

DELEGATED REPORT

Report by Sam Summers	Date of report: 02/09/2024	Ref: 70884/LDCE
Registration: 28/06/2024	LDFC:	Expiry Date: 23/08/2024
Site Visit: 23/08/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for existing single storey extension to the rear of the property

Location: 16 Campbell Close, Tottington, Bury, BL8 3BB

Description

Lawful development certificate for existing single storey extension to the rear of two storey detached brick and tile dwellinghouse

Relevant Planning History

None

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

From 25 April 2024 the time limit for taking any form of enforcement action is ten years. This includes building or other operations, material changes of use and breaches of condition.

A four-year time limit applies only to:

Breaches involving the building or other operations without planning permission where substantial completion is before 25 April 2024;

Breaches involving the change of use of any building to use as a single dwellinghouse where the change took place before 25 April 2024.

The onus is on the applicant to show by way of evidence that the building to which the application relates has either been in place for 10 years or more or 4 years or more if substantially completed before 25 April 2024 making it immune from planning enforcement action, thus making the extension 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.

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The applicant has provided documentation from Bury Building Control including a completion certificate for the extension dated 27/10/2017. The council has no evidence to the contrary of this.

The evidence shows that on the balance of probability the single storey rear extension has been in place for at least 4 years from the date of application and is therefore lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The rear extension as described in the First Schedule is 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	02/09/2024	DM	02/09/24