David Kiernan

From: David Kiernan
Sent: 26 June 2009 11:35
To: 'johnpayne447@googlemail.com'
Subject: Lawful Development Certificate at 77 Forresters Road

Morning Mr Payne,

I contacted your brother earlier today who passed you a message to call me. Unfortunately I was meeting with a member of the public when you returned my call and no number was left.

I am writing this email because I am unable to contact you on the telephone to advise you of the progress of the application.

After further investigation of case law, discussions with colleagues and the Council's solicitor along with the additional information provided I can confirm that I am unable to issue a certificate for the lawful use of the extension at 77 Forresters Road as an annex. The annex is used ancillary to the main dwelling for residential purposes therefore no change of use has taken place and for this reason I am unable to issue a certificate. Essentially I would be issuing a certificate for something which does not constitute development.

The annex is already a lawful use if used in connection with 77 Forresters Road and planning permission would not be required.

I am able to issue a letter to this effect stating the above and that the local authority will not be taking enforcement action at any time against the extensions use as an annex. If at any time the annex was to be used as a separate dwelling planning permission would then be required.

The application can not be determined and should be withdrawn to enable me to issue the fore-mentioned letter. To withdraw the application I require a short note in letter or email form stating your wishes to withdrawn the application.

If you would like to contact me my number is 01455 255898.

David Kiernan Bsc (Hons), MASP,

Graduate Development Control Officer
Development Services

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