

Planning Statement

The Spinney, Hempstead Road,
Bovingdon, Hemel Hempstead,
HP3 0DS

Prepared For
Mr A Salehi

3799
February 2024



bell cornwell

CHARTERED TOWN PLANNERS

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1 INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of a Lawful Development Certificate (existing) for the retention of a glass 'pergola' extension and outbuildings at The Spinney, Hempstead Road, Bovingdon, Hemel Hempstead.
- 1.2 The purpose of this Statement is to review the prevailing legislation and other material considerations that are relevant to the determination of the application and present the case for approving the Certificate.



2 SITE AND SURROUNDINGS

2.1 The application site is located on Hempstead Road, Bovingdon and comprises a detached residential dwelling, a detached garage, and ancillary outbuildings.

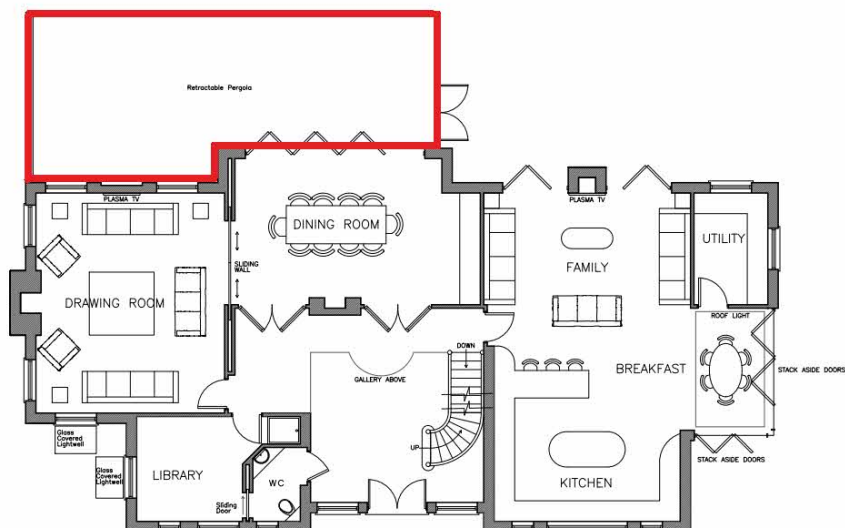


Site outlined in red (approximately)

2.2 The existing dwelling was granted planning permission in December 2010 (application ref. 4/01802/10/FUL). It replaced a former bungalow at the site.

2.3 This Lawful Development Certificate (existing) relates to a single storey glass ‘pergola’ extension to the rear of the dwelling and ancillary outbuildings to the rear of the detached triple garage. All these structures have existed on site for more than 4 years and are therefore lawful.

2.4 The glass ‘pergola’ extension was constructed in 2017 (completed in April 2017). It measures 11.8 metres in width, 4.8 metres in depth, and a maximum of 3 metres in height.

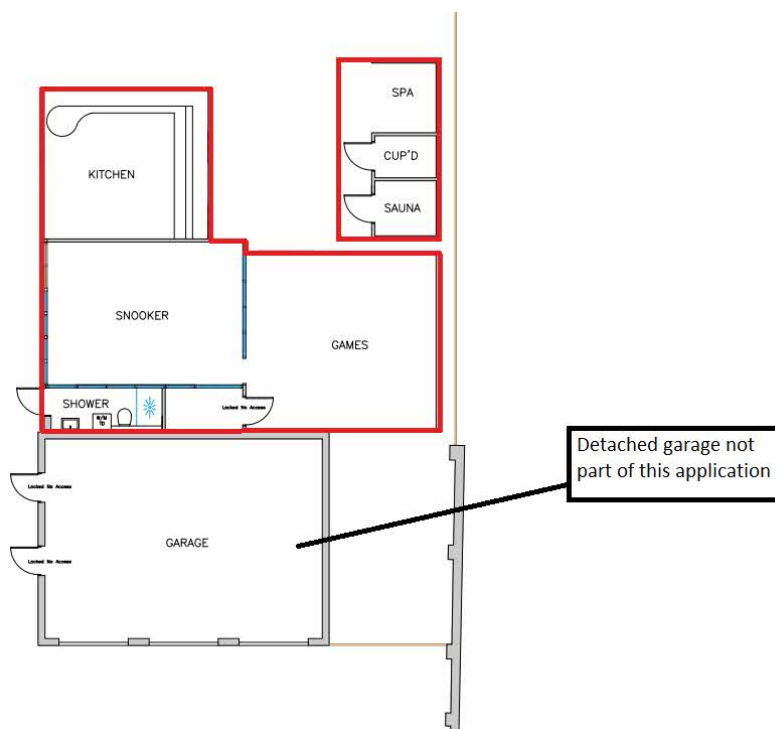


Glass 'pergola' extension (outlined in red)



