STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Staffordshire Moorlands District Council
Moorlands House, Stockwell Street, Leek
Staffordshire Moorlands, ST13 6HQ
Telephone: 0845 605 3013
www.staffsmoorlands.gov.uk

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

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 Procedure) Order 1995

PART ONE

Publication of planning applications on council web sites
Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.
If any other information that is provided as part of the application which falls within the definition of personal data under the Data Protection Act and is not to be published on the council's website, please contact the council's planning department.

1. Applicant Name, Address and Contact Details

Title: Mr | First name: Peter | Surname: Shaw

Company name:

Street address: Ribden Farmhouse
Ribden Farm
Three Lows

Town/City: Oakamoor
County: Stoke-on-Trent
Country: England
Postcode: ST10 3BW

	Country Code	National Number	Extension Number
Telephone number:			
Mobile number:			
Fax number:			

Email address:

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title: Mr | First Name: Andrew | Surname: Gore

Company name: The Planning Design Practice Ltd

Street address: Ground Floor, Suite 4
Woburn House
Vernon Gate

Town/City: Derby
County: Derbyshire
Country: England
Postcode: DE1 1UL

	Country Code	National Number	Extension Number
Telephone number:	01332	347371	
Mobile number:			
Fax number:	01332	347555	

Email address: andrew@planningdesign.co.uk

3. Site Address Details

[illegible]

[illegible]

[illegible]

Street address: Kibdon Farm

Three Lows

Town/City: Lakemoor

County: Stoke-on-Trent

Postcode: ST10 3BW

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: 407674

Northing: 346827

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ○ Yes ◉ No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land ◉ a) Owner ○ b) Lessee ○ c) Occupier ○ d) Other

6. Council Employee / Member

Is the applicant or agent related to any member of staff or elected member of the council? ○ Yes ◉ No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

◉ An existing use

○ An existing operation

○ An existing use, operation or activity in breach of a condition

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to

Use Classes: C3 Other:

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates

A redundant agricultural barn and a portakabin were converted in the year 2000 and have been occupied as a dwellinghouse ever since. Therefore, as the land is being used as a single residential dwelling house, a material change of use has occurred. However, as this use has been continuous for a period in excess of four years, then it is considered to be immune for enforcement action, and consequently a lawful use.

9. Grounds For Application For A Lawful Development Certificate

( ) [illegible]

( ) [illegible]

( ) The use began at least 10 years before the date of this application.

(•) The use as a single dwelling house began more than four years before the date of this application.

( ) The building works (for instance building or engineering works) were substantially completed more than four years before the date of this application.

( ) Other - please specify (this might include claims that the change of use of building work was not given permission, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought for a use (operation, or activity) in breach of a condition or limitation please identify the condition or limitation that has not been complied with:

Reference number: _____ Condition number: _____ Date: _____

Please state why a Lawful Development Certificate should be granted:

A redundant agricultural barn and a portakabin were converted in the year 2000 and have been occupied as a dwellinghouse ever since. Therefore, as the land is being used as a single residential dwelling house, a material change of use has occurred. However, as this use has been continuous for a period in excess of four years, then it is considered to be immune for enforcement action, and consequently a lawful use. Please see the accompanying planning statement for further information and evidence.

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed? 01/11/2000

In the case of an existing use or activity in breach of conditions has there been any interruption? ( ) Yes (•) No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought? ( ) Yes (•) No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed? (•) Yes ( ) No

Market Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown				1	

Proposed Market Housing Total: 1

Market Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Existing Market Housing Total: 0

Overall Residential Unit Totals

Total proposed residential units	1
Total existing residential units	0

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ( ) Yes (•) No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

(•) The agent ( ) The applicant ( ) Other person

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. ☒ Date: 04/12/2008

Warning:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

Lawful Development Certificate for the Continued Existing Use of an Agricultural Barn and Portakabin as a Single Dwelling House at Greenacres, Three Lows, Near Oakamoor, ST10 3BW



Planning Statement

Written by Andrew Gore BA(Hons) MSc

December 2008

The Planning and Design Practice Ltd
Ground Floor, Suite 4,
Woburn House
Vernon Gate
Derby
DE1 1UL
Tel: 01332 347371
Fax: 01332 347555
www.planningdesign.co.uk

1. Introduction

1.1 The purpose of this statement is to demonstrate that the use of the converted agricultural barn and portakabin as a residential dwelling house has been continuous for a period in excess of four years, and therefore lawful development and consequently immune from enforcement action.

