Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

GRANGEWOOD HOUSE,
TICKHILL LANE, DILHORNE

SEPTEMBER 2018

Site Address:
Grangewood House, Tickhill Lane, Dilhorne, Staffordshire, ST10 2PL

Applicant:
Mr. & Mrs. Bennion

Proposal:
Certificate of Lawfulness for Existing Use:
Occupancy of dwellinghouse in breach of Agricultural Occupancy Condition (SM/6504)

Planning Statement:
Date Issued: 20th September 2018
Job Reference: RDP/2018/074

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. & Mrs. Bennion to submit an application under s191 of the Town and Country Planning Act (1990) to seek confirmation that their occupancy of Grangewood House, Tickhill Lane, Dilhorne, in breach of an agricultural occupancy condition, is immune from enforcement action and therefore lawful.

1.2 Planning permission for the existing dwelling was originally granted on 30th March 1979 under application SM/6504, and in doing so an agricultural occupancy condition was imposed (Condition 2). The condition reads as follows:

1.3 The Agricultural Occupancy Condition reads as follows:

> *"The occupation of the dwelling hereby permitted shall be limited to a person employed or last employed locally in agricultural as defined by s290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him (but including a widow or a widower of such a person)".*

1.4 The National Planning Practice Guidance confirms that an applicant is responsible for providing sufficient information to support an application for a Lawful Development Certificate to be granted, and that an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. This Planning Statement sets out the applicant's case for the Lawful Development Certificate to be granted in light of the above requirements.

2 Site & Surroundings

2.1 The application site comprises a two storey detached dwelling located to the north of Tickhill Lane, accessed via a track that also serves Haywood Grange and Oakhurst. A mature woodland encloses the southern boundary of the site, with the land rising up in a southerly direction towards Tickhill Lane. The land to the north slopes gently away before rising up again beyond the existing watercourse.

3 The Proposal

3.1 This Lawful Development Certificate seeks confirmation that:

1) The occupancy of Grangewood House by the applicants (Mr. & Mrs. Bennion), in breach of an agricultural occupancy condition, is lawful and thus immune from enforcement action by the Local Authority.

4 Planning Assessment

4.1 Paragraph 006 of the Planning Practice Guidance relates to Lawful Development Certificates and confirms that an applicant is responsible for providing sufficient information to support an application. It goes on to state that if a local planning authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probable, then there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

4.2 The provisions of section 171B of the Town and Country Planning Act 1990 (As Amended) dictate that where there has been a breach of planning control

consisting of non-compliance with a planning condition, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

1.5 This submission seeks to demonstrate that the applicants have occupied Grangewood House, in breach of its agricultural occupancy condition, for a period in excess of 10 years, and that as a consequence it is now lawful. The application is accompanied by the following evidence:

- Statutory Declaration of Mr. Simon Bennion
- Statutory Declaration of Mrs. Deborah Bennion
- Letter from Mr. Mike Graham (2nd April 2018)
- Letter from Mr. Stephen Ryder (4th April 2018)
- Letter from Mrs. Gillian Pickerill (8th April 2018)
- Letter from Mrs. Ginette Steele (23rd May 2018)
- Letter from Mr. & Mrs. Plant (undated)
- Completion Statement from Beswicks Solicitors (9th April 2002)*
- Bank Statements of Mr. & Mrs. Bennion*
- Bank Loan Statement from Natwest*

* submitted as a private and confidential documents

4.3 The provisions of the agricultural occupancy condition require that any persons occupying Grangewood House must be employed or last employed in agriculture or forestry (or a widower thereof). The statutory declaration from Mr. Simon Bennion (enclosed as Appendix A) confirms that he, along with his wife Deborah Bennion, are the occupies of Grangewood House. It goes on to confirm that he is currently employed by MEB Total Ltd. as an Operations Director, having commenced employment there in April 2015.

MEB Total are a mechanical, electrical and building services contractor, and do not constitute an agricultural or forestry enterprise in any way.

4.4 The statutory declaration furthermore confirms that prior to his employment with MEB Total Ltd., Simon Bennion was employed by George Birchall Service, a job he had held since 1987. George Birchall Service are also a mechanical and electrical building services company, and thus also do not constitute an agricultural or forestry enterprise in any way. It is therefore clear from the evidence provided in his statutory declaration, that Mr. Simon Bennion is not employed in agriculture or forestry, nor was he last employed in agriculture or forestry.