Glass 'pergola' extension

- 2.5 The outbuildings to the rear of the detached triple garage comprise a shower room and w/c, a games room, a snooker room, an outdoor kitchen, and a sauna and jacuzzi. They were constructed piecemeal, with the shower room and w/c, snooker room and outdoor kitchen built in 2014, and the games room, sauna and jacuzzi built in 2017.



Outbuildings subject to this application outlined in red
(excluding the detached triple garage)



Sauna and jacuzzi built in 2017



Snooker room built 2014 and games room built 2017



Outdoor kitchen / BBQ built 2014



3 RELEVANT PLANNING HISTORY

[Application 4/01802/10/FUL](#)

- 3.1 On 23 December 2010 planning permission was granted to demolish the existing dwelling and construct a replacement with associated access and parking.
- 3.2 The replacement dwelling was completed in 2012. This permission relates to the existing dwelling on site today.

[Application 21/03999/RET](#)

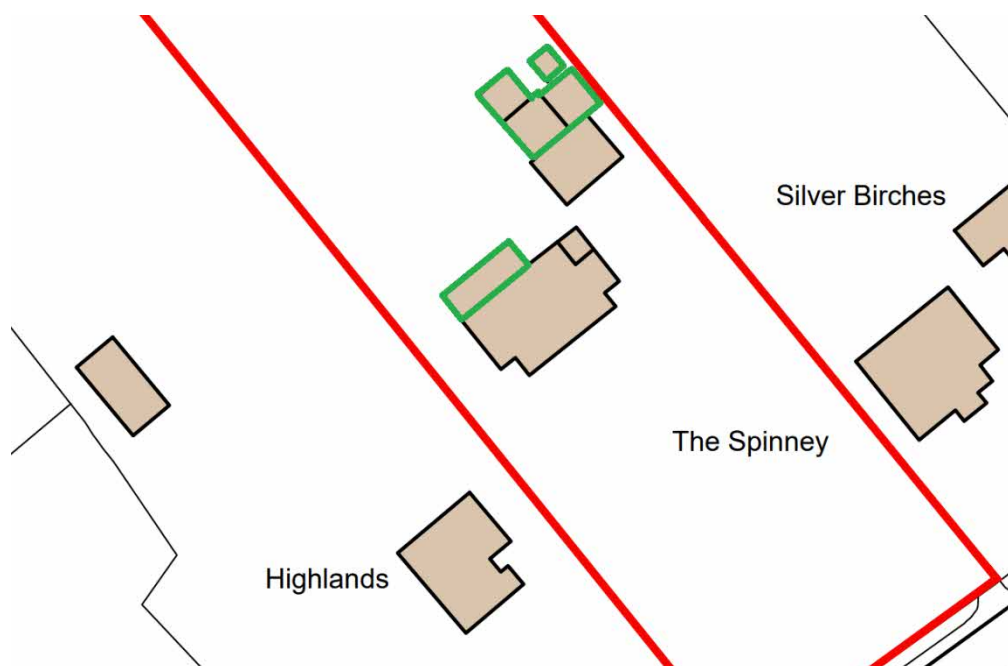
- 3.3 On 16 December 2021 planning permission was refused to retain the glass 'pergola' extension and outbuildings to the rear of the detached triple garage. The decision was appealed and dismissed in May 2023 (appeal ref. APP/A1910/D/22/3294559).
- 3.4 This application and appeal relate to the same glass 'pergola' extension and outbuildings subject to this Lawful Development Certificate (existing).



4 STATEMENT OF CASE ON BEHALF OF THE APPLICANT

Relevant Legislation and Guidance

- 4.1 This Lawful Development Certificate application is for the retention of the glass 'pergola' extension to the main dwelling and outbuildings to the rear of the existing triple garage (outlined in green on the plan below).



