|  |
| --- |
| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **EP** | **Date:** | **13/09/2023** | **Manager:** | **KH** | **Date:** | **19/09/23** |
|  |
| **Application Ref:** | 3/2023/0519 |  |
| **Date Inspected:** | N/A | **Site Notice:** | N/A |
| **Officer:** | EP |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
|  |
| **Development Description:** | Lawful development certificate for existing hip to gable roof alteration and front and rear dormer windows.  |
| **Site Address/Location:** | 318 Pleckgate Road Ramsgreave BB1 8QU |
|  |
| **CONSULTATIONS:**  | **Parish/Town Council** |
| **N/A** |
|  |
| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | **N/A** |
|  |
| **CONSULTATIONS:**  | **Additional Representations.** |
| **N/A** |
|  |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| Town and Country Planning Act 1990 Section 191Planning and Compensation Act 1991 Section 171B Time limitsNational Planning Practice Guidance: Lawful development certificates |
| **Relevant Planning History:**No relevant planning history.  |
|  |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The proposal relates to a semi-detached property located within the settlement boundary of Ramsgreave. The surrounding area is predominantly residential, with Greenbelt land situated to the North of the site. The site itself is not situated on any designated land.  |
| **Proposed Development for which consent is sought:**The application seeks to establish that the works carried out to the building are lawful having regard to Section 171(B) of the Planning and Compensation Act 1991. It is the applicant’s claim that the building works had been completed by April 2019, with the ‘relevant period’ being more than four years. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate. The building works applied for are: Hip to Gable Roof alterations and dormer windows to both the front and rear elevations.  |
| **Principle of Development:**The main issue is whether or not there is sufficient evidence to support that the operational development is lawful by virtue of it being in place for four years or more on or before the date of this application (11/07/2023) and beginning with the date on which the operations were substantially completed, which would make the building operations exempt from enforcement action under Planning and Compensation Act 1991 171B Time limits. |
| **Observations/Consideration of Matters Raised/Conclusion:**Section 171B of the Town and Country Planning Act states that *‘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’.*Furthermore section 191 of the same act states that:*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.**T*he information submitted with the application is listed below* Existing Floor Plans and Elevations 23/2403/01
* Proposed Floor Plans and elevations 23/2403/02
* Design and Access Statement

The elevational drawings provided show the property prior to the commencement of works and the property following works commencing. There is insufficient detail on the plans to establish whether the hip to gable and rear dormer roof extensions fall under the realm of permitted development. The front dormer extension, given it is on a principal elevation fronting a public highway, does not fall under permitted development.The applicant has provided a brief supporting statement which states that work commenced in November 2018 and were completed by April 2019. However, no timestamped images of the works during construction have been provided, nor has any documentation been provided which confirms the commencement and completion of works. The timeframe for works provided by the applicant is vague with no specific detail of dates provided. Moreover, no testimonials have been provided to confirm when the development was started and substantially completed.In conclusion, the applicant has failed to demonstrate, due to a lack of supporting evidence as required by Section 191 of the Town and Country Planning Act 1990 that the works had been reasonably completed in excess of four years ago to align with the time limits within Section 171B of the same act.  |
| **RECOMMENDATION**: | That consent for a Certificate of Lawfulness be refused.  |