

## DELEGATED DECISION REPORT

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**SMD/2021/0308**  
**Valid 14/06/2021**

**KNYPERSLEY MILL FARM**  
**JUDGEFIELD LANE**  
**BROWN EDGE**

**CERTIFICATE OF  
LAWFULLNESS OF EXISTING  
USE OF AGRICULTURAL  
BARN WAS CONVERTED IN  
2015 TO BECOME A  
DWELLING ON THE FIRST  
FLOOR WITH A SAUNA AREA  
ASSOCIATED WITH THE  
DWELLING ON THE GROUND  
FLOOR. THIS HAS BEEN LET  
OUT AS SHORT STAY  
'HOLIDAY LET' SINCE 2016.**

**(CERTIFICATE OF  
LAWFULNESS - EXISTING)**

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### MAIN ISSUES

On balance of probability, has the submitted and available evidence demonstrated that the applicant's existing use of the land is immune from enforcement action and therefore lawful?

A use (or change of use) will be lawful if:

- The authority is out of time to take action
- It did not result in development at all (i.e. it was not a material change)
- The change of use was permitted within a use class or by the GPDO

### DESCRIPTION OF SITE

Knypersely Mill Farm is a small farmstead dating from the 19<sup>th</sup> C. The original stone farm buildings include the farm house, a roughly L shape footprint double fronted with a rear gabled projection at the rear, and a stone farm building or shippon with an end gable just 3.5m from the rear gable of the farm house. Over the years additional farm buildings were added to surround an open hard surfaced driveway and yard. The farmstead is at the end of a straight farm track that is shared with the adjacent Grade II listed Knypersley Mill.

### THE APPLICATION

The applicant has converted a stone and tile farm building or shippon, at the rear of their dwelling, into living accommodation. It provides on the ground floor a small pool, sauna and changing room; and on first floor two bedrooms, kitchen, bathroom and sitting room. He details the accommodation and elevations in detailed architectural plans and provides photographs of the building inside and out. An invoice for plumbing work has been provided dated October 2015.

It is said by the applicant that the living accommodation has been used as a holiday let since 2016. He provides 5 photographs of pages from the guest book, where guests have written comments and messages after their stay. This in total provides evidence of 8 separate guest stays between Oct 2016 and June 2017.

It seems, it is not explicit, from certain references on the submitted plans and in the supporting statement, that there is some expectation that the farm building has essentially become a second independent dwellinghouse.



#### **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

None relevant

#### **CONSULTATIONS**

##### **Publicity**

Site Notice expiry date: 22<sup>nd</sup> July 2021

Neighbour consultation period ends: 22<sup>nd</sup> July 2021

Press Advert: N/A

##### **Public Comments**

None

##### **Town / Parish Comments**

Brown Edge Parish Council: No Objection

## **OFFICER COMMENTS**

It seems clear that the conversion and limited operational changes to create the living accommodation in the farm building was completed sometime in 2016, over 4 years before the date of the application. The authority would be out of time to take action against any of the operational development that might have occurred to make the conversion, which in any event would appear to have been limited – the conversion has been carried out using the form, integrity and openings of the building.

It seems quite likely that in the past, and on occasion, the living accommodation has been used as a holiday let by paying guests, although the submitted evidence provided does not demonstrate any particular intensity or continuity in these regards.

However, the building is directly behind the rear gable of the house, just 3.5m separate the two buildings. Both buildings are within the same unit of ownership and occupation. Access and shared driveway hard surfacing is open, surrounding and serving this and other farm buildings within proximity and shared space of the dwelling. In all likelihood the facility would have been used by members of the Knypersley Mill Farm household as well as their guests. If it was let by holiday guests it would have been operated and served by the owner and resident of the farm house. There is no evidence of any physical or functional separation between the farm building/living accommodation and the rest of the farm house and the rest of the residential planning unit. Nor is there the evidence to show that the use of the living accommodation has resulted in a material or step change against, or from, the prevailing, existing lawful, residential use of a single dwelling. Specifically, the evidence does NOT demonstrate, that against those key observations (relative to physical and functional connection and the scale, intensity and continuity of the use) the building is lawfully a second, separate independent dwellinghouse.

It is well established point of planning law that within a planning unit where the primary use is that of a residential dwelling, there will be other ancillary uses, including those relating to the use of annexed living accommodation that will be lawful and not result in material change of use. Here, that could include, the use of the living accommodation as a holiday let until such a time that there is evidence that the use has become physically and functionally separate from that of the dwellinghouse and a material change of use has occurred.

## **CONCLUSION / PLANNING BALANCE**

The use of the living accommodation by the existing household and their guests, including paying holiday let guests, would remain as a lawful ancillary use within the one residential planning unit, where the primary use is the use of Knypersley Mill Farm as a single dwellinghouse. This will continue until such a time that there is evidence that the use of the living accommodation has become physically and functionally separate from the dwellinghouse and a material change of use occurs.

A certificate of lawfulness should be granted on these limited terms.

**OFFICER RECOMMENDATION :    APPROVE**

**Case Officer: Ben Hurst**

**Recommendation Date: 07/08/2021**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**