

Planning Statement

Lawful Development Certificate for Existing Development:
Erection of single storey rear extension
7 Oakamoor Road, Cheadle
For Mr. L. Trumble

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1.0 INTRODUCTION

- 1.1. Hewitt & Carr Services have been instructed by Mr. L. Trumble to prepare a Lawful Development Certificate application pursuant to s191 of the Town and Country Planning Act 1990 (As Amended).
- 1.2. The application seeks to confirm that a single storey rear extension constructed at 7 Oakamoor Road, Cheadle has been substantially completed for a period of more than four years, and is therefore now lawful and immune from enforcement action by the Local Authority.
- 1.3. The extension projects 4.1m from the rear elevation of the existing dwelling and stands to a ridge height of 4.2 metres. It occupies a total footprint of 27.7 square metres and is constructed from facing brickwork and grey tiles to match the existing dwelling.
- 1.4. This Planning Statement and its associated Appendices seek to demonstrate a precise and unambiguous suite of evidence to support the case that the extension has been substantially completed for a period in excess of four years and is therefore now lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (As Amended)

2.0 SITE DESCRIPTION

- 2.1. The application site is located within the defined settlement boundary of Cheadle and comprises a semi-detached two storey dwellinghouse that is located within a linear pattern of development along the northern side of the Oakamoor Road.
- 2.2. An elongated, rectangular shaped rear garden projects to the north of the dwelling within which a domestic outbuilding has been erected, with planning consent secured under application SMD/2020/0577.
- 2.3. A small copse of trees lies to the north of the site, whilst residential development extends to its east and west. The Oakamoor Road encloses the southern site boundary, beyond which lies further residential development.
- 2.4. The site is not within a conservation area, nor does it comprise a statutorily listed building.

3.0 THE PROPOSAL

- 3.1. This Lawful Development Certificate for Existing Development seeks confirmation that:
1. The existing single storey rear extension has been substantially completed for more than four years and is therefore now lawful and thus immune from enforcement action by the Local Authority.

4.0 PLANNING ASSESSMENT

- 4.1. The planning history of the site reveals only one previous planning application, that being for the retention of a domestic outbuilding at the rear of the property (LPA Reference: SMD/2020/0577). The decision notice on that application does not have any conditions imposed which remove permitted development rights and consequently the works undertaken on the site to construct the rear extension have not resulted in the breach of a planning condition; rather the works amount to the carrying out of building operations.
- 4.2. Section 171B of the Town and Country Planning Act 1990 (As Amended) confirms that where there has been a breach of planning control consisting of the carrying out of building operations, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- 4.3. The National Planning Practice Guidance confirms that the applicant is responsible for providing sufficient information to support an application for a lawful development certificate, and that if a local planning authority has no evidence itself, or 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 that the applicant's evidence alone is sufficiently precise and unambiguous to just the grant of a certificate on the balance of probability.
- 4.4. To support the applicant's contention that the outbuilding has been substantially completed for more than 4 years, the following suite of evidence has been submitted:
 - Dated Photographs from Construction Phase (Appendix A)
 - Aerial Photograph 2018 (Appendix B)
 - Aerial Photograph 2021 (Appendix C)
 - Aerial Photograph 2024 (Appendix D)
- 4.5. The applicant first commenced works to construct the rear extension in April 2016, with the exterior of the building being completed by October 2016, as evidenced by the photograph enclosed as Appendix A. The image is electronically dated 14th October 2016.
- 4.6. The second image in Appendix A shows in the interior of the extension plastered and decorated. The image is electronically dated 8th March 2017. The single storey rear extension can be taken to have been substantially completed by this point.
- 4.7. The images shown in Appendix A are independently corroborated by the aerial photographs of the site taken from 2018, 2021 and 2024 (Appendices B – D inclusive) which all show the roof of the single storey rear extension in situ. These

images reinforce the applicant's own photographic evidence and collectively serve to demonstrate beyond the balance of probability that the single storey rear extension was substantially completed by March 2017.

- 4.8. The extension remains in situ to this present day and has consequently been present on site for a period well in excess of 4 years (approaching 7 years). The single storey rear extension is consequently be held to be lawful having regard to the provisions of Section 171B of the Town and Country Planning Act 1990 (As Amended) and is therefore immune from enforcement action by the Local Authority.

5.0 CONCLUSION

- 5.1. For the reasons set out within the Planning Assessment above it is submitted that compelling evidence exists to demonstrate beyond the balance of probability that the single storey rear extension has been substantially completed for more than four years (approaching 7 years).
- 5.2. As a consequence the development is now lawful in the context of paragraph 171B of the Town and Country Planning Act 1990 (As Amended) and is immune from enforcement action by the Local Authority.
- 5.3. The Local Planning Authority is therefore respectfully requested to issue a Lawful Development Certificate to confirm that the development is lawful.