



## Directorate for Planning, Growth and Sustainability

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Tel: 01494 732950 / 01895 837210

Ref: PL/24/1862/EU

20 June 2024

Dear Clerk,

### NOTIFICATION OF AN APPLICATION

#### Town and Country Planning Act 1990

**Reference:** PL/24/1862/EU

**Application type:** Lawful development certificate for an existing use or operation or activity including those in breach of a planning condition

**Location:** The Elms , Bangors Road North, Iver Heath, Buckinghamshire, SL0 0BQ

**Proposal:** Certificate of lawfulness for the existing use of the approved garage as living accommodation (kitchen). The existing use is C3 residential. The dwellinghouse is lawful and received planning permission for a replacement dwellinghouse in 2001. , The breach of condition is the use of the approved garage as living accommodation (kitchen) which commenced over 10 years ago.

The Council has received an application for the development described above. This is not a planning application, but an application that seeks to demonstrate that the use or the building works, as described above, are "lawful". The applicant must show that the 'use' that is the subject of the application has been continuous for more than 10 years or that the 'building works' the subject of the application have been substantially complete for more than 4 years, prior to the date of the application. If you have any personal knowledge of how long the use has been carried on and whether the character of the use has changed at all, or, in the case of building works, when those works were completed, the Council would like to hear from you. **As this is not a planning application, I must emphasise that the Council is not considering the planning merits of the case.**

The Council therefore cannot take into account in determining this type of application, whether the use or the building work the subject of the application is, or is not, acceptable, it is purely a legal judgement based on the evidence.

Yours faithfully

**Ian Severn**  
**Senior Planning Officer**

# **Additional notes about commenting on an application**

## **Lawful Development Certificate considerations**

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. The certificate will always give reasons why the use, operation or activity is considered to be lawful. The test for assessing such information is always "on the balance of probability". The certificate will specify (by reference to a plan or drawing) the area of land included in the certificate and describe the precise nature of the use, operation or activity which is lawful.

A certificate granted for an existing use, operation or activity will not protect future development on the site nor will it protect from enforcement action by the planning authority if the specified use is then changed 'materially' without a planning application for it.

Any information you may have, may carry more weight if you can explain specifically how you have personal knowledge of the application site and the use/building works. You can simply submit any information you have or you may wish to provide information in the form of a sworn statement.

## **Commenting on an application**

Anyone can comment on an application. You don't have to live next door. We decide most applications within 8 weeks, although larger developments may take longer. This is why it is important that you let us have your comments as soon as possible. We will carefully take your comments into account, although the decision may not be what you want. Comments need to be in writing, ideally submitted online. Please note that any representations containing abusive remarks, will not be taken into consideration.

## **Who decides an application?**

Most applications are determined under the delegated powers of the Council's, Service Director of Planning and Environment, even if there are objections. However, a small number of applications and the Council's own applications, will be decided by the Planning Committee at a public meeting. Planning Committee dates and arrangements are viewable on our website. Applications for Lawful Development Certificates are always determined under delegated powers, as they are a legal judgement based on the information submitted and not on the planning merits of the case. Such applications cannot be referred to the Planning Committee.

## **How can I check an application's progress?**

You can check the progress of an application on the Council's website. After the decision has been issued, it will be placed on the application file and be available to view on the Council's website, under the application reference number. You will be able to see the full decision notice including any conditions or reasons for refusal under the 'Associated Documents' tab.

## **Who can I talk to?**

You can telephone the Planning Service. We are sorry, but we cannot enter into exchanges of letters. You may also wish to contact your Councillor or a member of the Planning Committee. Details are available on the Council's website.

## **What happens next?**

The applicant may withdraw the application. If the application is approved with condition, refused or not dealt with in time, the applicant may make an appeal to the Planning Inspectorate. In most cases the appeal will be dealt with on the basis of the application as submitted, any representations from the public and the planning officer's written report. If the applicant does appeal to the Planning Inspectorate, we will write to you again to let you know. Please note, a copy of all representations will be forwarded to the Planning Inspectorate and the Appellant. Please note, if the application is a householder development, there will be no further opportunity to comment at appeal stage.