supported by evidence that is submitted to the Council.

5.10 Advice and guidance from Section 191 (2a) of The Town and Country Planning Act of 1990, emphasised that no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason).

5.11 Guidance under Section 191 highlights that:

(1) If any person wishes to ascertain whether—

(a) **any existing use of buildings or other land is lawful;**

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

5.12 (2) For the purposes of this Act uses and operations are lawful at any time if—

(a) **no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and**

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use, operations or other matter to be lawful; and

(d) specify the date of the application for the certificate.

(6)The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

5.13 Guidance under Section 171B states the time limit specified for either development or change of use is as follows:

(1)Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

5.14 (2)Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A)There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

5.15 **(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.**

(4)The preceding subsections do not prevent—

(a)the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect;
or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

- 5.16 Following guidance from Section 191 and 171 B of the Town and Country Planning Act of 1990 (as amended), the Appellant argues that the use of the site as a self contained flat has been in continued use for more than 4 years and therefore the site is immune from enforcement action.

Insufficient evidence

The Council's main argument is that the appellant has not demonstrated that, on the balance of probabilities, the use has existed and been continuous for at least a period of four years, prior to the date of this application. In other words, insufficient evidence has been submitted to satisfy the Council that the subject outbuilding has been used as a self contained flat for at least 4 consecutive years without interruption up to the date of the submission of this appeal.

The Appellant has submitted sufficient evidence to the Council that the site has been in use as a self contained flat for more than 4 years whereas the Council has not produced any substantiated evidence to counter the evidence produced by the appellant.

- 5.17 Paragraph: 006 Reference ID: 17c-006-20140306 sets out how the Council should consider the evidence that is submitted by the applicant. It advises that "In the case of applications for an existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability." The evidence is, in itself, precise and unambiguous.

- 5.18 The ground of appeal is that a concise and unambiguous form of evidence was submitted by the appellant at the application stage and that is now also relied upon in connection with the appeal.

While the burden the burden of proof is on the applicant and the Courts have held that the relevant test of the evidence on such matters is "***the balance of probability***". There if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal.

In this case, the Council has no evidence to contradict the appellant's assertion, and the evidence submitted by way of Council taxpayment directed to this (outbuilding) lends considerable weight to his assertion.

- 5.19 Attached to this appeal statement is a copy of a statutory declaration made by the appellant confirming that property has been in use as a self contained flat since 2014. Whilst this evidence is self-supporting, the appellant is willing to provide this evidence under oath and is well aware of the Contempt of Court proceedings that would apply should false information be provided.

- 5.20 It is the generally accepted legal position that there are two requirements regarding the use in terms of its continuity, and that it was taking place at the date of the application.

It is the appellant's assertion that there is unambiguous evidence that the use of this outbuilding as a self contained flat took place for a continuous period of 4years, there is however single evidence which pertains to the Council Tax relating to the outbuilding as annexe rear of 92 Porter Way. This Council tax payments covering a period of 4 years were submitted to the council in connection with the LDC application.

Responding to the Councils Officer's report

- 5.21 The Council delegated officer's report stated that the **council tax bills show that the council has recognised the outbuilding as a self-contained unit since June 2009**. However, no evidence has been provided to indicate that council tax has been paid in this manner. The Council Tax bills appear to be addressed to the applicant rather than tenants and although the applicant states that they paid the council tax, rather than the tenant, this evidence consequently carries little weight to show occupancy.
- 5.22 As acknowledged in the Councils report, council tax bills show that the council has recognised the outbuilding as a self-contained unit since June 2009, this evidence material to this case and it demonstrate that the outbuilding has been identified a separate dwelling by the Council. The main issue under Section 191 and 171 B of the Town and Country Plan Act of 1990 (as amended), is not about tenancy or who pays the Council tax, the main issue is whether the building as been in use as a separate entity from the host dwelling or not, and in this case there is overwhelming evidence that the building as been recognised as an annexe (separate) by the Council since 2009.
- 5.23 The Council claimed that whilst two signed affidavits have been provided in support of the application, this has not been supported by further evidence such as tenancy agreements, utility bills or letting agent listings to provide evidence of continuous use for more than four years prior to submission. The use as an outbuilding for a carer where no rent is paid indicates that use is ancillary to No 115 rather than a separate self-contained unit.

This appeal would argue that a Council tax is paid for a dwelling that is habitable and this proves that the building has been in continuous use as a dwelling in as much as the Council tax has been paid to cover the 4 years period building up to the application. It is also considered that a dwelling ancillary to the main house would not be liable for Council tax payment.

