



ROBINSON ESCOTT PLANNING LLP



CHARTERED TOWN PLANNING AND DEVELOPMENT CONSULTANTS

DOWNE HOUSE, 303 HIGH STREET, ORPINGTON, KENT BR6 ONN, TEL: 01689 836334 FAX: 01689 878091

Email: enquiries@replanning.co.uk Website: www.replanning.co.uk

**PLANNING APPLICATION FOR
A CERTIFICATE OF LAWFULNESS
FOR THE RETENTION OF UTILITY ROOM EXTENSION**

BY

MR & MRS C. ROBSON

RELATING TO

**EDEN HALL FARM
STICK HILL
COWDEN
EDENBRIDGE
KENT
TN8 5NL**

PLANNING STATEMENT

OUR REF: PH/21/30

JOHN ESCOTT BA (HONS) DipTP MRTPI PETE HADLEY BA (HONS) DipTP MRTPI JOE ALDERMAN MA MRTPI
NEAL THOMPSON BSc (HONS) MSc MRTPI RACHEL ESCOTT BA (HONS) DipTP
CONSULTANT: BOB MCQUILLAN BA (HONS) MCD MRTPI MRICS

1. INTRODUCTION

- 1.1. We have been instructed by Mr & Mrs C Robson to submit an application for a Certificate of lawfulness for an existing development concerning an extension that has historically been added to their detached home at Eden Hall Farm, Stick Hill, Edenbridge Kent, TN8 5NL.
- 1.2. The extension in question amalgamates what was formerly a utility room outbuilding, located on the northern side of the existing detached dwelling at Eden Hall Farm.
- 1.3. The background to this matter is that in September 2009, an appeal was allowed (SE/08/03344/FUL – APP/G2245/A/09/2100935) for the demolition of the utility outbuilding along with the provision of a single and two storey extensions to the house and the erection of a front entrance porch.
- 1.4. The plans submitted at the time showed the utility room outbuilding to be removed and Condition 3 of the permission allowed on appeal required for the utility building to be demolished and removed from the land '*before development commences*'. A copy of the Inspectors decision and plans consented at the time can be seen in **APPENDIX 1** of this statement.
- 1.5. The works that were subsequently undertaken to implement the permission incorporated the provision of a front porch and the introduction of the lean-to style extension on the northern side of the dwelling that incorporated a second porch leading to an approved utility room. The rear additions that were consented were not however introduced.
- 1.6. However, the works also incorporated the provision of an additional extension on the northern side of the dwelling (which did not form part of the consented plans). This additional extension included the amalgamation of the utility outbuilding as part of the extension to the house rather than demolishing it as required by the appeal scheme.
- 1.7. The extension works which comprised provision of a front porch and the introduction of the lean-to style extension on the northern side of the dwelling (as allowed on appeal)

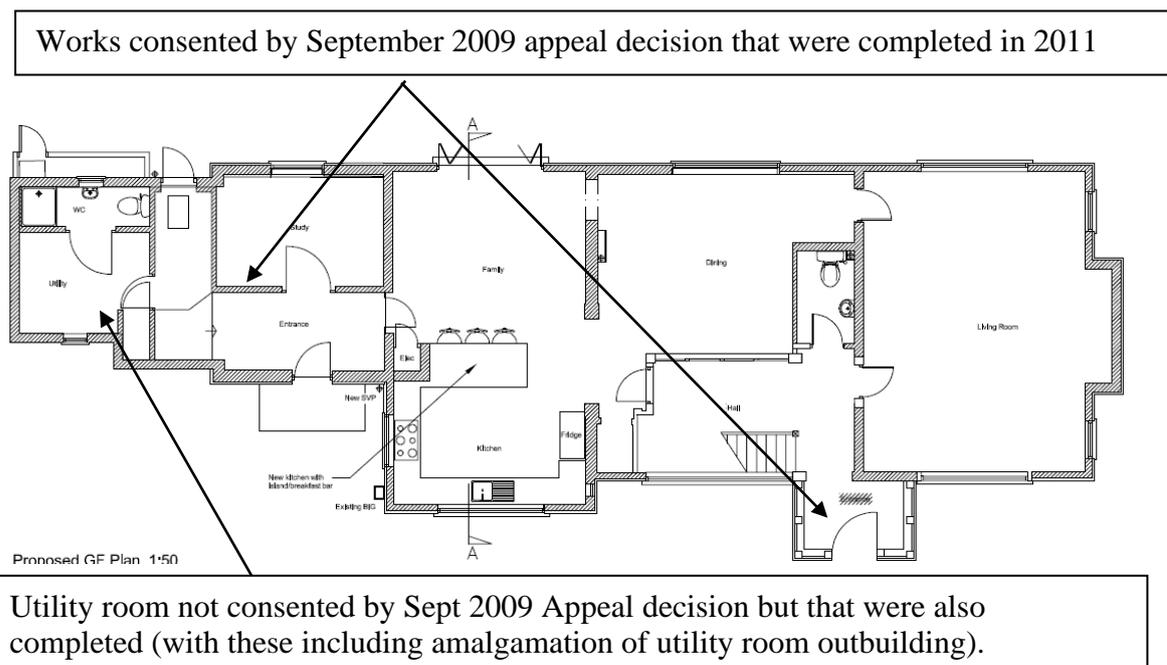
along with the lean-to extension addition (which did not form part of the appeal approval) were commenced in February 2011, and were completed in mid-April 2011.

