DELEGATED DECISION REPORT

SMD/2016/0702 **Valid 09/11/2016**	**BRADSHAW COTTAGE** **DUNWOOD LANE** **LONGSDON**	**CERTIFICATE OF LAWFULNESS FOR CONFIRMATION THAT RESIDENTIAL USE OF BRADSHAW COTTAGE HAS NOT BEEN ABANDONED** **(CERTIFICATE OF LAWFULNESS - EXISTING)**

MAIN ISSUES

- Whether or not the former dwelling has been "abandoned" and no longer benefits from being classed as a dwelling (in the C3 use class).

DESCRIPTION OF SITE

The site is in the open countryside to the north-west of the village of Longsdon and comprises a vacant farm dwelling made of traditional stone and tile. It faces Dunwood Lane to the west. It is a short distance to the north of another dwelling called Bradshaw Mount which appears to be within the same property. Bradshaw Farm lies to the north of the site to the other side of the road.

PROPOSAL

The application is for a certificate of lawfulness of an existing use/operation/activity. In this case, the applicant requires a certificate for the lawful use of the building as a dwelling which had not been abandoned and can still be classed as a dwelling under the 'C3 Residential' use class in the Town and Country Planning Use Classes Order. The onus is on the applicant to provide enough evidence to show that on the balance of probabilities the residential use of the building has not been abandoned. If it was found that the building had been 'abandoned' and could no longer be classed as a dwelling, then it would not benefit from falling under any "use class" and a full planning application would be needed to re-use and convert the building back into a dwelling.

Factors to consider in this case include the physical condition of the building, the length of time it has not been used as a dwelling, whether or not there has been any different uses for the building since it became vacant (i.e. intervening uses) and also the owners intentions for the building. The application also includes a Structural Condition Report (dated October 2016) and a copy of a letter to the owner (also the current applicant) from the Council's Building Control Section, dated July 1998. This is in response to a request from the owner to the Council on what information the Council would require from the owner in order to renovate the building.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None.

CONSULTATIONS

Publicity

Site Notice expiry date: 3.1.17
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No objection.

OFFICER COMMENTS

Despite the building becoming vacant in the mid to late 1980s (according to the applicant) it still maintains the form and appearance of a solid and permanent traditional rural dwellinghouse with in-tact stonework, a roof (which appears to be fully tiled), doors and windows with frames and glazing. There is also evidence of some recent new window frames and garage doors. The structural report, despite outlining significant repair and remedial works to be required for residential re-use, states the building is generally stable and does not require any re-building.

According to the Planning Statement, the owner bought the property (Bradshaw Mount) in 1998 with the intention of refurbishing the building for residential re-use. Despite some initial works to the building (new windows and some re-tiling) and garden there became funding and time issues which delayed full restoration and works became limited to prevent further disrepair. The owner still intends to refurbish the building for residential use.

There is no evidence of any alternative (i.e. non-residential) use of the building including within the Council's planning records (e.g. Enforcement or Planning Applications history).

CONCLUSION / PLANNING BALANCE

The building still maintains the appearance of a solid traditional dwellinghouse and would not need re-building to restore it back into a residential re-use. Although the

building has been vacant for a considerable length of time, some works had been undertaken since the current owner purchased the property and it appears that on the balance of probabilities the owner aims to restore it back into residential use. On this basis, I am satisfied that the building had not been abandoned and therefore a certificate of lawfulness can be granted.

OFFICER RECOMMENDATION : GRANT CERTIFICATE OF LAWFULNESS

Case Officer: Chris Johnston
Recommendation Date: 29.12.16

X B.J. Haywood

Signed by: Haywood, Ben

On behalf of Staffordshire Moorlands District Council