

DELEGATED REPORT

Report by Mark Kilby	Date of report: 04/03/2022	Ref: 68078/LDCP
Registration: 23/02/2022	LDFC:	Expiry Date: 20/04/2022
Site Visit:	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 proposed single storey rear extension to extend 3m from the rear of the property and to be built from materials to match the existing dwelling

Location: 31 Ainsdale Avenue, Bury, BL8 2RW

Description

An application for a lawful development certificate for a proposed single storey rear extension to a semi-detached two storey brick and slate dwellinghouse.

Relevant Planning History

None.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations - Not applicable.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

Issues and Analysis

In applications for lawful development the onus is on the applicant to provide evidence to satisfy the legal test of that on the balance of probability the use or operation that has been applied for is or would be lawful. And that the evidence must be precise and unambiguous.

The applicant has not submitted any evidence by way of plans of the proposal to show that what is being applied for would comply with the limitations and conditions laid out under Part 1, Class A - Development within the Curtilage of the Dwellinghouse of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

For the avoidance of doubt the application form asks under the section "Description of Proposal" the applicant to indicate on plans the precise siting and exact dimensions of the proposal.

In this instance a lawful development certificate cannot be granted as no evidence of lawfulness has been provided.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is considered to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended). The applicant has not submitted any evidence by way of plans of the proposal to show that what is being applied for would comply with the limitations and conditions laid out under Part 1, Class A - Development within the Curtilage of the Dwellinghouse of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this instance a lawful development certificate cannot be granted as no evidence of lawfulness has been provided.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	04/03/2022		