



TOWN AND COUNTRY PLANNING ACT 1990: Section 191
Town and Country Planning (Development Management Procedure)
(England) Order 2015: article 39

REFUSAL OF LAWFUL DEVELOPMENT CERTIFICATE FOR AN
EXISTING USE/DEVELOPMENT

In pursuance of their powers under the above-mentioned Act and Order, WINCHESTER CITY COUNCIL as local planning authority, **HEREBY REFUSE** your application dated 13 July 2022 for a Lawful Development Certificate under section 191 of the Town and Country Planning Act 1990 ("the Act") (reference number: 22/01611/LDC) for "retention of a building as a single dwelling house (C3)" at 12 The Old Piggery, Firgrove Lane, North Boarhunt, Hampshire PO17 6JU, Curdridge, Hampshire SO32 2HG, the land being shown on the attached plan edged red with the building("the Building") shown within the area edged red.

The grounds for the decision are that:

- i) the applicant's evidence indicating that the Building was completed in February 2012 is contradicted by an aerial photograph that shows that the Building was not substantially completed by 2013 being the date of the photograph;
- ii) the applicant's evidence does not demonstrate on the balance of probabilities that the Building was used for purposes other than as a single dwelling house i.e. there is no evidence of a change of use of the Building;
- iii) the immunity period for construction and use of a C3 dwelling house is 10 years (s171 B (3) of the Act) which was not achieved by the date of this application.

As such, the construction of the building and its use as a dwelling house is not immune from enforcement action and is not lawful.

Signed:

Neil McArthur, Service Lead: Legal
On behalf of Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Date: 23 September 2022

PLEASE READ THE NOTES OVERLEAF

Notes:

If you are aggrieved by the decision of the Council to refuse an application for a Certificate under section 191 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part you may appeal to the Secretary of State under section 195 of the Act (as amended).

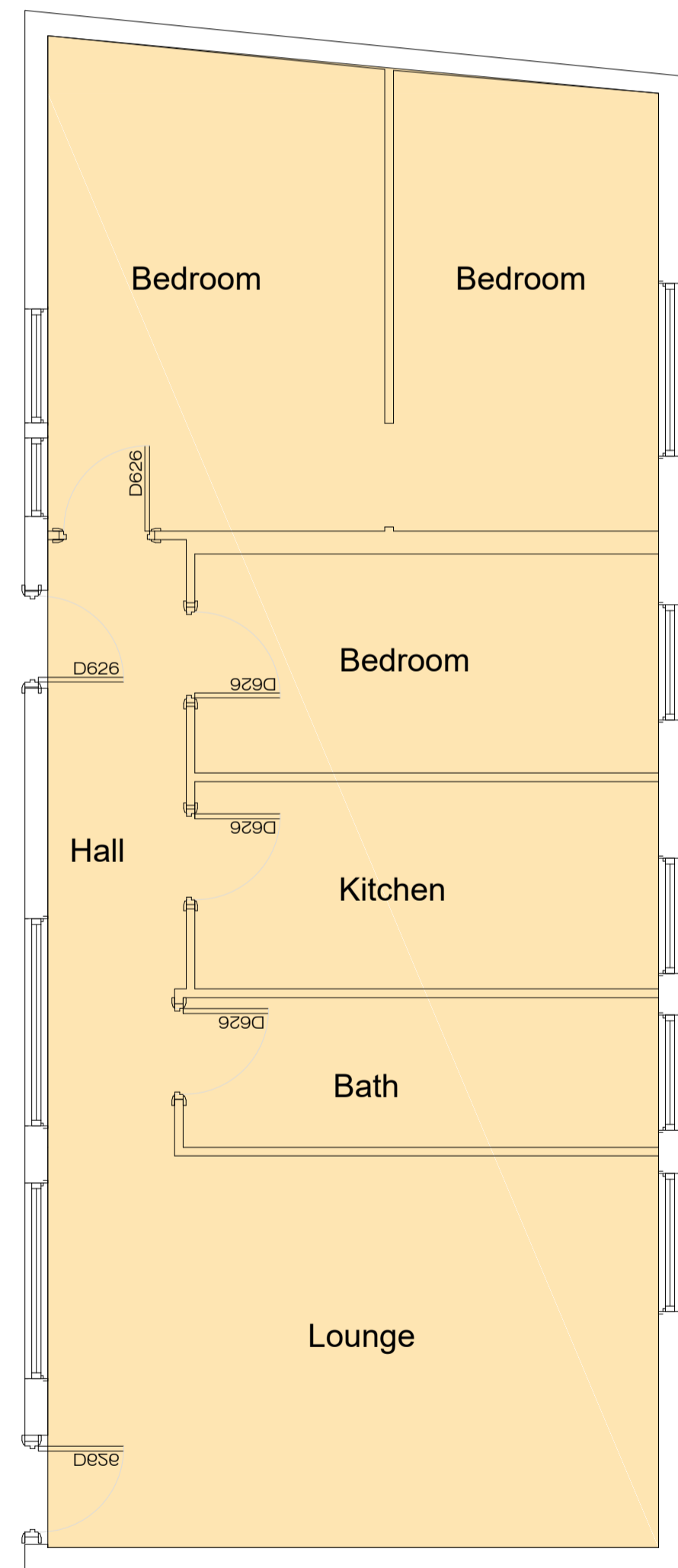
Notice of appeal must be given to the Planning Inspectorate (contact Customer Support Team, Room 3/13, Temple Quay House, 2 The Square, Bristol, SS1 6PN – email enquiries@planning-inspectorate.gsi.gov.uk Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence must be supplied to the Planning Inspectorate.