Glass 'pergola' extension and outbuildings (outlined in green)

- 4.2 As set out above, the glass 'pergola' extension and outbuildings were constructed between 2014 and 2017. The evidence provided with this application shows they have existed on site for more than 4 years; exceeding the time required to become lawful.
- 4.3 The Planning and Compensation Act 1991 introduced Certificates of Lawful Use for existing uses as well as proposed. National planning practice guidance makes it clear that the relevant test of the evidence is the balance of probability, stating:

'In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided



the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'

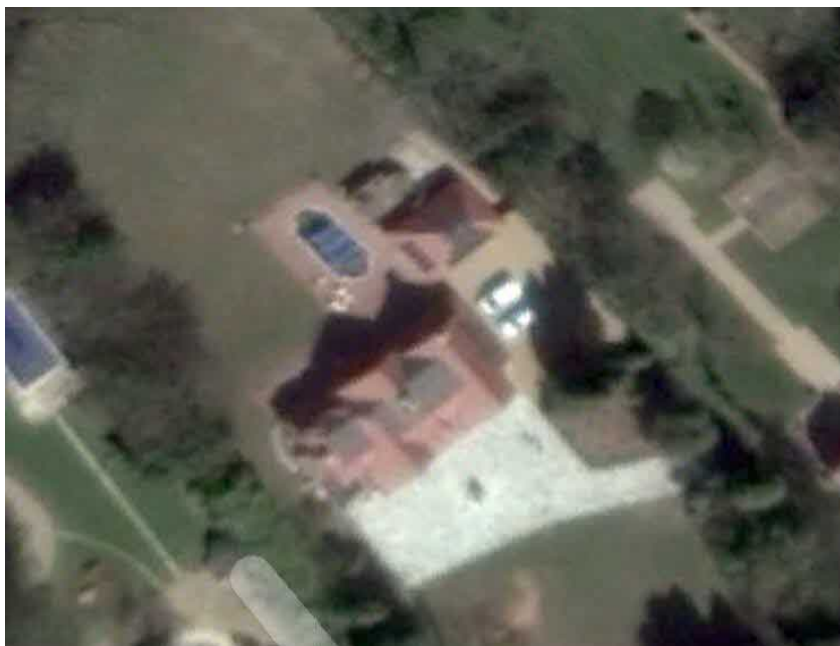
- 4.4 Section 191 of the Town and Country Planning Act enables an applicant to submit a Lawful Development Certificate for an existing operation or building(s) on the basis that the time to take enforcement action has expired. Section 171B (1) of the Town and Country Planning Act 1990 stipulates the time limits for enforcement action, and states the following:

'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.'

- 4.5 Planning Guidance notes that the applicant is responsible for providing sufficient information to support an application, although a Local Planning Authority always needs to co-operate with an applicant who is seeking information that the Authority may hold about the planning status of the land. In the case of applications for existing use, the Courts have found (*F W Gabbittas -v- SSE and Newham LBC* {1985} JPL 630) that the applicant's own evidence does not need to be corroborated by 'independent' evidence in order to be accepted. If the Local Planning Authority has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, then there is no good reason to refuse the Lawful Development Certificate.

[Aerial photographs](#)

- 4.6 The aerial photographs below span the period April 2013 to March 2022.



Google earth image April 2013 showing the existing dwelling and detached garage;
no pergola extension or outbuildings