- 1.8. This application for a certificate of lawfulness is therefore submitted in order to establish via the 10-year rule that the additional single storey extension on the northern side of the dwelling which has incorporated the utility room outbuilding as part of the addition now comprises lawful development given the passage of time and the evidence presented herewith.

- 1.9. The ten-year rule is applicable in this case in light of condition 3 of the appeal allowed in September 2009 (SE/08/03344/FUL – APP/G2245/A/09/2100935/NWF) requiring for the utility room outbuilding to be removed prior to work commencing. It is therefore necessary to prove beyond reasonable doubt that the condition has been breached for in excess of ten years.

2. THE PROPOSAL

- 2.1. As detailed within the introduction to this statement this application seeks a certificate of lawfulness for existing development that comprises the retention of the existing linked utility room on the northern side of the dwelling. This addition links into an extension forming secondary entrance to the property and study (originally shown as a utility room) which formed part of plans allowed on appeal in September 2009 as illustrated in **APPENDIX 1** of this statement.
- 2.2. The application is submitted for a certificate of lawfulness for existing development via the '10-year rule' in light of the breach of condition 3 of the September 2009 appeal consent with this requiring for the utility room outbuilding to be removed prior to work commencing. The utility room outbuilding was not removed when extension works were consented but amalgamated into the additional single storey addition on the northern side of the house that has now existed for in excess of 10 years.
- 2.3. This statement is accompanied by full plans and elevations of the house 'as existing' to be read in conjunction with the plans allowed on appeal on 2 September 2009 which can be seen in **APPENDIX 1**.





- 2.4. This statement incorporates the provision of evidence beyond reasonable doubt that the single storey utility room side extension (in addition to the extension works allowed in 2009) has been in situ for the requisite 10-year period.

3. THE EVIDENCE

- 3.1. This application is submitted in accordance with Section 191 of the Town and Country Planning Act and therefore comprises an application for 'A Certificate of Lawfulness for an Existing Use or Development'.
- 3.2. In light of the breach of condition 3 of the 2009 appeal decision with the utility room building having been retained and amalgamated as part of an additional single storey extension built in 2011, this application is submitted in order to demonstrate that the extension incorporating the utility room has been in existence in excess of 10 years.
- 3.3. It is acknowledged that in accordance with Section 191 of *The Act*, '*the burden of proof is on the applicant and the standard of proof is the balance of probabilities. This specifies that if a Local Planning Authority has no evidence itself nor any from other, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*'.
- 3.4. This application therefore incorporates evidence of when the works were 'commenced' which is also the date that condition 3 of the September 2009 appeal decision was 'breached' with this requiring the utility room to be demolished prior to the development 'commencing'. It also includes evidence of the extension works that were then undertaken and dates that they were completed. This evidence proves beyond reasonable doubt that the breach did occur in excess and 10 years ago, and that the extension works which can now be seen which include the ground floor utility room, have been in situ for in excess of the requisite period of time prescribed by the Town and Country Act.

