

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, Transportation and Regeneration

Address 9 STIRLING ROAD HAYES MIDDLESEX

Development: Outbuilding used as two bedroom bungalow (Application for a Certificate of Lawful Development for a Existing Development)

LBH Ref Nos: 58893/APP/2020/2737

Drawing Nos: LW/VP/2882-01
LW/VP/2882-00 Rev. A

Date Plans Received: 28/08/2020 **Date(s) of Amendment(s):**

Date Application Valid: 24/09/2020

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, 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.

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

INFORMATIVES

2.0 APPRAISAL OF EVIDENCE SUBMITTED

The Applicant submitted an application for a Certificate of Lawfulness for the use as independent single detached dwelling at 9 Stirling Road, Hayes, for a period in excess of 4 years prior to the date of the application.

The planning officer has reviewed the submitted documents, which are listed below:

1. Council tax demand from the London Borough of Hillingdon, dated from March 2012 till April 2020.
2. Electrical Certificates - dated 2017, with estimated age of installation of 15 years.
3. Gas safety certificates.
4. Two neighbouring statements, providing evidence that neighbours are aware that the outbuilding is let out.
5. Rent book - dated 2012 till 2019.
6. Statutory declaration from tenant.
7. Statutory declaration from landlord.
8. Tenancy Agreement 15-03-2012 to 14-03-2014.

9. Tenancy Agreement 15-03-2014 to 14-03-2016.

Comments on the Evidence Provided

The evidence provided must show continuous use of the Outbuilding covering a 4 year period prior to the date of the application (20 August 2019) this being the relevant period.

The planning officer has reviewed the documents and checked our internal GIS system to check whether the building was complete. From the GIS maps it is evident that the outbuilding has been in existence at least since 2008. Additional information has been provided from the previously refused certificate applications.

However from the evidence submitted it is not possible to come to a conclusion that the outbuilding has been used for more than 4 years prior to the application date. The evidence does suggest occupancy, however the, the electrical/gas certificates are dated 2016/2017, 1 neighbour letter is dated 2018 and the other is undated, the statutory declarations are both dated 2018, the tenancy agreements only go up to 2016, the tenant letter is dated 2018 and the council tax bill appears to be a demand for back dated council tax. It does not show that council tax has been paid since 2012.

It is for the Applicant to supply information that is sufficiently precise and unambiguous to satisfy the Council that on the balance of probability the Outbuilding has been used as a dwelling for 4 years or more, prior to the date of the application. On the balance of probability, insufficient evidence has been received to prove that the outbuilding has been in continuous use as a self contained residential unit for a period of four years prior to the date of this application.

The Certificate therefore has to be refused.

3.0 Relevant Planning History

58893/APP/2003/2589 9 Stirling Road Hayes Middlesex

ERECTION OF A SINGLE STOREY REAR EXTENSION AND PART FIRST FLOOR, PART TWO STOREY SIDE/REAR EXTENSION

Decision Date: 18-12-2003 Refused

58893/APP/2004/343 9 Stirling Road Hayes Middlesex

ERECTION OF PART FIRST-FLOOR, PART TWO-STOREY SIDE AND PART TWO-STOREY, PART SINGLE-STOREY REAR EXTENSIONS

Decision Date: 06-04-2004 Approved

58893/APP/2016/3283 9 Stirling Road Hayes Middlesex

Loft conversion with rear dormer

Decision Date: 13-09-2016 NFA

58893/APP/2018/3146 9 Stirling Road Hayes Middlesex

Use of outbuilding as a two bedroom self-contained dwelling (Application for a Certificate of Lawful Development for an Existing Development)

Decision Date: 31-10-2018 Refused

58893/APP/2019/2777 9 Stirling Road Hayes Middlesex

Use of outbuilding as a two bedroom self-contained residential unit (Application for a Certificate of Lawful Development for an Existing Development)

Decision Date: 13-12-2019 Refused

58893/APP/2019/4078 9 Stirling Road Hayes Middlesex

Outbuilding used as two bedroom bungalow (Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.)

Decision Date: 03-03-2020 Refused

Contact Officer: Nurgul Kinli

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