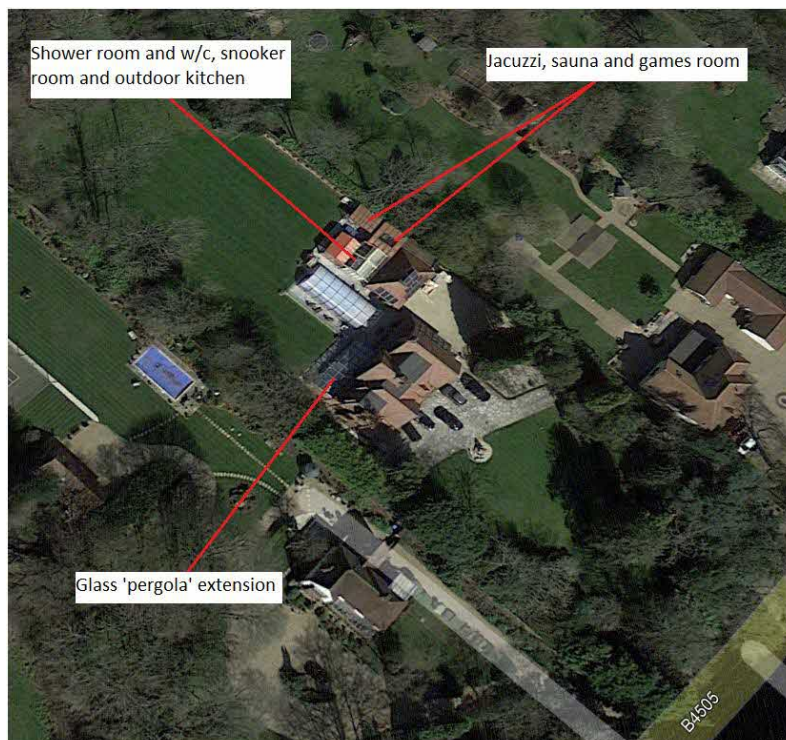
Google earth image March 2016; shower room and w/c, outdoor kitchen, and
snooker room existing



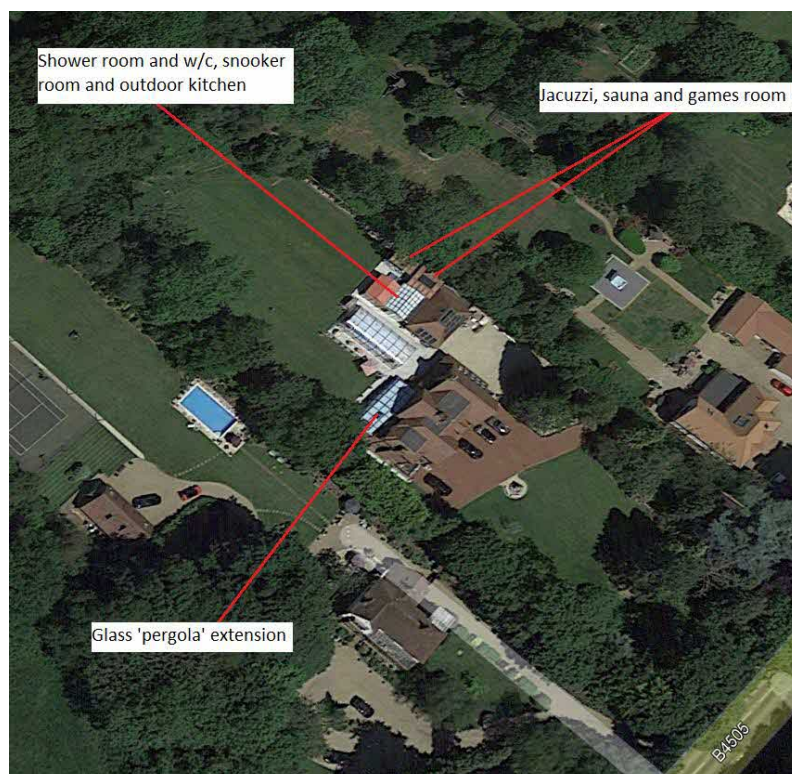
Google earth image March 2017; shower room and w/c, snooker room and outdoor kitchen existing. Jacuzzi and sauna under construction. Glass 'pergola' extension under construction



Google earth image July 2018; glass 'pergola' extension and outbuildings complete



Google earth image March 2020; all structures existing



Google earth image June 2021; all structures existing



Google earth image March 2022; all structures existing

- 4.7 The aerial photographs above show the glass ‘pergola’ extension was constructed in 2017; more than 4 years ago.
- 4.8 Likewise, the aerial photographs above show the shower room and w/c, the snooker room and outdoor kitchen have existed on site since at least March 2016 (all constructed in 2014), and the jacuzzi, sauna and games have existed since at least July 2018; all more than 4 years ago. It is noted that the roof over the snooker room was repaired between 2020 and 2021.
- 4.9 The aerial photographs above prove that the glass ‘pergola’ extension and outbuildings have all existed for more than 4 years and are therefore lawful.

[Emails and invoice for the glass ‘pergola’ extension](#)

- 4.10 The emails and invoice attached at Appendix 1 confirm that the glass ‘pergola’ extension (referred to as Ice D Box) was purchased from China in December 2016.



