

Masuma Rahman
60 High Road
Leyton
E15 2BP

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 20/02232/CLUP
Address: 27 Peartree Gardens, Dagenham, Barking And Dagenham, RM8 2YR
Development Description: Application for a lawful development certificate proposed: Maintaining the existing space of the outbuilding but increasing the height to maximum 2.5m from the ground level

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Masuma Rahman
60 High Road
Leyton, E15 2BP

Applicant: Diana Grosu
27 Peartree Gardens
Dagenham, RM8 2YR

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/02232/CLUP

Application Type: Lawful Development Certificate (Proposed Use)

FIRST SCHEDULE (Use / Development / Matter): Application for a lawful development certificate proposed: Maintaining the existing space of the outbuilding but increasing the height to maximum 2.5m from the ground level

SECOND SCHEDULE (Site Address): 27 Peartree Gardens, Dagenham, Barking And Dagenham, RM8 2YR

Date Received: 09 November 2020

Date Validated: 09 November 2020

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby certifies that the use / development / matter described in the FIRST SCHEDULE to this certificate in respect of the land specified in the SECOND SCHEDULE and as identified on the plans specified below **WAS LAWFUL ON 09 November 2020** within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reason(s):

Reason(s):

1. The proposed development complies with the requirements of Class E of the Town and Country Planning (General Permitted Development) Order 2015.

Plan(s) and Informative(s):

1. This certificate is granted in respect of development to be carried out in accordance with the following plan(s) and/or document(s) submitted with the application ONLY:

- PD01 - Plans and Elevations - 06/11/2020
- PD03 - Proposed Block Plan - 06/11/2020

2. The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. This is in order to comply with the conditions imposed by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

NOTES

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990.

2. It certifies that the use / operations / matter specified in the FIRST SCHEDULE taking place on the land described in the SECOND SCHEDULE was / were / would have been lawful on the specified date, and therefore was not / were not / would not have been liable to enforcement action under section 172 of the Town and Country Planning Act 1990 on that date.

3. This certificate only applies to the extent of the use / operations / matter described in the FIRST SCHEDULE and to the land specified in the SECOND SCHEDULE as identified on the plans specified above. Any use / operations / matter which is / are materially different from that described in the FIRST SCHEDULE, or relating to land other than that specified in the SECOND SCHEDULE, may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the provision in section 192(4) of the Town and Country Planning Act

1990 which states that the lawfulness of a described use or operations is only conclusively presumed where there has been no material change before the use is instituted or the operations are begun in any of the matters relevant to determining such lawfulness.

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to work with the Applicant in a positive and proactive manner. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

DATE OF DECISION: 16/11/2020

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke

Director of Inclusive Growth

London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.