4.5 The statutory declaration of Mrs. Deborah Bennion (enclosed as Appendix B), who also resides as the property, confirms that she is employed by AMG Nursing and Care Service in the role of Paediatric Nurse Director. The declaration confirms that she has worked there since October 2013 and remains employed there to this present day. AMG Nursing and Care Services are evidently not an agricultural or forestry enterprise. The statutory declaration goes on to confirm that prior to working for AMG Nursing and Care Services, she was employed as a Paediatric Nurse at University Hospital of North Staffordshire (Ward 217). It is therefore clear from the evidence provided in her statutory declaration that Mrs. Deborah Bennion is not employed in agriculture or forestry, nor was she last employed in agriculture or forestry.

4.6 The statutory declarations of Mr. Simon Bennion and his wife, Mrs. Deborah Bennion, furthermore confirm that they are the registered owners of Grangewood House, having purchased the property in May 2002. The declarations go on to confirm that they have lived at the site continuously since its purchase, and that it is their sole place of residence. They remain

living in the property, and as persons who are not employed or last employed in agriculture, they have breached the agricultural occupancy condition for a period which far exceeds the ten year threshold set out in s171B of the Town and Country Planning Act. The breach of the occupancy condition continues to this present day.

4.7 The statutory declarations prepared by Mr. & Mrs. Bennion are, in themselves, substantive pieces of evidence that should be afforded substantial weight in the assessment of this application, and demonstrate beyond the balance of probability that they have occupied Grangewood House in breach of its agricultural occupancy condition for a period in excess of ten years. Their evidence is nevertheless independently corroborated by the supporting letters enclosed as Appendices C – E inclusive.

4.8 The letter from Mrs. Pickerill (Appendix C) confirms that she has known the applicants for approximately 20 years, and corroborates the evidence presented by the applicants that they are employed in the medical and building trades professions, and not in agriculture or forestry. Mrs. Pickerill furthermore confirms that the applicants have not carried out any agricultural practices or generated any form of income from agriculture or forestry during the time she has known them. This letter lends further weight in support of the application and independently corroborates the Statutory Declarations of Mr. & Mrs. Bennion.

4.9 The letter from Mrs. Steele (Appendix D) also serves to corroborate the applicant's own version of events, confirming that both have worked outside of farming, and have lived in their home for the last 16 years. This letter lends further weight in support of the application.

4.10 The final supporting letter from Mr. Graham (Appendix E) corroborates the applicants own version of events, confirming that Grangewood House was sold to Mr. & Mrs. Bennion in May 2002, and that they have owned and occupied the property since then. Mr. Graham furthermore comments that he is not aware of any agricultural practices ever being carried out by the applicants. This letter also serves to lend further weight in support of the application.

4.11 In addition to the above, a number of private and confidential documents have been submitted for the consideration of the planning officer. These documents include a copy of the Completion Statement issued to Mr. & Mrs. Bennion upon their purchase of the property in 2002 (Appendix F). This document confirms their purchase of Grangewood House in 2002.

4.12 Further private and confidential evidence in the form of bank statements, have also been submitted. These statements are all in the name of Mr. Simon Bennion and Mrs. Deborah Bennion, and confirm their address as Grangewood House. The bank statements cover a period of 7 years (2011 – 2018) which is the most that can be downloaded from the applicant's bank. A copy of a loan statement has nevertheless been submitted relating to the period 4th October 2002 – 12 March 2003 (Appendix G) as further corroboration that the applicants have resided at Grangewood House since 2002. Such evidence lends further weight in support of the application.

5 Conclusion

5.1 The totality of evidence presented in this application demonstrates beyond the balance of probability that the applicants have occupied Grangewood House in breach of its agricultural occupancy condition for a period in excess of ten years. The breach of planning control that has occurred is therefore

now considered to be lawful in the context of section 171B of the Town and Country Planning Act 1990 (As Amended).

5.2 The Local Authority is therefore respectfully requested to grant a Lawful Development Certificate for Existing Use to confirm the same.