- 4.11 It also confirms that the extension was shipped to the UK in February 2017 and an engineer from China was flown to the UK to project manage the build, also in February 2017.
- 4.12 These dates correspond with the Statutory Declaration signed by the applicant which confirm the extension was constructed between February and April 2017.
- 4.13 It also corresponds with the aerial photographs above which show the extension under construction in March 2017 and complete in July 2018.

[Invoice for replacement of the outdoor kitchen doors](#)

- 4.14 The quotation attached at Appendix 2 shows the doors surrounding the outdoor kitchen were ordered in August 2016.

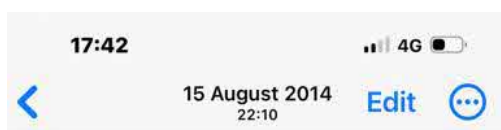
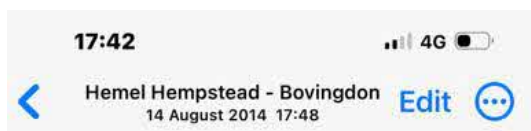
[Historical photographs](#)

- 4.15 The photograph below shows the glass 'pergola' extension under construction in February 2017.



Photograph showing the pergola extension under construction
(dated 7 February 2017)

- 4.16 The photographs below, dated 14 and 15 August 2014, show the snooker room and patio where the jacuzzi, sauna and games have been constructed.



Photographs showing the snooker room and patio where the jacuzzi, sauna and games have been constructed (dated August 2014)



- 4.17 The photograph below, dated 1 April 2017, shows the glass ‘pergola’ extension, outdoor kitchen (enclosed), and snooker room existing on site.



Photograph showing the glass ‘pergola’ extension, shower room and w/c, outdoor kitchen and snooker room (dated 1 April 2017)

[Planning application 21/03999/RET](#)

- 4.18 Planning application 21/03999/RET, submitted to the Council on 19 October 2021, proves the glass ‘pergola’ extension and outbuildings all existed in October 2021.
- 4.19 The plans submitted with the application were dated September 2021, and have also been submitted with this Lawful Development Certificate.

[Statutory Declaration Mr Aidy Salehi](#)

- 4.20 The applicant and owner of the property, Mr Aidy Salehi, has signed a Statutory Declaration confirming they have owned the site since 2010, and that the shower room and w/c, snooker room and outdoor kitchen were constructed to the rear



detached triple garage in 2014. The photographic evidence in this Statement (see paragraph 4.16) verifies this.

- 4.21 The Statutory Declaration confirms that the glass ‘pergola’ extension to the rear of the dwelling was constructed in 2017. The photographic evidence in this Statement (see paragraph 4.17) verifies this.
- 4.22 Finally, it confirms that the games room, jacuzzi and sauna were also constructed in 2017. The aerial photographs and other evidence submitted with the application verify this.

[Statutory Declaration Mr David Farrell](#)

- 4.23 Mr David Farrell has signed a Statutory Declaration confirming they have known the applicant, Mr Aidy Salehi, since April 1997.
- 4.24 The Statutory Declaration confirms that Mr David Farrell designed the existing dwelling at the site, which was constructed between 2011 and 2012, and visited the site in 2017 where they witnessed the glass ‘pergola’ extension.
- 4.25 It also confirms that they visited the site over the next year or so where they witnessed the completion of all outbuildings to the rear of the detached triple garage.
- 4.26 The aerial photographs in this Statement verify their assertions.



5 CONCLUSION

- 5.1 In conclusion, the Statutory Declarations, aerial photographs, and other supporting information, provide clear and convincing evidence, and prove, on the balance of probability, that the glass 'pergola' extension and outbuildings to the rear of detached triple garage have existed on site for more than 4 years and are therefore lawful.
- 5.2 Accordingly, we respectfully request that this application for a Lawful Development Certificate is approved, in line with statutory timescales.



APPENDIX 1: EMAILS AND INVOICE FOR THE GLASS PERGOLA EXTENSION

Subject: 2 container arrive UK FELIXSTOWE Time will about January .31.2017.-Email 6

Date: Wed, 21 Dec 2016 5:32

Good morning mr. Aidy with your family.. if i loading the container in this a few days. this 2 container and all orders will arrive UK Felixstowe time is about January .31.2017. and February is Chinese new year.

the Debox aluminium house factory engineer to UK help you fix the aluminium time is at the end of the February .2017.it's ok???

if you have any good ideas please let me know ..thank you..

regards.