1.2 Ribden Farm consists of a Grade II listed stone farmhouse dating from 1748 and is situated just off the B5417, which in turn is located off the A52 near Oakamoor. The property is a working farm as well as a successful Bed & Breakfast facility.

1.3 Greenacres is a residential property that was created in the year 2000 without planning permission from the conversion of a redundant detached agricultural barn and portakabin situated approximately 50 feet from Ribden Farm Farmhouse. The barn itself was constructed many years before this and was used in connection with the agriculture use of the land until it became surplus to requirements.

1.4 Conversion work on the building was completed in 2001, as is evident from the date on Picture 11 in Appendix 1 (picture 10 is a recent picture of the same room), yet occupation of the converted property started in November 2000. The property was home to Mr Nelson Shaw, his wife Rachael Shaw, and their six children from late 2000 until August 2008 when Rachael Shaw and the children moved out of the property. The property is now occupied solely by Mr Nelson Shaw. Mr Nelson Shaw is the son of Peter and Christine Shaw who own and occupy Ribden Farm. However, despite this relationship, the converted property is occupied entirely independently of Ribden Farm and not in an ancillary manner.

2. Planning Considerations

2.1 The *four year rule* (outlined in Section 4 of the Planning and Compensation Act 1991) indicates that a period of four years is the time

allowed to a Local Planning Authority to take enforcement action where a breach comprises either operational development (the carrying out of unauthorised building, engineering, mining or other operations), or the change of use to use as a single dwelling house.

2.2 As stated above, the property has been occupied as an independent dwelling since late 2000 to present day. The converted building has all the basic householder amenities such as a gas, electricity and water supply; a bathroom with toilet, shower and bath; five bedrooms; a kitchen area; a dining room; a living room: and a garden area. The gas is bottled and the water and electricity are soured from Ribden Farm Farmhouse. The building also has its own vehicular/pedestrian access off a shared main access that leads to the B5417. The building has adequate parking provision for two vehicles adjacent to the building. Overall, it is considered that the accommodation has all the capabilities of being an independent dwelling house, and that a material change of use has clearly taken place. A site visit will confirm this, however, picture evidence has been provided.

2.3 The accompanying documentation identified below is evidence that the converted building has been occupied for a continuous period in excess of four years:

- Letter from Staffordshire Moorlands DC Housing Benefits Section – dated September 2003.
- Council Tax Bill from Staffordshire Moorlands DC – dated January 2004.
- Council Tax Reminder Notice from Staffordshire Moorlands DC – dated February 2004.
- Letter from Staffordshire Moorlands DC Housing Benefits Section – dated March 2004.
- Council Tax Bill from Staffordshire Moorlands DC – dated April 2004.
- Council Tax Bill from Staffordshire Moorlands DC – dated May 2004.

- Council Tax Reminder Notice from Staffordshire Moorlands DC – dated July 2004.
- Letter from Staffordshire Moorlands DC Housing Benefits Dept – dated September 2004.
- Council Tax Bill from Staffordshire Moorlands DC – dated December 2004.
- Council Tax Reminder Notice from Staffordshire Moorlands DC – dated February 2005.
- Council Tax Bill from Staffordshire Moorlands DC – dated March 2005.
- Letter from Staffordshire Moorlands DC Council Tax – dated April 2005.
- Letter from Staffordshire Moorlands DC Housing Benefits Dept – dated September 2005.
- Letter from applicant to Council Tax and Benefits Section – dated September 2005.
- Letter from HM Revenues & Customs – dated January 2007.
- Letter from HSBC – dated September 2007.
- Letter from HM Revenues & Customs – dated March 2008.
- Council Tax Bill from Staffordshire Moorlands DC – dated April 2008.
- Letter from NFU Mutual – dated August 2008.
- Letter from TV Licensing – valid until September 2009.
- Photocopy of NatWest bank statement – dated September 2008.

All of the documentation above is addressed directly to Mr Nelson Shaw or Mrs Rachael Shaw at Greenacres. Not only does the evidence demonstrate that the building has been occupied for the said amount of time, but the council tax payments and rental agreement from the applicant (dated September 2005) also demonstrate that the building has been occupied as an independent dwelling house and not in an ancillary capacity.

