

DELEGATED REPORT

Report by Sam Summers	Date of report: 14/08/2025	Ref: 72015/LDCE
Registration: 06/06/2025	LDFC:	Expiry Date: 01/08/2025
Site Visit: 31/07/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful Development Certificate for existing decked sheltered area with a built in shed

Location: 7 Alexandra Avenue, Whitefield, Manchester, M45 6DW

Description

Lawful Development Certificate for existing decked sheltered area with a built in shed under Section 191 of the Town and Country Planning Act 1990 (as amended)

The application has been made on the basis that the decking area and shed have been in place and used for a period of 4 years or more, thus rendering the construction of the decking and shed immune from planning enforcement action in accordance with the time limits set under Section 171B(3) of The Town and Country Planning Act 1990

Relevant Planning History

None

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

On April 25th 2024 the regulations around enforcement time limits were amended to make all works or changes of use carried out without the benefit of planning permission require ten years to have passed to be immune from planning enforcement. The transitional provisions introduced meant that if your project was "substantially completed" before April 25th 2024, then the new time limit would not apply.

The onus is on the applicant to show by way of evidence that the building to which the application relates has been in place for 4 years or more making it immune from planning enforcement action, thus making the building lawful. The legal test for evidence is on the "balance of probabilities" which in practice means that unless the authority has in its possession evidence that is clearly contrary to that submitted it must grant a certificate. Evidence submitted does not need to be corroborated by third parties.

The building in question can be seen on google images dated November 2020 confirming the timeline submitted by the applicant for the construction of the outbuilding and decking.

DELEGATED REPORT

As such on the balance of probability the building and decking have been in place for at least a period of 4 years

The evidence shows that on the balance of probability the decking and shed have been in place for at least 4 years from the date of application and is therefore lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The decking and shed as described in First Schedule are deemed to be established and not liable to enforcement action under Section 172 of the Town & Country Planning Act 1990 (as amended) by reason of it existing on site on a continuing basis for four years or more.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	14/08/2025	DM	14/8/25