DAVID

Engineer flew to London in order
to assemble the D-Box

show the money received

Hello good day mr.Aidy with your family

below the form is so far I received your exactly money already for 2016year.please look details thank U.

no.	time	currency/USD		
1	remaining cash	exchange rate:6.5	1,413	2016.08 04
2	first time/byT/T	exchange rate:6.5	35,000	china time is (Sep.02.2016 Friday) please look above details
3	second time by T/T	exchange rate:6.5	10,000.00	china time is (Oct.17.2016 Monday) please look above details
		total:USD46,413		

so far I RECEIVED ALREADY(update china time is:Oct.17,2016)!!!

DATE

below the form is so far you confirm the all orders Date for 2016 year

the exchange rate is based on 1USD=6.1-6.5RMB

NO.	ITEMS order /cost	change USD(exchange rate 1usd=6.5RMB)	NOTE/ (USD)	
			Paid deposit already	balance/usd//
1	ICE D BOX ✓	\$52,244.00	\$26,122.00	\$26,122.00
2	Sauna room ✓	\$1,150.00	\$345.00	\$805.00
3	jacuzzi ✓	\$5,000.00	\$825.00	\$4,175.00
4	Dovon Chair ✓	\$1,802.00	\$540.00	\$1,262.00

Subject: LETTER from david for Debox -aluminium house factory--email 5

Date: Wed, 21 Dec 2016 5:32

Good day mr. Aidy now all the order is completed. here have one situation want to discuss with you and mr.Sami. now the boss of Debox factory (before you met him). we orders is completed and he all is make good packing already. he said we order and his design quality and technology is special . **important** the connect electric wire.and with use the remote-control unit. lighting. some special connect details.and the end fix detail make perfect look nice. etc. **first time do this order for you** . the boss said want to their the number one very good engineer his name is LIANGHAO go to UK help you fix this house.and teach you with your workers how to fix and use. easy for you fix in next time orders. **get through my try hard frequently meet and talke with boss**. now he accept and promise make visa arrange the engineer to UK help to you for about 15days. **you no need pay any money any cost for him.(only when the engineer arrive UK.you give him eat and live place.any place all no problem))..no need you pay the flight ticket** .all is pay from the boss and pay from his factory.. he hope work and more cooperation with you for future soon..

at the same time i already start consult how to make visa to UK . I know how to make business visa. . this engineer before he already succeed make visa and been to USA. the Philippines. Maldives.Kuala Lumpur. now his just business trip stay in USA. will come back and arrive China in January .25. 2017 (Chinese new year) after Chinese new year **February . 05.2017** I help him go to make visa and wait take the visa need about 15-20days. so he buy to UK the flight ticket is from the Feb.25-March. 11.2017 (about 15 days) i will very important to follow up this job and give you the update anytime. make no headache for you.

regards,
DAVID

~~_____~~
D-Box in The Conservatory Company
~~_____~~

一、基础数据 (Fundamental Data)

1)	类型: (Type)	F型-(96度)单坡落地式 (DEBOX-138) (详见方案图) (Type F-96° Single Sloping Floor) (Details in CAD drawing ①)		
2)	分格: (Separation)	(6-3-3)		
3)	阳光房展开面积 (Extended Area):	113.196022m ²		
	展开面积计算方式 (Calculate The Extended Area)	长 (Length)	宽 (Width)	高 (Height)
		12000mm	5000mm	3000mm
		前/后立面 (Front/Back)	前/后138度斜面 (138° Front/Back Sloping)	屋顶斜面 (Sloping Roof)
		高度 (Height) 2789.79mm	长度 (Length) 2011mm	950mm
	阳光房面积 (Area) (精确到小数点后6位) (Accurate to 6 digits after the decimal point)	铝材表面处理 (Surface Treatment)	面板槽口规格 (Panel rabbet Specification)	
前立面 (Front):	粉末喷涂 (Powder Spraying)	适用于总厚度37-39mm的面板 (Suit for the panel which thickness between 37-39mm)		
前138度面 (138° Front):	灰色闪银 (Flash silver grey)			
屋顶面 (Roof):				
左侧面 (Left):				
右侧面 (Right):				
展开总面积 (Total):	113.196022m ²			

二、阳光房的价格 (The Price)