It should be appreciated that the collection of comprehensive evidence showing the occupation of the building for such a long period of time can be

difficult, however, since applications of this nature are decided based on the balance of probability, it is considered that sufficient evidence has been submitted to demonstrate that in all probability, the building has been occupied as a main residence for over four years.

Therefore, as the building is being used as a single residential dwelling house, a material change of use has occurred. However, as this use has been continuous for a period in excess of four years, then it is considered to be immune from enforcement action, and consequently a lawful use.

Given that the building has been used as a single dwelling house for a continuous period of more than four years, and that sufficient evidence has been provided to demonstrate this period of occupation, it is felt that in this instance, a Lawful Development Certificate should be granted.

Lastly, it is considered that no operational development has taken place, only a material change of use. As the siting of a portakabin is widely considered not to be operation development (taking into account its size, degree of permanence and its physical attachment to the ground), then planning permission would not be required for its siting. However, since the portakabin has been on site for a period in excess of four years, it is considered immune from enforcement action also.

DE/12/15/ 04 DEC 2008 - S M D



The Planning & Design Practice Ltd.
Ground Floor, Suite 4
Woburn House
Vernon Gate
Derby
DE1 1UL

Tel: 01332 347 371
Fax: 01332 347 555
E-mail: info@planningdesign.co.uk

CLIENT ADDRESS:

Mr P Shaw
Ribden Farm
Three Lows
Oakamoor
Stoke-on-Trent
ST10 3BW

PROJECT DESCRIPTION:

USE OF FARM OUTBUILDING AND PORTAKABIN AS LIVING ACCOMMODATION - RIBDEN FARM, OAKAMOOR

DRAWING TITLE:

Site Location Plan

DRAWN BY:

DS

DRAWING NUMBER:	REVISION:
001	-

SCALE:	DATE:
1:1250	Dec 08

DRAWING REF:

464

08/2 5/ ... DEC 2008 - S M D

08/02015/CL-EXG

Greenacres, Ribden Farm

GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	19 December 2008
SLA Number	Not Set

*Produced using ESRI (UK)'s MapExplorer 2.0 - **http://www.esriuk.com***

08/02015/ CL/CES 1 DEC 2008 - S M D

Photographic Survey: Greenacres, Ribden Farm, Oakamoor

Picture 1: looking north at door to converted property. Picture 2: looking northeast at rear garden of converted property. Picture 3: looking north at the side of the converted property towards the property's access gate. Picture 4: kitchen area of converted property. Picture 5: looking northeast from garden at private parking area for converted property. Picture 6: dining room of property. Picture 7: bathroom of property. Picture 8: looking east along the side of converted property. Picture 9: Lounge of property. Picture 10: a bedroom of property.


Pic 1


Pic 2

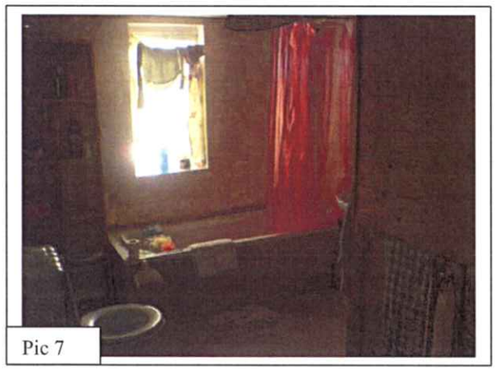

Pic 3


Pic 4

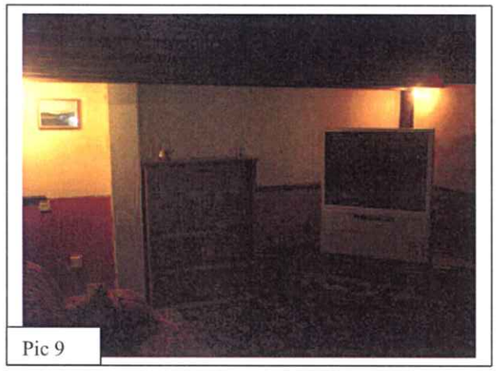

Pic 5




Pic 6


Pic 7


Pic 8


Pic 9


Pic 10