

B. Part Two

F-APP 16
12 PGS

Mr Brian Reed
Chester City Council
The Forum
Chester
CH1 2HS

Our ref: JCHJ/DW/J.37897

Your ref: BR.PAA1 PLANGEN

22nd May 2001

Dear Mr Reed

Re: Heron Lodge Townfield Lane Farndon Chester

We have your letter of 15th May. We disagree with almost all the contents. It is surely up to you as the proposed enforcing authority to establish whether the chalet was erected before 1st July 1948 or not since its planning status will no doubt be affected by that fact. You surely have your own records as to when the chalet was erected or have access to maps, plans and aerial photographs that will establish that for you.

If at 1st July 1948 the chalet met the definition of private dwellinghouse as the appropriate user under the Town & Country Planning Acts then that is the status it retains ie it is a dwellinghouse. There is no use category of summer chalet, the property is either a dwellinghouse or it is not. If it were a dwellinghouse erected after first July 1948 it would have been possible for the Planning Authority to impose conditions as to occupation but that is not the case. We know of no procedure under which you can now impose conditions upon this dwellinghouse of the character you wish to impose.

We can see no onus on the Applicants to prove anything at all, you are the enforcing Authority and you would have to prove breach of planning laws.

The decision your client made on the application for certificate of lawful use is plainly wrong and if necessary we will appeal against it. We can see no time limit for such an Appeal but clearly it would be premature before there is any indication from your Council that you intend to attempt to enforce matters.

Quite apart from anything else your Council's attitude to this matter is one of oppression. We are not involved in but are aware of the proceedings our client intends to, or has in fact issued in Chester County Court. Whatever the legal basis for that claim there can be no doubt about the genuineness of his feelings in the matter and of his grounds for such belief.

Yours faithfully

GWILYM HUGHES & PARTNERS