

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/1257/93

M Burton
18 Park Road
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

18 Park Road, Hemel Hempstead, Herts

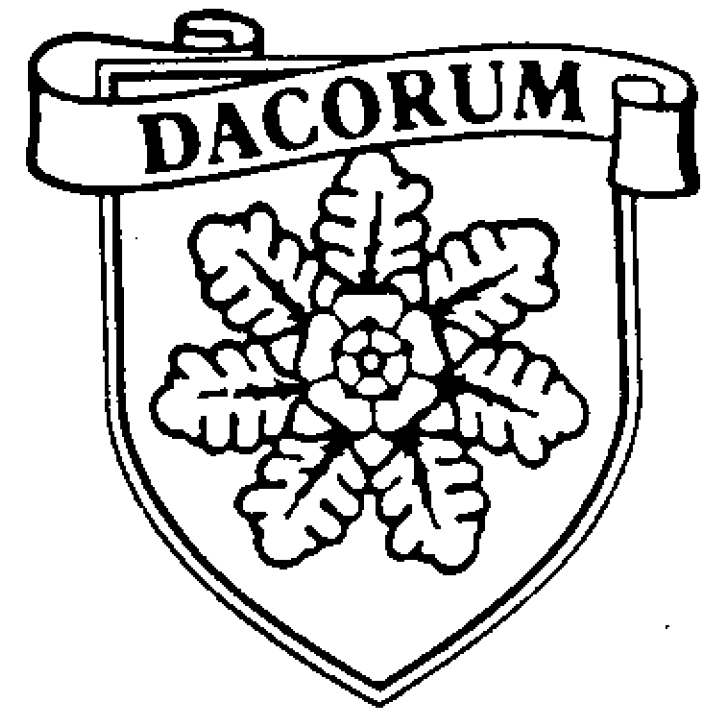
SINGLE STOREY SIDE EXTENSION

Your application for *full planning permission (householder)* dated 15.09.1993 and received on 16.09.1993 has been **GRANTED**, subject to any conditions set out on the attached sheet(s).

Director of Planning.

Date of Decision: 15.10.1993

(encs. - Conditions and Notes).



CONDITIONS APPLICABLE
TO APPLICATION: 4/1257/93

Date of Decision: 15.10.1993

1. The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.

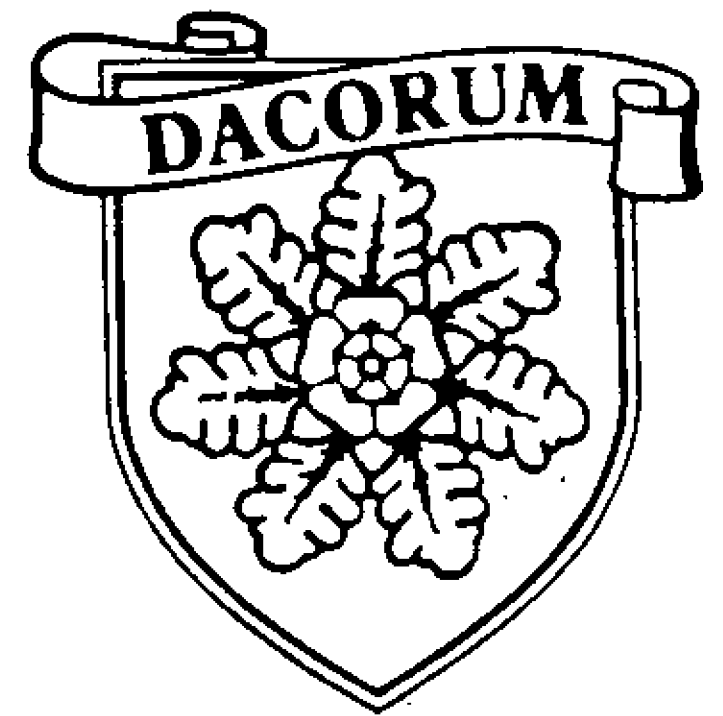
Reason: To comply with the provisions of s.91 of the Town and Country Planning Act 1990.

2. The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.

Reason: To ensure a satisfactory appearance.

3. There shall be no windows inserted within the flank elevation of the extension hereby permitted without the prior written approval of the local planning authority.

Reason: In the interests of amenity.



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 191

as amended by section 10 of the
Planning and Compensation Act 1991

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT
ORDER 1988

ARTICLE 26A

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Dacorum Borough Council hereby certify that on 7 September 1993 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

1. No. 52 Boxted Road originally formed a maisonette being part of a building comprising other similar dwellinghouses.
2. Section 55 (3) of the Act provides that, inter alia, for the purposes of this section the use as two or more separate dwellinghouses of any building previously used a single dwelling constitutes a material change of use. Under Section 336 (1) of the Act "Building" is defined as including "any structure or erection, and any part of any building".
3. Based upon the evidence available to the local planning authority at the time when this application was submitted a material change of use of 52 Boxted Road had taken place, but this took place over four years ago.
4. By virtue of section 172 (4) of the Act an enforcement notice cannot be issued in respect of such a change of use after a period of four years.
5. Under section 191 (2) (d) of the Act a use of land is lawful if the time for enforcement action has expired.

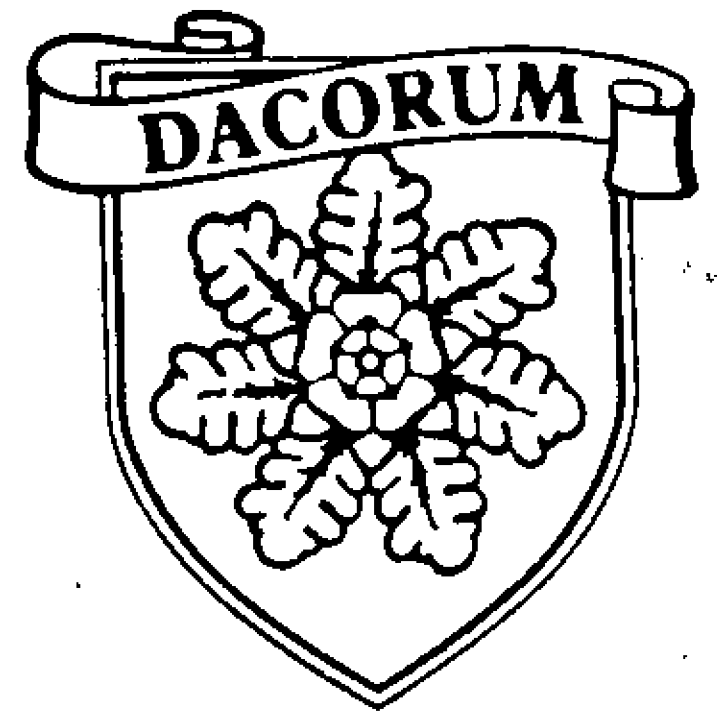
Signed:

Director of Planning

On behalf of Dacorum Borough Council

Date: 10 November 1993

Reference: 4/1258/93LD



FIRST SCHEDULE

Use of the building described in the Second Schedule as two self-contained one bedroom units.

SECOND SCHEDULE

The building originally known as 52 Bosted Road, Hemel Hempstead and now known as 52 and 52A Bosted Road, Hemel Hempstead ie Flats "A" and "B" as shown by Drawing No. 1 attached to this Certificate.

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.