阳光房出厂价格构成 (The component of Sun Room's EXW)		阳光房结构总价 (含手动配件) (Structure price (include the manual accessories))			
阳光房结构总价 (含手动配件) (Structure price (include the manual accessories))					
总平方数 (m ²) Gross Area (m ²)	手动型移动阳光房内容 Manual type mobile sun room	原价 (元/m ²) Unit Price original RMB/m ²	折扣单价 (元/m ²) Unit Price discount RMB/m ²	阳光房出厂总价格 (RMB) The EXW of Sun Room	备注 Comment
113.196m ²	含中空遮阳系统和灯光 Hollow glasses sun-shading system & LED	8888	3000	339588.07	0.338折 (Discount)
<p>注: Note</p> <p>1, 以上价格未含税金, 未含运费, 未含安装费及其他费用 (The above price not including tax, not inclusive of delivery charges, not including installation expenses and other expenses).</p> <p>2, 如果包含中空遮阳系统建议在我司采购, 如果不含中空遮阳系统, 建议客户在当地采购 (Advice if contains hollow sun-shading system in purchasing, if excluding hollow shading system, advising clients in the local procurement).</p> <p>3, 以上价格为采购一套100平方米面积的工程价格, 如果数量低于以上面积或套数, 价格会上涨30% (The above prices for the purchase of one set of 100 m² area of engineering price, if the quantity is below the area or volume for above price is doubled)</p> <p>4, 此报价有效期为10天 (This offer is valid for 10 days)</p>					

exchange rate is based on 1 usd =6.5 RMB

RMB 339588 = USD 52244

Deposit :26122

Balance:26122

Delivery day: 50 days after receive deposit

the Balance 50% should be paid after inspection and approval before shipment

The Conservatory delivered on Feb. 17

2017

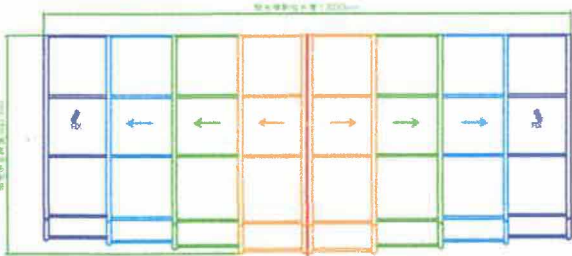


图 1 平面图

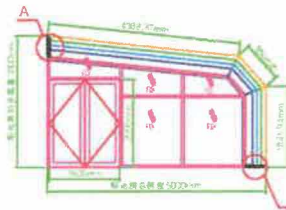
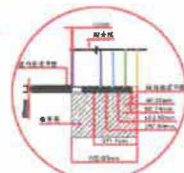
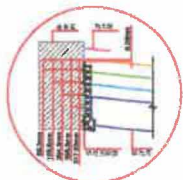


图 2 立面图



A位置节点



B位置节点

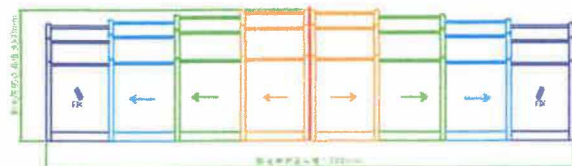


图 3 立面图



图 4 立面图

O/C



APPENDIX 2: INVOICE FOR REPLACEMENT OF THE OUTDOOR KITCHEN DOORS

From: [Andy Boothby](#)
To: [Andy Boothby](#)
Subject: FW: Sliding patio Doors the Spinney
Date: 23 January 2024 15:10:23

Dear Andy,

Please see an email received with regards to the sliding doors for the BBQ area at The Spinney as requested.

Best

Aidy

----- Forwarded message -----



Sent: Friday, 26 August 2016, 11:56:09 BST
Subject: Sliding patio Doors the Spinney

Hi Aidy,

Please find attached our quote for the patio doors around the bar be que area there is a slight increase as you have asked for laminated glass and also the Irish oak colour choice please let us know how you want to proceed and I will get Daniel to order them,

Please not item 3 and 4 will be next to each other

Regards

Terry Morris

020 3538 6730



www.sesecondaryglazing.co.uk

S E Secondary Glazing
128 Hermon Hill
South Woodford
London
E18 1QH

Quotation

Quote Number : **se000091**

Customer Ref :

