
Site Address:	32 Stockheath Lane, Havant, PO9 3BT		
Proposal:	Certificate of Lawful Development relating to the conversion of the garage to living accommodation		
Application No:	APP/13/00451	Expiry Date:	08/07/2013
Applicant:	Mr P Handley	Team:	Team 1
Agent:		Case Officer:	Richard Nash
Ward:	Battins		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site comprises a semi-detached dwelling of traditional design and construction, located within a modest plot on the east side of Stockheath Lane, south of its junction with St Francis Place.

2 Planning History

97/62008/001: Construction of 2 no 3 bedroom detached dwellings and garages with new access. Approved subject to conditions, including one requiring the garages to be kept available for the parking of cars and not to be converted to living accommodation.

3 Proposal

This application seeks a Certificate of Lawfulness for the conversion of an attached garage to living accommodation. The works have already taken place.

4 Policy Considerations

There are no policy implications in considering applications of this nature.

5 Statutory and Non Statutory Consultations

None

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: 0

Number of site notices: Not applicable

Statutory advertisement: Not applicable

Number of representations received: Nil

7 Planning Considerations

- 7.1 In considering applications for Certificates of Lawfulness the onus is on the applicant to demonstrate that the development applied for is lawful. In this case the Applicant has provided evidence to show that the works undertaken to convert the garage were completed during February 2009, in excess of four years from the date of the application. However, the work was carried out in breach of condition 11 of planning permission 97/62008/001, which states that:

'The garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.'

- 7.2 The time limit associated with breaches of condition, beyond which they become immune from enforcement action, is ten years. Therefore, it would have to be proven that the conversion works had been completed at least ten years before the date of the application for a Certificate to be granted in this case. The application cannot therefore be approved in its present form and requesting further evidence would not alter this situation.

8 Conclusion

The available evidence shows that the works undertaken to convert the garage in breach of condition 11 of planning permission 97/62008/001 were completed less than ten years before the date of the application. A Certificate of Lawfulness should not therefore be granted in this case.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/13/00451, for the following reason:

- 1 It appears to the Local Planning Authority that, on the balance of probability, the development described in the First Schedule attached to this Certificate was not completed at least ten years prior to the date of the current application.

FIRST SCHEDULE

This decision relates to the following use/development:

The conversion of a garage to living accommodation, in breach of Condition 11 of planning permission 97/62008/001, as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE

This decision relates to 32 Stockheath Lane, Havant, PO9 3BT.