From: Phil Johnson <>
Sent: 16 October 2017 15:17
To: Haywood, Ben
Cc: Julie Howard; Planning (SMDC)
Subject: Stanford House planning application SMD/2017/0615

Categories: Blue Category

Dear Mr Haywood

I am writing to object to the planning application SMD/2017/0615 in relation to the application for a Lawful Development Certificate for an existing use of property as a domestic dwelling (Use Class C3) at Stanford House, Denstone Lane, Alton.
The statements offered by the parties involved are not accurate and in my opinion false, and the planning application written by Sammons Architectural appears to deviate as to what the real reasons for retrospective planning is for. May I state early on in this report that the reason I am opposing this application as it appears to be a deflection from what is actually happening and that the correct protocol is not being followed.

The application refers Stanford house and ancillary buildings and it appears to be attempting to avoid what planning should have been applied for in the first instance (and Building Regulations). On the 26th January 1982 (ref SMD/1881/0607) planning was approved for the conversion of an outbuilding into three holiday “flat lets” and when applications of this nature are made, they normally have caveats attached by the planning office with regards to conditions of use, such as 10 months per year occupation for example. I am therefore asking if such conditions were attached to planning application SMD/1881/0607 as this application was passed to convert an outbuilding into three holiday flat lets. If a section 106A of The Town and Country Planning Act 1990 was imposed then a different application would have to be made and a section 73 under the said act would not apply. In Bloomfield v Secretary of State for the Environment, Transport and the Regions and Another [1999], the High Court held that permanent residential occupation of a building subject to a planning condition stipulating that it should "not be used at any time for permanent residential accommodation" and limiting its use to a holiday let did not involve a change in use to a single dwellinghouse and thus the ten-year rule applied. Also in the Gravesham BC case; In the section 174 appeal in that case, the inspector had found as a matter of fact and degree that each unit was self-contained and was supplied with the facilities necessary for daily life, including living, sleeping and eating space, kitchen, bathroom and WC. The units were each available for short term lets. However, he concluded that they were not used in the normal sense as independent residential units. Their use for holiday accommodation was, in his opinion, materially different to the use of premises by a household as a long term home. The High Court rejected an appeal against this decision, but the Court of Appeal overturned the Secretary of State’s decision. The Court accepted the approach taken in Gravesham, and held that there is no requirement that before a building can be described as a dwellinghouse it must be occupied as a permanent home.

Furthermore; Mrs Draycott purchased the property on the 27th May 2016 and subsequently went to work on the buildings, completing the main house first and moving in on the 29th September 2016 and then moving onto the outbuildings. The outbuilding which is now detached from the main building formed planning application SMD/1881/0607 and has now been converted into a semi-detached property of two residential properties which are currently occupied and have been for some months. This is a material change of use and there is a significant increase in comings and goings as a result of said changes. It appears that no effort has been made to apply for building regulations or planning to convert these from 3 flat lets into 2 residential dwellings and I therefore refer to my paragraph above and suggest that the planning office has been misled. This is also proven as an attempt was made to construct a garage without planning permission.

Two questions shall now be raised;

1. What is the competency level of the architects as they are legally bound to advise their clients, not only of planning rules but also of the Construction Design & Management Regulations which appear to have been ignored.

2. If made aware of the laws by the Architect, have Mr &Mrs Draycott chose to ignore them and carry on regardless?

With regards to the planning statement offered by Sammons;
1.3 Does not demonstrate beyond reasonable doubt;
3.1 The land and buildings have not been used continuously as a domestic for a period in excess of 4 years. In fact the local authority carried out a health and hygiene inspection on the 14/07/2014 suggesting that the business was operational.
4.4 To assist the local authority, I am prepared to state in an affidavit that I witnessed the flat lets being used as holiday lets within the previous 3 years.

In accordance with The Town and Country Planning act 1990, (183) I am of the opinion that the local authority should consider issuing stop notices.

Kind Regards

CMIOSH MIIRSM ACIEH CMaPS
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