

Recommendation: **REFUSE A CERTIFICATE OF LAWFUL USE**

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Whether the Development would require Planning Permission

Following a history search of the property it was revealed Permitted Development Rights were removed for Schedule 2, Part 1, Classes A, D, E and F of the General Permitted Development Order under Planning Applications 90/52395/000 Condition No. 11 and 91/52395/001 Condition No. 16:-

90/52395/000 - Condition 11

'Notwithstanding the provisions of any Town & Country Planning General Development Order no extension, building or structure permitted by Part 1 Classes A, D and E of the 1988 Order shall be constructed on the site without the prior written consent of the Local Planning Authority.'

91/52395/001 - Condition 16

Notwithstanding the provisions of any Town & Country Planning General Development Order no extension, building or structure permitted by Part 1 Classes A, D & E, and hardsurface permitted by Part 1 Class F of the 1998 Order as amended, shall be constructed on the site without the prior written consent of the Local Planning Authority

Therefore the property can not benefit from a Lawful Development Certificate for Proposed Use or Development and a Householder Planning Application would be required for the proposed works.

8 Conclusion

The application is unlawful due to the removal of Permitted Development Rights for Schedule 2, Part 1 Class A and a Full Householder Planning Application would be required for the proposed works.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/19/00159 for the following reasons

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 06 February 2019 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

The Permitted Development Rights were removed under applications 90/52395/000 and 91/52395/001, therefore a planning application would be required for the proposed extension.

FIRST SCHEDULE:

This decision relates to the following development: Application for Certificate of Lawfulness relating to the erection of a single storey rear extension as described in the

written particulars, plans and other documents submitted as part of this application which are detailed below;

Existing Plans – Drawing No. KALO-0209-01 – Received 06 February 2019

Proposed Floor Plans, Block Plan and Location Plan – Drawing No. KALO-0209-02 - Received 06 February 2019

Proposed Elevations and Section – Drawing No. KALO0209-03 – Received 06 February 2019

SECOND SCHEDULE:

This decision relates to land at 15 Barney Evans Crescent, Waterloooville, PO8 8SR as shown edged red on the Proposed Floor Plans, Block Plan and Location Plan – Drawing No. KALO-0209-.