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PLANNING STATEMENT



PROPOSAL : **CERTIFICATE OF LAWFULNESS FOR USE OF PROPERTY AS A SINGLE DOMESTIC DWELLING (USE CLASS C3)**

ADDRESS : **STANFORD HOUSE, DENSTONE LANE, ALTON STAFFORDSHIRE, ST10 4AX**

APPLICANT : **MR P DRAYCOTT**

DATE : **SEPTEMBER 2017** **JOB No. : 2017-2239**

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CONTENTS:

1.0 INTRODUCTION

2.0 SITE

3.0 PRPOPSAL

4.0 STATEMENT

5.0 SUMMARY

6.0 CONCLUSION



1.0 INTRODUCTION

1.1 Sammons Architectural Ltd have been appointed by Mr P Draycott to prepare and apply for a Lawful Development Certificate to Staffordshire Moorlands District Council to confirm use of the property known as 'Stanford House', its ancillary buildings and land as a single domestic dwelling. This statement has been prepared to accompany the application under s191 (1)(a) of the Town and Country Planning Act 1990 (As Amended).

1.2 The buildings and land, subject of this application is identified on the submitted plan 2016-2180-04. The property was previously known as 'Alverton Motel' and consisted of the main building, which is a large property, ancillary buildings and land, which was used as a bed and breakfast until the business closed.

1.3 This Planning Statement and the associated documents seek to demonstrate beyond reasonable doubt, evidence that supports the case and that the property now known as 'Stanford House' has a lawful residential status and therefore immune from enforcement action by the Local Authority.

2.0 SITE

2.1 The application site comprises a large detached property that used to form the hub of the former commercial bed and breakfast operation. The main property also provided the owners of the business with accommodation. The land and buildings subject of this application were the remains from the original commercial operation, which was reduced in size due to the approval of a planning application for residential development. The remaining buildings and land that were not sold on as part of the redevelopment were retained by the previous owners and where then used as a single dwelling after the commercial bed and breakfast ceased trading. The property is itself located within the development boundary of Alton. The front elevation of the property faces in an easterly direction towards residential development that gained approval under application SMD/2012/0151 (12/00358/FUL) on 1st January 2013 through an appeal following an earlier refusal on 21st June 2012. There are residential properties to the north and west of the property. Whilst to the south is Denstone Road and agricultural fields beyond.

3.0 PROPOSAL

3.1 This Lawful Development Certificate seeks confirmation that:

- The land and buildings identified in the site edge red has been used continuously as a single domestic dwelling (Use Class C3) for a period in excess of 4 years and as such is lawful by virtue of time.

4.0 SUMMARY

4.1 Section 191(2) of the Act says that the use will be lawful if no enforcement action can be taken against it, and provided it does not contravene the requirements of any enforcement notice that is in force. Where an LDC is sought, the burden of proving relevant facts rests with the applicant.

4.2 Section 191(4) of the Town and Country Planning Act 1990 (1990 Act) indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application was lawful at the time

of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

4.3 For the avoidance of doubt, this means that the planning merits of the proposed development are not relevant to this application. Accordingly, it is necessary to consider whether, on the balance of probability, the building has been used for the purpose of a domestic dwelling and as such continuous period of four years or more prior to the date of the application. In order to justify the certificate sought by Mr P Draycott, this application aims to prove that the continued use of the building started over four years ago, before the date of the certificate application and continued during that period. The standard of proof required is the balance of probability.

4.4 It is also an accepted legal principle that if the Council have no evidence of their own, or from others, to contradict or otherwise make the appellant's version of events less than probable that lawfulness should be presumed provided the appellant's evidence alone is sufficiently precise and unambiguous to demonstrate this is the case on the balance of probability.

4.5 This submission seeks to demonstrate that the land and buildings identified on the site edged red have been used in the context of a single dwelling unit with ancillary structures more than 4 years ago and therefore are now lawful in the context of paragraph 171B of the Town and Country Planning Act 1990 (As Amended). The application is accompanied by the following evidence:

1. 1 x General Affidavit from Mr P Draycott
2. 1 x General Affidavit from Mrs Y Keates

4.6 The facts surrounding the application are that buildings and land subject of this application have been used continuously as a single dwelling since the bed and breakfast business closed on 31st December 2012. This first under the previous owner Mrs Y Keates and then by the applicant Mr P Draycott, who purchased the property on 29th September 2016. At the time of writing this supporting statement, the property benefits from a period of 4 years and 8 months.

5.0 CONCLUSION

5.1 It is considered that based on the evidence provided by the General Affidavit's that 'Stanford House', including its ancillary buildings and land as identified within the site edged red of the location plan, 2016-2180-04 has been occupied and used solely as a permanent single residential unit, since 31st December 2012. Given that there have been no significant periods of time when the property has been unoccupied and the breach of planning has occurred for a period in excess of 4 years it is considered that in accordance with Section 171B (2) of the Town and Country Planning Act 1990, that the dwelling is immune from enforcement action and therefore it is respectively concluded that a Lawful Development Certificate be granted for the use of the building known as 'Stanford House' as a single dwellinghouse under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Furthermore, it should be noted that no enforcement notice is currently in force. The lawfulness of the use can therefore be established by reference to the provisions of section 191(2) of the Act, set out previously.

5.2 The evidence provided to support this application is consistent and it is therefore with due respect that the Local Planning Authority is politely requested to grant a Lawful Development Certificate for Existing Development in this regard.