



**Department of Place**  
 Development Services  
 4th Floor Britannia House  
 Hall Ings  
 BRADFORD BD1 1HX  
 Tel: 01274 434605

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,  
 including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

## Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

## Applicant Details

### Name/Company

Title

Mr

First name

Shoket

Surname

Khan

Company Name

### Address

Address line 1

1 Winnard Row

Address line 2

Birch Lane

Address line 3

West Bowling

Town/City

Bradford

County

West Yorkshire

Country

United Kingdom

Postcode

BD58NZ

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- An existing use
- Existing building works
- An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application.**

## Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

### **\*\*Access and Egress Design:\*\***

1. Access and egress are through a glass shelter from the finished garden ground level.
2. A set of steps leads down to the gymnasium and from this level, through an opening in the rear wall.

1. The purpose of the structures is for incidental use, as a gym, shower facilities, toilets, and basins.
2. Level one accommodates a games room, while the basement level comprises an office and storage space.

### **\*\*Glass Cover Dimensions:\*\***

1. The glass cover, providing both aesthetic and functional benefits, with dimensions of 2.3 meters in height, 4.2 meters in length, and 3 meters in width.

### **\*\*Games Room Access:\*\***

1. Access to the games room is facilitated through an opening in the back wall of the gym leading to a landing. To the left a staircase ascends five steps and leads to the games room.

### **\*\*Office and Storage Accessibility:\*\***

1. On the same landing, turning right you descend five steps to the office and storage area.

### **\*\*External Roof Features and Access to Roof Space:\*\***

1. The external roof of the rear structure, rises 1.2 meters from the finished ground level of the garden, and is six meters beyond my neighbors rear boundary fence.
2. The finished flat roof constructed of reinforced concrete is enclosed with a glass balustrading at a height of 1.1 meters, is accessible from the finished garden level via six reinforced concrete steps, measuring 1.5 meters in width.

### **\*\*Structure Location and Boundary Clarity:\*\***

1. The building starts six meters beyond my neighbors rear boundary fence.
2. The boundaries, clearly delineated by visible fences and meticulously documented in the planning portal site map, reinforce a precise understanding of property limits.
3. Unique to this property, my rear curtilage from purchase has always been to the railway fence.
4. The longevity of the structures is underscored by a comprehensive inspection by Building Control since 2008, providing a foundation for the current application for a lawful development certificate.

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- Yes
- No

Please state why a Lawful Development Certificate should be granted

Pursuant to Section 191 of the Town and Country Planning Act 1990, I bring to your attention the provision that affords immunity from enforcement to a use or operation that has persisted for a period exceeding 10 years without encountering enforcement action. The development rights established by this statutory provision are applicable to the present case.

The structure, documented under Building Control Reference No. 09/28478/OTHFP/3, has undergone meticulous inspection since 2009. It was conceptualized and engineered with the utmost emphasis on safety and structural integrity. I respectfully urge the Local Planning Authority to diligently review the evidence provided and, in light of the aforementioned statutory provision, grant the Lawful Development Certificate for the subject development.

Recognition of the lawfulness of the existing use is paramount, as it not only imparts legal clarity and certainty but is also essential for updating land registry records, securing comprehensive home insurance coverage, and facilitating any potential future sale of the property. To supplement this application, photographic documentation depicting the construction process from its inception in 2008 until the present is available for your perusal.

It is noteworthy that Planning authorities have already acknowledged, in their own words, that upon scrutinizing relevant documents and satellite imagery, the structure has demonstrably existed for a considerable number of years.

I am at your disposal for any additional information or clarification that may facilitate a comprehensive assessment of this application. Your attention to this matter is sincerely appreciated.

Please do not hesitate to reach out should you require further information or additional documentation.

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-01-2008

In the case of an existing use or activity in breach of conditions has there been any interruption?

- Yes
- No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, state exactly when any interruption occurred

To provide comprehensive context regarding an enforcement issue that transpired on May 14, 2009, marked by an enforcement letter with Reference P1/09/00221/ENFUNA. This intervention, led by Senior Enforcement Officer Coral Tyrell Parker, was initiated under the assumption that construction on my property extended beyond the original curtilage, a notion subsequently proven to be unfounded.

In response to the enforcement, a collaborative meeting was convened on May 25, 2009, with key representatives including Senior Council Structural Engineer Prab Mistry, Senior Building Inspector Andrew Perkins, Building Inspector Darren Casey, Architect and Principal Engineer Robert Allin, Haroon Rashid Structural Engineer, Network Rail Area Manager Warrick Dent and myself, Shoket Khan. Mr. Mistry, after a brief inspection, unequivocally affirmed that the construction adhered to specifications, expressing that the project should proceed without impediment. He invited any further inquiries to be directed to his office, closing the meeting with unanimous agreement.

Since that meeting, there was no communication from the planning department until the receipt of a letter on April 18, 2023, from Kate Lawson of the Planning Enforcement Team, referencing an identical enforcement case with Ref: 22/00455/ENFUNA to that issued in 2009. Adhering to their guidance, I have, under duress, applied for a Lawful Development Certificate (Existing).

It is essential to highlight that the construction, its magnitude, and the ongoing works were transparent to all concerned parties, including council officials, neighbors, Network Rail, and Town and Country. The absence of intervention or objection over the years underscores the belief that the development adhered to permissible guidelines. The recent insistence on planning approval is perplexing, given the extensive timeline of the project.

The external aspects of the project have been finalized for several years, with only minor internal tasks pending clearance under Building Control Reference No. 09/28478/OTHBN. Notably, the initial Reference Numbers 09/28478/OTHFP/1, 2, and 3 were adjusted through verbal agreement with Building Control Inspectors in January 2019. However, a recent examination of Ref. No. 09/28478/OTHBN revealed an oversight, wherein the rooftop garden was erroneously excluded. I intend to address this matter promptly with Building Control, contingent upon the outcome of this application.

I am at your disposal for any further information or clarification required during the assessment process. Your attention to this matter is greatly appreciated, and I anticipate a judicious resolution.

Thank you for your consideration.

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- Yes  
 No

#### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- Yes  
 No

#### Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes  
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent  
 The applicant  
 Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes

No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

Officer name:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

22/00455/ENFUNA

Date (must be pre-application submission)

20/12/2023

Details of the pre-application advice received

In continuation of my recent communication regarding the application for a Lawful Development Certificate (Existing), I would like to incorporate further details pertaining to the advice I received from the Council.

The guidance received can be summarized as follows: the Council is unable to provide certification regarding whether a building falls under permitted development through informal means such as email or verbal communication. To ascertain the lawfulness of the building, it has been recommended that I formally submit a Certificate of Lawfulness (Existing) application. This application will undergo a rigorous assessment in alignment with the relevant permitted development order, and a definitive decision will subsequently be communicated.

While acknowledging the previous indication, including an informal officer's opinion that planning permission might be required, I have opted to pursue the prudent course of action by submitting a Certificate of Lawfulness (Existing) application. This decision aligns with the Council's counsel, and it seeks to ensure a comprehensive and conclusive determination of the building's legality.

If there are any additional steps or information required to facilitate the assessment of my application, please do not hesitate to inform me. I am committed to providing any necessary details promptly.

Thank you for your attention to this matter, and I look forward to a positive resolution.

## Interest in the Land

Please state the applicant's interest in the land

Owner

Lessee

Occupier

Other

**Authority Employee/Member**

**With respect to the Authority, is the applicant and/or agent one of the following:**

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

## Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Shoket Khan

Date

04/01/2024