

The Head of Development Control
East Hampshire District Council
Penns Place
Petersfield
Hampshire
GU31 4EX

25 September 2023

Dear Mr Upton,

Planning Statement.
16b The Green, Rowlands Castle, East Hampshire, PO9 6BN.
Confirmation of implementation of planning permission 58572.

We have been instructed by Lee Slark of 16b The Green at Rowlands Castle to invite your Council to confirm that, as the implementation of planning permission 58572 was commenced before 18th March 2023, those works are lawful and the other permitted works may follow.

On 18th March 2020, East Hampshire District Council granted planning permission 58572 for the '*Conversion of roof space and installation of 3 dormer windows (as amended by plans received 10/03/20)*' at 16b The Green. The approved plans comprised a Location Plan (**Appendix A**); a Block Plan; a Block Plan with measurements; and 'Rev C', which presented amended elevations and a second-floor plan - it showed dormers on the north, south and west slopes of the semi-detached hipped roof that is shared with no.14 The Green (**Appendix B**). Three conditions were imposed on permission 58572:- (1) begin the development within three years (ie before 18th March 2023); (2) carry out the construction in accordance with the materials specified; and (3) carry out the development in accordance with the approved plans and particulars.

The photograph attached to this submission was taken at 0814 hours on 15th March 2023 and showed workmen putting the finishing touches to the dormer permitted in the front roof-plane of 16b The Green (**Appendix C**). It is understood that Senior Planning Enforcement Officer Ellen Owen visited 16b The Green soon after 18th March 2023 and satisfied herself that the front dormer shown in the photograph accorded with that which had been presented on the approved plan (Rev C) and was thereby in accordance with planning permission 58572. Lee Slark would welcome the receipt of confirmation (by the service of a Certificate of Lawful Development) that, as development has begun in compliance with planning permission 58572, the permitted works may continue.

On 24th November 2021, East Hampshire District Council served an Enforcement Notice which alleged that unauthorised alterations had been undertaken to the roof of 16b The Green, comprising dormer windows to the front and rear, with a side gable and changes to the front bay window. The Notice alleged that the development was inappropriate in design and scale to the building and its setting and would not preserve/enhance the historic/architectural character/appearance of the Conservation Area. It can now be appreciated that the dormer in the front roof-plane actually formed part of the consent that had been granted in March 2020. While Inspector Bond dismissed the subsequent appeal and upheld the Enforcement Notice

in March this year (with variations), the decision notice recorded recognition that *"The Council have not argued that it would not be possible to modify the development, so as to comply with the 2020 Permission...Nor has the Council indicated that this permission is no longer extant...an obvious alternative would be to require the development to comply with the 2020 Permission, which would remedy the breach of planning control."* .

Lee Slark has taken legal advice on his situation. On 24th August, Martin Edwards of Cornerstone Barristers recorded that *"The LPA has since acknowledged that the permission has been implemented...Clearly, it would sensible for the appellant to apply for a lawful development certificate confirming this position...It is difficult to see how the LPA could refuse such an application when, in an email of 3 April 2023, the Senior Planning Enforcement Officer at the LPA stated that the LPA would welcome such an application...In my opinion, a lawful development certificate to this effect must, as a matter of law, be granted."*

For these reasons, Lee Slark holds to the view that he is entitled to the Lawful Development Certificate that he now seeks. Thank you.

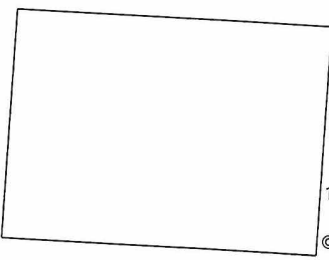
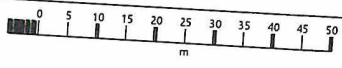
Yours faithfully,



Robert Tutton
Director

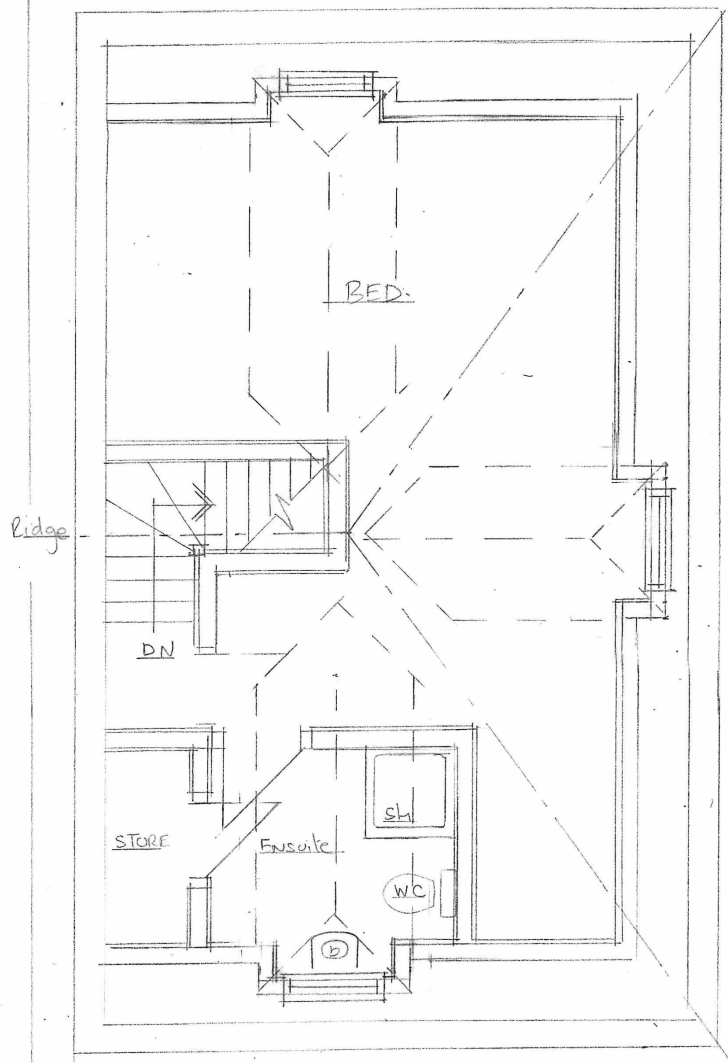
Appendices:

- A. Location Plan
- B. Rev C elevations
- C. Photograph taken at 0814 hours on 15th March 2023 of the front dormer



OS MasterMap 1250/2500/10000 scale
 Monday, December 2, 2019, ID: BLJT-00844898
www.planningapplicationmaps.co.uk
 1:1250 scale print at A4, Centre: 473303 E, 110730 N
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SECOND FLOOR PLAN 1:50 @ A3



FRONT ELEVATION

REAR ELEVATION

Exg. Dormer



SIDE ELEVATION 1:100 @ A3

16B THE GREEN, ROWLANDS CASTLE REV A.

C.

