Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0081
5 Old Yard Close, Partridge Green, West Sussex, RH13 8EZ

DESCRIPTION:
Application to confirm the substantial completion of single storey rear extension in 2011 (Lawful Development Certificate - Existing)

RELEVANT PLANNING HISTORY:
None relevant

SITE LOCATION & APPLICATION DESCRIPTION
The application site comprises a detached two-storey dwellinghouse erected in 1999, planning ref: WG/14/99. The site is located within a built-up residential area in Partridge Green. The site is not within a conservation area and there are no Article 4 Directions covering the site.

PLANNING ASSESSMENT
The application seeks a Certificate of Lawful Development to confirm the substantial completion of single storey rear extension in 2011.

Planning permission for the dwelling was permitted in 1999 under reference WG/14/99. This permission was subject of a condition, no.10, which stated:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or Orders amending or revoking and re-enacting the same, the building(s) shall not be extended or altered in any way, unless permission is granted by the Local Planning Authority on applications in that behalf.

Reason: To maintain control over the development interests of amenity."

The extension would have been permitted development but as consequence of the above condition would have required planning permission. The extension does though represent operational development and the operative time limit of 4-years is therefore relevant (rather than a 10-year breach of condition).

The evidence submitted:

- *Invoice for works dated 29.10.2010*
- *Invoice for kitchen installation 12.11.2011*
- *Building completion certificate and plans*
- *Invoice for works 2010*
- *S&M construction invoice for works 23.08.2011*
- *Reflex invoice for works 22.08.2011*
- *Extension notes and specifications October 2010*
- *Image of rear extension*
- *Image of new AGA*

- *Proposed floor plan: CR/944/03 REV B*
- *Location Plan*
- *Christmas Video 2011*

Council's evidence:

- *Council mapping system*
- *Questionnaire response from 1 Rose Cottages*
- *Questionnaire response from 1 Prospect Villas*
- *Questionnaire response from Woodbine Cottage*
- *Questionnaire response from 3 Prospect Villas*

Section 191(4) of the Town and Country Planning Act 1990 state that:

"*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application…they shall issue a certificate to that effect; and in any other case they shall refuse the application*."

The Court held in F W Gabbitas v SSE and Newham LBC [1985] JPL 630 that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

From inspection of the Council's mapping system, which shows aerial imagery from 2001-2018, it shows that the extension was not in situ in 2007 but was in 2012. Further research from getmapping.com, which shows satellite imagery from 2009, provides evidence that the extension was not in situ, but the image from 2012 shows the extension in situ. It is therefore reasonable to assume that the extension was built between the years of 2009 and 2012. This is supported by evidence submitted as part of the application, with drawings and invoices dated between 2010 and 2011, and a Building Control completion certificate dating from October 2010.

On the basis of the available information, it has been demonstrated, on the balance of probability, that the rear extension has been substantially completed for a period in excess of 4 years prior to the date of the application. A certificate of lawfulness should therefore be granted.

Recommendation: Application Permitted

Conditions:

1. It has been demonstrated, on the balance of probability, that the single-storey rear extension has been substantially completed for a period in excess of 4-years prior to the date of this application.

Plans list for: DC/24/0081
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		CR/944/01	22.01.2024
Location plan		NONE	22.01.2024
Block plan		NONE	22.01.2024

Floor plan	As existing	CR/944/02	22.01.2024
Floor plan	As proposed	CR/944/03 REV D	22.01.2024
Elevation plan	As existing and proposed	CR/944/10 REV A	22.01.2024
Section plan	As proposed	CR/944/20	22.01.2024
Supporting Docs	Invoices x5 to evidence works	NONE	16.01.2024
Photos	Rear extension	NONE	16.01.2024
Photos	New Aga	NONE	16.01.2024
Supporting Docs	Building Certificate and plans	NONE	16.01.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 12.03.2024

Authorising Officer sign/initial Guy Everest Date: 18.03.2024