
Site Address:	23 The Mallards, Havant, PO9 1SS		
Proposal:	Application for certificate of lawfulness relating to existing rear conservatory.		
Application No:	APP/17/00045	Expiry Date:	07/03/2017
Applicant:	Mrs King		
Agent:		Case Officer:	Karen Wooden
Ward:	St Faiths		

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

1 Site Description

The property the subject of this application is a two storey detached dwelling located in a residential cul-de-sac.

2 Planning History

09/73886/000 - Change of use of land to the west of No. 23 The Mallards on the west of the stream, to residential amenity space, including ranch style fencing of between 1-1.25m in height., PERM,17/12/2010

3 Proposal

- 3.1 Application for a Lawful Development Certificate relating to the existing single storey rear conservatory.

4 Policy Considerations

- 4.1 The outcome of the application hinges not on matters of planning policy but on the quality of evidence available as to the construction date of the conservatory.

5 Statutory and Non Statutory Consultations

- 5.1 No consultations required for this application.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 The outcome of the application hinges not on matters of planning policy but on the quality of evidence available as to the current use of the site and its longevity.
- 7.2 Submitted Evidence
Copy of a plan dated 01.10.2003
Photograph of the conservatory partially constructed
- 7.3 Appraisal of Evidence
The evidence submitted with this application is limited. However, the LPA must still make a determination of the application as submitted and this must be based on the evidence provided and on the balance of probability. The factual provided evidence does not support the application.
- 7.4 The photographic evidence gives no indication as to the date in which it was taken. Therefore is not evidence that the conservatory has been in situ for four years or more.
- 7.5 Although the submitted plan is dated 01.10.03, this cannot be accepted as evidence of when the conservatory was constructed..
- 7.6 A search of the planning history has not revealed conditions that restrict 'Permitted Development' rights, nor is the dwelling part of an Article 4 direction.

8 Conclusion

- 8.1 The applicant has failed to provided credible evidence that the conservatory has been constructed for a period in excess of 4 years.

In conclusion, having reviewed all the information submitted with the application and on the balance of probability, it has not been satisfactorily demonstrated that the conservatory has been constructed for a period of at least four years. The Lawful Development Certificate should therefore be refused on this basis.

9 RECOMMENDATION:

Refuse

- 1 Having reviewed all the information submitted with the application and on the balance of probability, the applicant has failed to provided credible evidence that the conservatory has been in situ for a period in excess of 4 years.