5.24 The Council claimed that "a CLD was approved for the construction of the outbuilding in 2014 (69971/APP/2014/1581). The proposed plans indicated that the outbuilding was to be used as a Gym/Storage. The applicant now contends that the outbuilding was not constructed in accordance with its stated use on the drawings or in accordance with the GPDO regulations for which it was approved".

5.25 In responding to the Council claim, this appeal argues that irrespective of the purpose and the intended usage approved under application ref: (69971/APP/2014/1581), the outbuilding is still incidental to the enjoyment of the main house.

Referring to a similar case.

Appeal Ref: APP/R5510/X/22/330306231

The PI observation and comments.

My attention has been drawn to Case law⁵ which refers to the need to consider whether "the nature of the activities carried out in the proposed building ensure they are incidental or conducive to the very condition of living in the dwellinghouse.... the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities." "When a matter is looked at as a whole, size might be an important consideration but not in itself conclusive." It was held that "incidental connoted an element of subordination in land use terms in relation to the enjoyment of the dwellinghouse." Moreover, it is established that the term 'incidental to the enjoyment of the dwellinghouse' "cannot rest solely on the unrestrained whim of him who dwells there but connotes some sense of reasonableness in all the circumstances of the particular case.

5.26 Based on the PI comments, the appellant contend that the current use of the outbuilding as annexe accommodation is incidental and connoted an element

of subordination in land use terms in relation to the enjoyment of the dwellinghouse. It should also be considered that the phrase 'incidental to the enjoyment of the dwellinghouse' "cannot rest solely on the unrestrained whim of him who dwells there or what activities that takes place there but connotes some sense of reasonableness in all the circumstances of the appellant state or use.

- 5.27 While the existing development is incidental to the main dwelling, it meets the criteria under GPDO Class E, in addition to that it is subordinate and has a relation / connection with the main dwell as ancillary or secondary accommodation used by members of the main dwelling.

Even though the outbuilding contains a kitchen and a bed, it is argued that the development is not wholly independent as it still has a connection with the main dwelling by virtue of its location:

The building depends on the main dwelling as :

It has no dining facilities, it has no independent access, it has no independent amenity space, parking or a separate entrance.

Based on these analyses, it is considered that the development is not independent as it is ancillary and used for the enjoyment of the main dwelling.





The photos show that even though the existing outbuilding contains a bedroom and kitchen, it is still ancillary to the main dwelling by virtue of its subordination and relationship to the main house.

Summary

The statutory declaration and the evidence submitted to the Council are attached to the appendix for the PI reference.

7.0 CONCLUSIONS

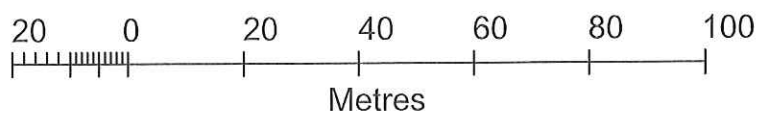
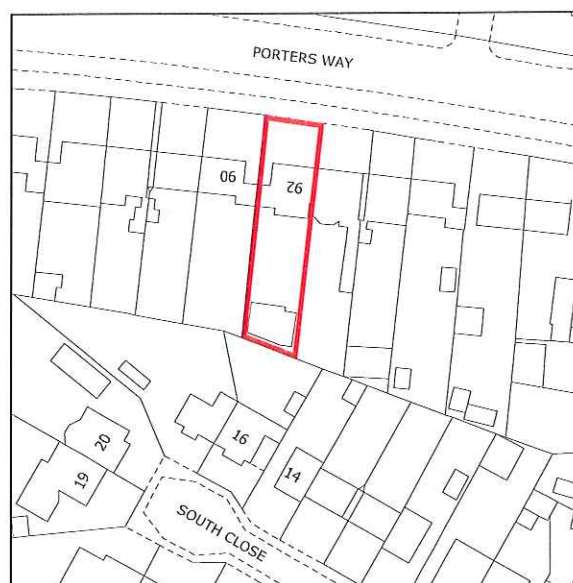
- 7.1 Considering the above, it is considered that the proposals would not harm any interests of acknowledged importance.

The Appellant argues that the use of the site as a separate self-contained dwelling (annexe) has been in continued use for more than 4 years and therefore the dwelling is immune from enforcement action.

Moreover, the appellant has provided substantiated evidence to support that the dwelling has been occupied and has been used continuously for more than 4 years.

