

To:  
Mr P Bennett  
Kalotec Limited  
Cams Hall  
Cams Hill  
Fareham  
PO16 8AB

For: Mr Garland

Ref No.: APP/21/01132

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**Town and Country Planning Act 1990: Section 191 and 192 (as amended by  
Section 10 of the Planning and Compensation Act 1991)  
Town and Country Planning (General Development Procedure) Order 1995  
Article 24  
REFUSAL TO GRANT CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

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Havant Borough Council, as Local Planning Authority, **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/21/01132, for the following reasons:

- 1 There is sufficient evidence to show that the proposed development does not constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This is because the existing development to be extended is not considered incidental to the enjoyment of the dwellinghouse as required by Class E and does not satisfy the interpretation of Class E (E4) of the Permitted development rights for householders Technical Guidance 2019. The proposed development is not considered lawful and as such planning permission from the Local Planning Authority is required. Therefore, a Lawful Development Certificate cannot be issued.

**Simon Jenkins**

Simon Jenkins  
Head of Planning (East Hampshire and Havant)

23 November 2021

**FIRST SCHEDULE:**

This decision relates to the following development:

Application for Certificate of Lawfulness relating to proposed extension to existing annex. as described in the written particulars, plans and other documents submitted with your application received on 30 September 2021.

**SECOND SCHEDULE:**

This decision relates to land at 54 Stakes Road, Waterloooville, PO7 5NT as shown edged red on the submitted Location Plan received 30 September 2021.

**OTHER IMPORTANT INFORMATION:**

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision. See [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/development specified above on land specified above may be liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.
- (3) In view of this refusal to grant the certificate applied for, planning permission will need to be applied for in respect of the development.

# TOWN AND COUNTRY PLANNING ACT 1990

## NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**  
**If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Our Ref: APP/21/01132

# **IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS**

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

**023 9244 6571**