

Appeal Decision Report

27 January 2018 - 23 February 2018

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Royal Borough
of Windsor &
Maidenhead

WINDSOR RURAL

Appeal Ref.: 17/60077/REF **Planning Ref.:** 17/00158/CLD **Plns Ref.:** APP/T0355/X/17/3174405

Appellant: Mr Scott Hamilton **c/o Agent:** Mr Michael Williams Michael Williams 9 St Michaels Road Cardiff CF5 2AL

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Certificate of Lawfulness to determine whether the existing use of five flats at ground floor and 6 flats at first floor (flat 12 part FF, part SF) as 11 x C3 (Dwellinghouses) is lawful.

Location: **Wraysbury Hall 1 Ferry Lane Wraysbury Staines TW19 6HG**

Appeal Decision: Dismissed **Decision Date:** 12 February 2018

Main Issue: The Inspector concluded that the occupation of the 11 units could not be described as a private domestic existence, due to the fact there were no tenancy agreements, the pattern of occupation is transient and the accommodation is under the control of a management company who have rights of access to the accommodation and are responsible in turn for all the supporting services. It is common ground that the 11 units have not altered in terms of the facilities they provide for day to day use since the implementation of the 1999 pp. Furthermore the appellant has failed to discharge the onus of proof. He has not provided precise, consistent or unambiguous evidence to support the assertion that any of the 11 units was in C3 use for four years at the date of the application or indeed for any other continuous 4 year period. For the reasons given above the Inspector concluded that the Council's refusal to grant a certificate of lawful use in respect of the use of five flats at ground floor and 6 flats at first floor (flat 12 part FF, part SF) as 11 x C3 dwellinghouses was well founded and that the appeal should fail.

Appeal Ref.: 17/60098/REF **Planning Ref.:** 17/00939/CPD **Plns Ref.:** APP/T0355/X/17/3182211

Appellant: Mr M Willis **c/o Agent:** Mr Murray Chrystal Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT United Kingdom

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Certificate of Lawfulness to determine whether the proposed erection of outbuilding (leisure building) and provision of related hard standing is lawful.

Location: **Greenwood The Covert Ascot SL5 9JS**

Appeal Decision: Dismissed **Decision Date:** 12 February 2018

Main Issue: The Inspector determined that the appeal site is subject to the conditions attached to planning permission 06/00098/FULL for the replacement dwelling which included condition 8 which removes permitted development rights to extend the house and erect ancillary buildings within the curtilage of the dwelling. The Inspector therefore determined that the proposed erection of an outbuilding on the appeal site does not benefit from Class E, Part 1, and Schedule 2 of the GPDO and considered the Council's decision to refuse to grant a certificate of lawful use of development in connection with an outbuilding and provision of related hardstanding to be well founded.



Planning Appeals Received

27 January 2018 - 23 February 2018

WINDSOR RURAL

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the PIns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 18/60023/REF **Planning Ref.:** 17/02332/FULL **PIns Ref.:** APP/T0355/D/17/3190565
Date Received: 30 January 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Loft conversion into habitable space with x1 rear dormer.
Location: **14 St James Gate Sunningdale Ascot SL5 9SS**
Appellant: Mr Declan Murphy **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 18/60026/REF **Planning Ref.:** 17/02955/FULL **PIns Ref.:** APP/T0355/D/17/3190776
Date Received: 14 February 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Construction of a detached garage and new garden wall
Location: **Earleydene Orchard Earleydene Ascot SL5 9JY**
Appellant: Mr Roland Clapton **c/o Agent:** Mr David Chivers Planning Design Partnership Ltd 32 Park Road Chiswick London W4 3HH