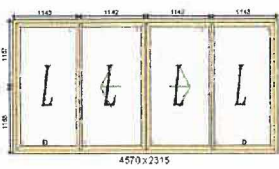
Quotation Date :

To:- **Aidy**
The Spinney

0800 0787738

*These are the doors for
 BBQ Area*

Viewed From Inside



Frame Specification:
 Door Handle: Patio Handles Gold
 Door Lock: 6 Hook Lock
 Cill: No Cill
 Beading: 28mm Ovolo Bead Irish Oak
 Drainage: Concealed.
 Reinforcing: Fully Reinforced

Additional Frame Details:
 Sash Sq Area Warning Left
 Sash Sq Area Warning Left

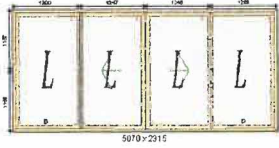
*W were fixed
 Aug 2016*

Glazing: 6.4/16/6.4 Laminated Black Swiss Spcr Argon Filled Unit

Dimensions:
 Overall Size: 4570 x 2315
 Actual Frame Size: 4570 x 2315

Frame No: 1 Qty: 1 PATIO: Standard (Welded) Ir Oak Location: Window 1

Viewed From Inside



Frame Specification:
 Door Handle: Patio Handles Gold
 Door Lock: 6 Hook Lock
 Cill: No Cill
 Beading: 28mm Ovolo Bead Irish Oak
 Drainage: Concealed.
 Reinforcing: Fully Reinforced

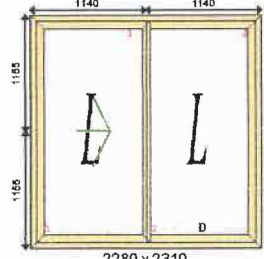
Additional Frame Details:
 Sash Sq Area Warning Left
 Sash Sq Area Warning Left

Glazing: 6.4/16/6.4 Laminated Black Swiss Spcr Argon Filled Unit

Dimensions:
 Overall Size: 5070 x 2315
 Actual Frame Size: 5070 x 2315

Frame No: 2 Qty: 1 PATIO: Standard (Welded) Ir Oak Location: Window 2

Viewed From Inside



Frame Specification:
 Door Handle: Patio Handles Gold
 Door Lock: 6 Hook Lock
 Cill: No Cill
 Beading: 28mm Ovolo Bead Irish Oak
 Drainage: Concealed.
 Reinforcing: Fully Reinforced

Additional Frame Details:
 Sash Sq Area Warning Left

Glazing: 6.4/16/6.4 Laminated Black Swiss Spcr Argon Filled Unit

Dimensions:
 Overall Size: 2280 x 2310
 Actual Frame Size: 2280 x 2310

Frame No: 3 Qty: 1 PATIO: Standard (Welded) Ir Oak Location: Window 3

S E Secondary Glazing
128 Hermon Hill
South Woodford
London
E18 1QH

Quotation

Quote Number : **se000091**

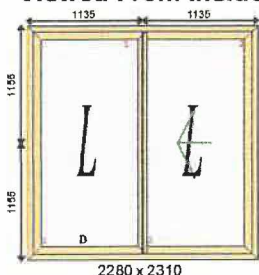
Customer Ref :

Quotation Date :

To:- **Aidy**
The Spinney

0800 0787738

Viewed From Inside



Frame Specification:

Door Handle: Patio Handles Gold
 Door Lock: 6 Hook Lock
 Cill: No Cill
 Beading: 28mm Ovolo Bead Irish Oak
 Drainage: Concealed.
 Reinforcing: Fully Reinforced

Additional Frame Details:

10mm Ali Coupler & Covers For Irish Oak
 Sash Sq Area Warning Left

Glazing:

6.4/16/6.4 Laminated Black Swiss Spcr Argon Filled Unit

Dimensions:

Overall Size: 2280 x 2310
 Actual Frame Size: 2270 x 2310

Frame No: 4 Qty: 1 PATIO: Standard (Welded) Ir Oak Location: Window 4

Terms and Conditions

Quotation is valid for 30 days.
 Please check all details carefully before ordering
 All goods sold are subject to our terms and conditions

Total Nett	£7,500.00
VAT @ 20%	£1,500.00
TOTAL INC. VAT	£9,000.00

27 237.35

5968
~~5947~~
 33498

