

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 298 COLDHARBOUR LANE HAYES

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

LBH Ref Nos: 44828/APP/2019/1921

Drawing Nos: ASB716-01
ASB716-02
Location Plan (1:1250)

Date Plans Received: 07/06/2019 **Date(s) of Amendment(s):**

Date Application Valid: 11/06/2019

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 Lawful Development Certificate for the continued use of outbuilding as a two bedroom flat. (Application for a Certificate of Lawful Development for an Existing Development).

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 former outbuilding has been used as a self contained residential unit for 4 years prior to this application.

The Applicant has made an application for a Certificate of Lawfulness for the use of the detached outbuilding as a self-contained dwelling for a period in excess of 4 years prior to the date of the application.

The Evidence Considered

In coming to a decision, I have considered the applicant's application form with the following supporting documents attached:

- Location Plan
- Block Plan
- Existing Plan
- Affidavits in support of the application

Comments on the Evidence Provided

On the application form at section 5, the applicant states that the existing use is of detached outbuilding as a two bedroom flat. At section 6 the applicant specifies that the building has been in use as a single dwelling house for over 4 years at the date of the application.

The applicant has provided two affidavits in support of the application stating the detached outbuilding has been used as a single dwelling for over 4 years.

One affidavit is by M. Singh stating he has resided there from 1st January 2018 till June 2019 and the second is by the applicant A. Bal stating the outbuilding was used as a dwelling house between 1st January 2015 and December 2017.

The applicant has not provided any statements from neighbours or previous tenants.

The applicant has not provided proof of any of these tenancies by way of bank statements, utility bills, electoral record or tenancy agreements.

The applicant also provided 3 plans including a Block Plan and Existing Plan. The Block Plan shows a side access and the Existing Plan shows two bedrooms, a kitchen, lounge and shower room. No toilet area is shown.

I advise that a site check is carried out to confirm suitability and other matters.

Conclusion

Following consultation with the Council's Legal Team, and a full review of evidence submitted, it is concluded that the applicant has not provided sufficient evidence in support of the application for a certificate. The only form of evidence is an affidavit from two previous occupiers. This does not conclusively entail the use of the 'outbuilding' as a self contained 2 bedroom unit. No other form of evidence in the form of bank statements, utility bills, rent receipts, TV license, or Council Tax has been provided to corroborate the proposal.

On the balance of probability, the outbuilding has not 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

44828/90/0892

298 Coldharbour Lane Hayes

Erection of two-storey side, single-storey front and rear extensions

Decision Date: 12-07-1990

Approved

44828/APP/2003/1253 298 Coldharbour Lane Hayes

ERECTION OF A PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION

Decision Date: 16-07-2003 Approved

44828/APP/2003/434 298 Coldharbour Lane Hayes

ERECTION OF SINGLE STOREY GROUND FLOOR FRONT EXTENSION AND PART SINGLE
STOREY, PART TWO STOREY REAR EXTENSION

Decision Date: 07-04-2003 Refused

Contact Officer: Naim Poptani

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