You are advised to consult the brief official guide to applications and appeals, published by the Planning Inspectorate (and available online), from whom appeal forms may also be obtained on request.

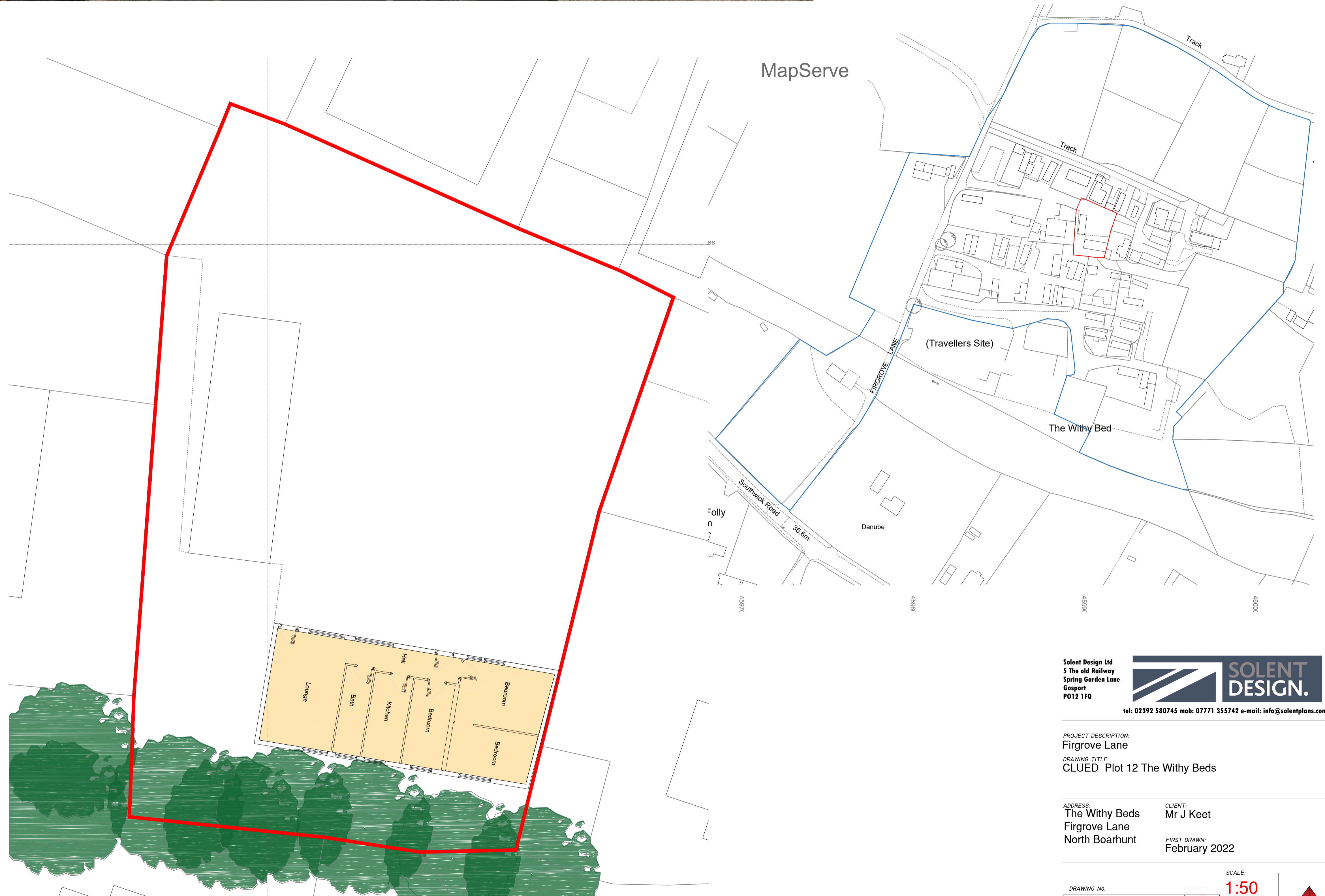
Ref: 22/01611/LDC



Extensions



Ground Floor



Solent Design Ltd
5 The Old Railway
Spring Garden Lane
Gosport
PO12 1FQ



tel: 02392 580745 mob: 07771 355742 e-mail: info@solentplans.com

PROJECT DESCRIPTION:
Firgrove Lane
DRAWING TITLE:
CLUED Plot 12 The Withery Beds

ADDRESS:
The Withery Beds
Firgrove Lane
North Boarhunt

CLIENT:
Mr J Keet

FIRST DRAWN:
February 2022

DRAWING No. SD-2212-02
drawing status: Issued for Comment

SCALE:
1:50
1:100
1:1250



NORTH