

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Appeal Update: 51 Coronation Street, Blaina
Report Author	Joanne White
Directorate	Regeneration and Community Services
Date of meeting	4th February 2021

1. Purpose of Report

- 1.1 To advise Members of the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of a Lawful Development Certificate for an existing structure (Ref: C/2020/0024). The certificate was sought for the lawful use of an existing shelter within the rear garden of the residential property.
- 1.2 The application was refused under delegated powers on 16th March 2020.
- 1.3 When determining if a Lawful Development Certificate should be issued, the only consideration the LPA could have in this instance was whether the evidence given by the applicant demonstrated, on the balance of probability, that the works were substantially completed 4 years prior to the date of the application. For the purposes of this application, the relevant date was 24th January 2016.

2.0 Scope of the Report

- 2.1 The application was refused on the basis that there was insufficient evidence to demonstrate that the shelter had been substantially completed since January 2016.
- 2.2 The Inspector highlighted that due to the materials used in the construction of the shelter that it was difficult to achieve a visual estimation of its age. The Inspector further noted that the appellant had admitted that the structure had changed over time.
- 2.3 Evidence was provided by the appellant in support of the application and from a third party challenging the claim. However, the Inspector agreed with the LPA that neither party's evidence was clear in detail or timeframe.
- 2.4 Consequently, the Inspector concluded that the appellant failed to demonstrate, on the balance of probabilities, that the shelter had been substantially complete in excess of 4 years from January 2016.
- 2.5 The Inspector accordingly DISMISSED the appeal.

3. Recommendation/s for Consideration

- 3.1 That Members note for information the appeal decisions for planning application C/2020/0024 as attached at **Appendix A**.