

PLANNING APPEAL STATEMENT

FOR

OUTBUILDING USED AS A 2 BEDROOM BUNGALOW

AT

9 STIRLING ROAD, HAYES, MIDDLESEX, UB3 3AQ

LOCAL AUTHORITY REF:- 58893/APP/2020/2737

INTRODUCTION

This application for the continuous use of the outbuilding as a two bedroom bungalow.

The council refused the application for the following reasons:-

1. The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 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

The applicant has made 3 applications for the continuous use of the outbuilding as a two bedroom bungalow in the following dates in recent years.

1. 31st October 2018
2. 13th December 2019
3. 3rd March 2020

The above applications have all been refused as the council was not satisfied that the property was being used as a self-contained dwelling. Now this is the fourth application as each application submitted provided additional information by the appellant but each time the council refused the application on the balance of probability. This last application was submitted with the information provided for the 2019 application and additional information such as the council tax. The valuation office is satisfied that the outbuilding has been used as a self-contained dwelling and have back dated the council tax payable. The property is still occupied by the same tenant and has never been vacated.

If the council did think that the use was unlawful then they would have put an enforcement notice on the property which they have not done so and the information supplied gives evidence that the use is continuing and not stopped for a period of more than 4 years from the date of the application.

The use is still continuing and proof of this is via the council tax bill which is in the name of the tenant that has occupied the property since 2012.

The information supplied to the council consisted the following and is sufficient to show beyond reasonable doubt that the property is being occupied as a two bedroom dwelling for the last 8 years at least.

1. Council Tax Letter dated 14th June 2020
2. Valuation office letter dated 16th August 2020
3. Electrical certificate from 2017 stating that the installation was 15 years old.
4. Gas certificate from 2014 to 2017.
5. Neighbours letter and petition of 10 neighbours.
6. Tenancy agreements from 2012, with the same tenant who is currently in occupation.

The information provided is initially from the 2018 applications and various items have been added to each application. The same tenant is in occupation and his tenancy agreement is rolling over.

CONCLUSION

The appellant has provided sufficient information to show beyond reasonable doubt and on the balance of probability the outbuilding has continuously been used as a self-contained residential unit.

Therefore, the application for a lawful development certificate should be granted as the use of the outbuilding has clearly been a self-contained residential use and it has been in continuous use as a two bedroom bungalow for the last 8 years.

PLANNING APPEAL LIST OF DOCUMENTS

FOR

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LOCAL AUTHORITY REF:- 58893/APP/2020/2737

Documents:

Drawing Numbers:

Plan:- LW/VP/2862/01

Location Plan – LW/VP/2862/00 Rev A

Council Tax Letter dated 14th June 2020

Valuation office letter dated 16th August 2020

Electrical certificate from 2017 stating that the installation was 15 years old.

Gas certificate from 2014 to 2017.

Neighbours letter and petition of 10 neighbours.

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