- 7.2 It advises that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 In these circumstances, the Inspector is respectfully requested to uphold the appeal and grant Lawful Development Certificate for the use of the site as a self-contained unit (annexe)

APPENDIX A



ADDRESS:

92 PORTERS WAY
WEST DRAYTON
UB7 9AD

SCALE:

1:1250@A4



APPENDIX B



London Borough of Hillingdon, Residents Services, 3N Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW
Tel: 01895 250230 Web: www.hillingdon.gov.uk

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

92

Suffix

Property Name

Address Line 1

Porters Way

Address Line 2

Address Line 3

Hillingdon

Town/city

West Drayton

Postcode

UB7 9AD

Description of site location must be completed if postcode is not known:

Easting (x)

507004

Northing (y)

179479

Description

Applicant Details

Name/Company

Title

MS.

First name

GURPRIT

Surname

KAUR

Company Name

Address

Address line 1

92 Porters Way

Address line 2

Address line 3

Town/City

West Drayton

County

Hillingdon

Country

Postcode

UB7 9AD

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☐ An existing use
- ☒ Existing building works
- ☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Retention of rear out-building and its use as a self-contained residential flat

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☐ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☒ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☒ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

THE EXISTING USE OF SITE IS OUT-BUILDING AND THE ATTACHED EVIDENCE DEPICTS ITS CONTINUOUS USE FOR MORE THAN FOUR YEARS. IT IS OUR UNDERSTANDING THAT THE CERTIFICATE OF LAWFULNESS FOR EXISTING USE SHOULD BE GRANTED.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-11-2014

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☒ Yes
☐ No

Proposed

Please select the housing categories that are relevant to the proposed units (i.e. the change you are seeking certification for)

- ☒ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each type of housing and number of units proposed

Housing Type:

Flats / Maisonettes

1 Bedroom:

1

2 Bedroom:

0

3 Bedroom:

0

4+ Bedroom:

0

Unknown Bedroom:

0

Total:

1

Proposed Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	1	0	0	0	0	1

Existing

Please select the housing categories for any existing units on the site (i.e. prior to the change you are seeking certification for)

- ☐ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Totals

Total proposed residential units	1
Total existing residential units	0
Total net gain or loss of residential units	1

Site information

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered".

Title Number: Unregistered

Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

- ☐ Yes
☒ No

Further information about the Proposed Development

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

What is the Gross Internal Area to be added to the development?

43.60

square metres

Number of additional bedrooms proposed

1

Number of additional bathrooms proposed

1

Vehicle Parking

Please note: This question contains additional requirements specific to applications within Greater London.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

☐ Yes

☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes

☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☐ The agent

☒ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☐ Yes

☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

TRICON DESIGN

Date

22/04/2024

APPENDIX C



Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TRICON DESIGN
Tricon Design
Studio 21
497 Sunleigh Road
Wembley
HA0 4LY

Application Ref: **69971/APP/2024/1050**

In pursuance of their powers under the above mentioned Act and Order, the London Borough of Hillingdon (The Council) as Local Planning Authority hereby **REFUSE** your application for a Certificate of Lawful Use or development under section 191 of the Act.

Description of development: The retention of an outbuilding as an independent unit of accommodation/flat
(Application for a Certificate of Lawful Development for a Existing Development)

Amended description

Location of development: 92 Porters Way West Drayton

Date of application: 23rd April 2024

Plan Numbers: See attached Schedule of plans

The grounds for the Council's decision are listed on the attached schedule:-

R Schinzen

Head of Development Management and Building Control

Date: 5th July 2024

NOTES: Your attention is drawn to the attached sheet which sets out the rights of applicants who are aggrieved by the decision of the Local Planning Authority.

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 69971/APP/2024/1050

SCHEDULE

The grounds for the Council's decision are as follows:-

Reason for Refusal:

- 1 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 probabilities, 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

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 69971/APP/2024/1050

SCHEDULE OF PLANS

TRICON/92PW/101 - received 23 Apr 0024

TRICON/92PW/103 - received 23 Apr 0024

Location Plan - received 23 Apr 0024

TRICON/92PW/102 - received 23 Apr 0024

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990

Application for Certificate of Lawfulness

Notes

If you are aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate under Sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part, you may appeal to the Department of Communities and Local Government (DCLG), under Section 195 of the Act (as amended).

Notice of appeal must be given in writing to the Planning Inspectorate, 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel; - 0117 372 8428). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://www.planning-inspectorate.gov.uk>. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence, must be supplied to the Inspectorate.

You are advised to consult the brief official guide and appeals, published by the Department of Communities and Local Government (DCLG), this and appeal forms can be obtained from the Planning Inspectorate on request.

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APPENDIX D

