

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 2 BRIXHAM CRESCENT RUISLIP

Development: Conversion of dwelling to 1 x two storey 4-bed dwelling and 1 x 1-bed flat to rear (Application for a Certificate of Lawfulness for an existing use or operation or activity)

LBH Ref Nos: 48033/APP/2015/1429

Drawing Nos: Location Plan (1:1250)
4534-1 Rev. A
Supporting Statement

Date Plans Received: 21/04/2015 **Date(s) of Amendment(s):**

Date Application Valid: 28/04/2015

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 proposed 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 application seeks a certificate of lawful use for the conversion of dwelling to 1 x two storey 4-bed dwelling and 1 1-bed flat to rear. With such an application, the onus is on the applicant to show on a balance of probability that the residential unit has been subdivided and used as two residential units continuously for a period of 4 years.

Council's Legal Officer:

I have reviewed the evidence provided in relation to the above matter, but I am unable to confirm at this stage whether or not a certificate should be granted.

I am concerned that if we were to proceed on the basis:

1. Of the evidence provided, only, the entire application period is not covered for continuous use; and

2. That it is a breach of condition, the alleged conversion in itself may be enough to satisfy the ten year use.

In order to be eligible for the grant of a certificate of lawfulness the residential use must have persisted, without interruption, for at least four years. Having reviewed the legislation and evidence provided, it is considered that enough evidence has not been provided in support of the application relating to continual uninterrupted use.

As such the application is recommended for refusal.

3.0 Relevant Planning History

48033/93/0833 2 Brixham Crescent Ruislip

Erection of a single storey side and rear extension involving conversion of garage to a habitable room

Decision Date: 11-11-1993 Approved

48033/APP/2009/180 2 Brixham Crescent Ruislip

Conversion of dwelling to 1 two storey four-bedroom dwelling and 1 one-bedroom flat to rear (Application for a Certificate of Lawfulness for an existing use or operation or activity).

Decision Date: 26-03-2009 Refused

48033/B/94/0485 2 Brixham Crescent Ruislip

Details of tree replacement in compliance with condition 4 of planning permission ref. 48033/93/833 dated 11.11.93; Erection of a single storey side and rear extension involving conversion of garage to a habitable room

Decision Date: 16-02-1995 NFA

Contact Officer: Scott Hackner

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