

The Planning Inspectorate

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL FORM (Online Version)

Appeal Reference: APP/Z4718/X/20/3256327

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	<input type="text" value="Mr Christopher Chambers"/>
Address	<input type="text"/>
Phone number	<input type="text"/>
Email	<input type="text"/>
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	<input type="text" value="Kirklees Metropolitan Council"/>
LPA reference number (if applicable)	<input type="text" value="2020/CL/91444/W"/>
Date of the application	<input type="text" value="18/05/2020"/>
Did the LPA issue a decision?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date of LPA's decision	<input type="text" value="17/07/2020"/>

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address	<input type="text" value="10 Old Turnpike
Honley
HOLMFIRTH
HD9 6PD"/>
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Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

E. DETAILS OF THE APPEAL

Please give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought.

A lawful Development Certificate -Existing Use
Garden Decking

Select the section under which the application was made:

- Section 191
- Section 192
- Section 26H

Please state the actual use of the site at the time of application to the LPA. (if not in use, write "nil" and state last known use).

Garden - leisure

Is there an effective enforcement notice on the site? Yes No

F. REASON FOR THE APPEAL

1. Refused/refused in part to grant a certificate of lawful use or development.
2. Failed to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

Please explain.

As a Lawful Certificate is based on Measurement and Evidence, a site visit would hopefully confirm that our decking falls under Permitted Development, it is level with our existing garden/land and it is Under 0.3m and is not raised, we have followed the guidelines below due to a proportion of the decking (1.4m) being built over a slight slope (1.37m).

Ministry of housing and communities and local government Permitted development rights for householders Technical Guidance September 2019
Class E, Paragraph (h) it would include the construction or provision of a verandah, balcony or raised platform
Verandahs, balconies and raised platforms are not permitted development under Class E.
'Verandah'and balcony' can be understood as set out on page 29. A raised platform is defined in the 'General Issues' section of this document, as any platform that has a height of more than 0.3 metres (see page 6). ("Height" - references to height (for example, the heights of the eaves on a house

extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking.

Garden decking will therefore be permitted development under Class E subject to it not exceeding this 0.3m height limit and subject to the other limits and conditions under this Class.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) Order 2015

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and

uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)

machinery in question or, or plant or

for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building

where the level of the surface of the ground on which it is situated

or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

2. Hearing

3. Inquiry

H. APPEAL STATEMENT

The statement is set out in

[see 'Appeal Documents' section](#)

I. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

No



J. SUPPORTING DOCUMENTS

01. The application made to the LPA.

02. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet.

02. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

03. The LPA's decision (if any).

04. All other relevant correspondence with the LPA.

05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



K. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 8 week time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Christopher Chambers

Date

20/07/2020 23:40:06

Name

Mr Christopher Chambers

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) not previously sent as part of the application to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below are to follow by post:

Relates to Section:	APPEAL STATEMENT
Document Description:	The Appeal statement.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The application made to the LPA.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.b. Copies of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. The LPA's decision
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. All other relevant correspondence with the LPA.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellants (if any) edged or shaded blue.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

Completed by MR CHRISTOPHER CHAMBERS

Date 20/07/2020 23:40:06