

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED): SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015: ARTICLE 39
NOTIFICATION OF REFUSAL OF A CERTIFICATE OF LAWFUL DEVELOPMENT
(PROPOSED)**

Miss Rebecca Lilley
Danewood
Denwood Street
Crundale
Canterbury
Kent
CT4 7EF

The Shepway District Council hereby certifies that on 9th November 2016 the development described in the First Schedule hereto in respect of the property specified in the Second Schedule hereto and shown edged red on the site plan attached hereto (the Site Plan) is not lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

- 1 The proposed porch is not considered to constitute permitted development pursuant to Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would not be located outside an existing external door. The proposed porch is not considered to constitute permitted development pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would extend beyond a wall which forms the principle elevation of the dwellinghouse. Therefore the work is not considered to be lawful and planning permission is required to undertake the proposed development.
- 2 The proposed single storey side and rear extension is not considered to constitute permitted development pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse; would extend more than 3 metres from the rear wall of the original dwellinghouse and would extend beyond a side elevation of the original dwellinghouse within Article 2(3) land. Therefore the work is not considered to be lawful and planning permission is required to undertake the proposed development.



Head of Planning
On behalf of Shepway District Council

Dated this 4th day of January 2017

FIRST SCHEDULE

CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED) FOR A FRONT PORCH AND A SINGLE STOREY SIDE AND REAR EXTENSION

SECOND SCHEDULE

26 MAYFIELD ROAD LYMINGE FOLKESTONE KENT CT18 8HL

Notes:

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development specified in the First Schedule which is proposed to take place on the land described in the Second Schedule was not lawful on the specified date and, thus, would be liable to enforcement action under Section 172 of the 1990 Act.
3. This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan.

APPEAL GUIDANCE NOTES

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or the grant of it, subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.