The Evidence

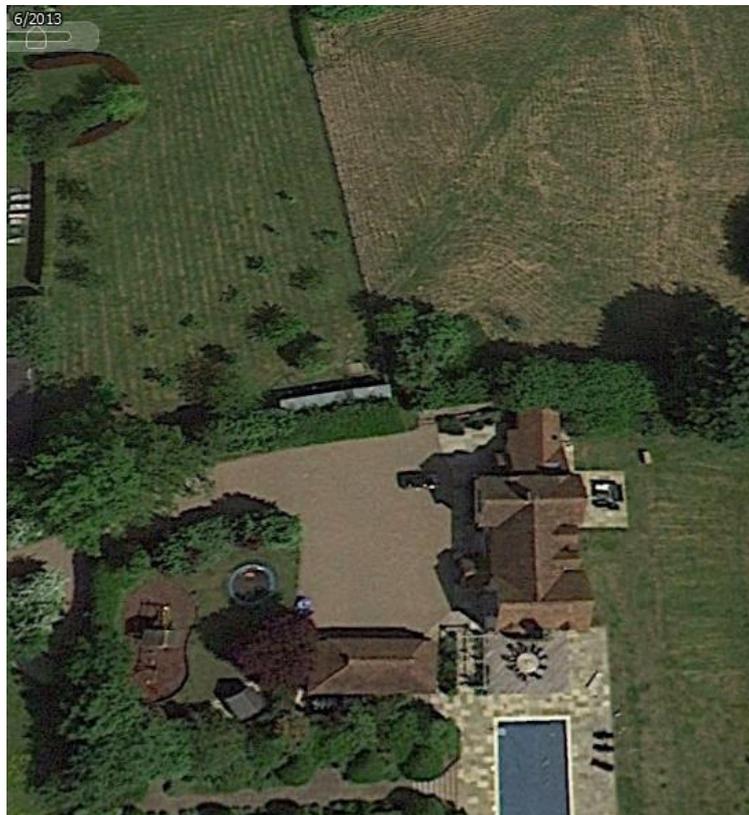
- 3.5. Following the appeal being allowed in September 2009 as documented in **APPENDIX 1**, the obtained the Council's permission to discharge condition 2 of the consent which required for examples of materials to be submitted to and approved by the Council for the development to then be constructed using such approved materials. This condition was formally discharged on 10 March 2011 under reference SE/11/00074/DETAIL. A copy of

the Council's decision notice relating to this discharge of condition can be seen in **APPENDIX 2.**

- 3.6. In addition, the applicant has confirmed the works commenced in early 2011 and were completed by April 2011 with invoices provided to support this.
- 3.7. The extensions to the house incorporating the addition linked to the utility room were built by Karl Alaniz and two labourers J Sheret and A. Gaunt.
- 3.8. Attached in **APPENDIX 3** are dated invoices from K Alaniz, J Sheret and A Gaunt which detail the works that were undertaken in relation to the extension between 11 February 2011 with the final invoice issued by Mr K Alaniz on 16 May 2011. The information provided by K Alaniz incorporates a detailed summary of all the various works which includes the provision of windows to the utility room and bathroom and guttering to the utility area and the provision of a boiler house etc. It is therefore clear with the evidence provided in **APPENDIX 3** that the works in question were both specific to Eden Hall Farm and were specific to the extensions that are now in situ.
- 3.9. In addition, the below aerial images demonstrate that the extension works to which this application relates were not in situ in December 2009 but in subsequent aerial images dating from June 2013 to today's date these show clearly the front porch serving the main house, the second porch serving the secondary entrance in front of the study and the utility room with toilet in situ.



Aerial image of Eden Hall Farm as of December 2009 (source: google earth pro)



Aerial image as of Jun 2013 showing utility room extension in situ ((source: google earth pro)

- 3.10. Taking these material considerations into account, the evidence provided herewith demonstrates that the extension works to the house incorporating the link to the utility room outbuilding that was retained rather than demolished had been in situ for in excess of 10 years.
- 3.11. The evidence provided demonstrates this beyond reasonable doubt and it is therefore requested for a certificate of lawfulness for existing development to be granted.