Horsham District Council

Mrs Ivonne Martinez Alberdi
8 Montford Place
London
E15 2ZD

TOWN & COUNTRY PLANNING ACT 1990: S192 (as amended by S10 of THE PLANNING AND COMPENSATION ACT 1991)

TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

CERTIFICATE OF LAWFUL DEVELOPMENT OR USE (PROPOSED) – SPLIT DECISION

Application No: DC/24/1050

Horsham District Council hereby certifies that on 16/07/2024, the use/operations/matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate was lawful in part and not lawful in part (as outlined below) within s192 of the Town and Country Planning Act 1990 (as amended) and for the reason(s) below:

The certificate is hereby GRANTED pursuant to the works sought under Class G of Part 14 Schedule 2 of the General Permitted Development Order 2015 (as amended) subject to the following condition:

1 **Regulatory Condition**: The air source heat pump hereby permitted shall comply with the MCS Planning Standards, or an equivalent standard, and shall be retained as such thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

The certificate is hereby REFUSED pursuant to works sought under Class A of Part 1 Schedule 2 of the General Permitted Development Order 2015 (as amended) for the following reason:

1. The existing dwellinghouse was given outline approval under ref: DC/09/1222. Condition 15 of this approval prevents development taking place within Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 without express planning consent from the Local Planning Authority first being obtained. The development would not therefore be permitted by Article 3(4) of the Town & Country Planning (General Permitted Development) (England) Order 2015, and planning permission would instead be required.

FIRST SCHEDULE

Erection of pitched one storey side extension between the existing residence and garage, including the insertion of new doors and windows in the front and rear elevations and air source heat pump (Lawful Development Certificate - Proposed)

SECOND SCHEDULE

77 Meadow Drive Henfield West Sussex BN5 9FG

Schedule of plans/documents

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	09.07.2024
Block plan		IMA-24002-00001 REV P003	09.07.2024
Design & Access Statement	Part 1 of 2	NONE	16.07.2024
Design & Access Statement	Part 2 of 2	NONE	16.07.2024
Floor plan	Ground, as existing	IMA-24002-01101 REV 004	16.07.2024
Elevation plan	North and South, as existing	IMA-24002-01200 REV 003	16.07.2024
Elevation plan	East, West, and Garage, as existing	IMA-24002-01201 REV 003	16.07.2024
Section plan	Long and Cross, as existing	IMA-24002-01300 REV 003	16.07.2024
Roof plan	As proposed	IMA-24002-10100 REV 004	16.07.2024
Floor plan	Ground, as proposed	IMA-24002-10101 REV 005	16.07.2024
Elevation plan	North and South, as proposed	IMA-24002-10200 REV 003	16.07.2024
Elevation plan	East, West, and Garage, as proposed	IMA-24002-10201 REV 004	16.07.2024
Section plan	Long and Cross, as proposed	IMA-24002-10300 REV 003	16.07.2024
Details plan	As proposed	IMA-24002-10501 REV 002	16.07.2024
Roof plan	As existing	IMA-24002-01100 REV 003	16.07.2024

Your right to appeal

Where your application to the Council has been refused or refused in part you may appeal under s195 of the Act to the Secretary of State for Communities and Local Government. Further details and appeal forms are available at **www.gov.uk/appeal-lawful-development-certificate-decision**.

Additional notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use or works specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, would not have been liable for enforcement action under Part 7 of the 1990 Act on that date.

3. This certificate applies only to the extent of the proposal described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable for enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



Emma Parkes
Head of Development and Building Control

Date: 09/09/2024