

**From:**  
**To:** [Planning \(SMDC\)](#)  
**Cc:** [Alan Hulme](#); [Bryan Stubbs](#); [Colin Pearce](#); [Gareth Buckley](#); [info@theadmingenieuk.com](mailto:info@theadmingenieuk.com); [Keith Flunder](#); [Paul McCormack](#); [Pete Wilkinson](#); [Sandra Peck](#); [Stephanie Akerman](#); [Steve Buckley](#)  
**Subject:** FW: Application SMD/2024/0320 - Lawful Development Certificate for a proposed erection of a building to form swim / spa, gym and outdoor kitchen - Coppice Side Manor, Coppice Lane, Winnothdale  
**Date:** 29 July 2024 09:41:33

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Please find below Checkley parish Councils response to the above planning application.

Thanks

Dawn Plant

-----Original Message-----

Sent: Friday, July 26, 2024 9:06 PM

Subject: Application SMD/2024/0320 - Lawful Development Certificate for a proposed erection of a building to form swim / spa, gym and outdoor kitchen - Coppice Side Manor, Coppice Lane, Winnothdale

The Applicant is seeking a Lawful Development Certificate for a proposed detached building (containing swim / spa, gym and outdoor kitchen) on land adjacent to the main residence that the Applicant presents as being utilised as garden space

Relevant Application history for this site is as follows:

Application SMD/2019/0654 for Certificate of Lawfulness for the Proposed erection of a detached outbuilding. Determined to be Not Lawful (Refused) by Planning Officer on 13/01/2020.

The Plans presented with this Application SMD/2024/0320 are of a similar layout to the previous Application SMD/2019/0654 and represent the same intended usage for swim / spa, gym and outdoor kitchen. The Application is supported by written statements from the current owners of the dwelling to confirm that they have used the land as garden area since they moved into the property.

There are minimum time periods for eligibility depending on the type of development. 10 years for change of use of land to another designation. For example agricultural land to garden land. If the extra piece of land has been used as a garden for 10 years and over and the site owner can prove this with documented evidence then there may be a case for classing it as residential but the onus of proof is always upon the site owner.

Checkley Parish Council (CPC) are concerned that as the current owners only took possession in June 2018 just over six years ago their written statements are insufficient to meet the minimum time period. Also the site photographs may cover the period from 2003 to 2023 but are insufficient evidence to prove usage, they only depict the site layout.

CPC are therefore of the opinion that this Application for a Lawful Development Certificate is Not Lawful as the Applicant has been unable to sufficiently provide the proper evidence of use as a garden they have failed to demonstrate that the building would be provided within the curtilage of the dwellinghouse; of a size and for uses that are reasonably 'required' for purposes incidental to the enjoyment of the dwellinghouse; and used for purposes incidental to the enjoyment of the dwellinghouse.

If the Applicant is unable to provide the proper evidence of use as a garden. CPC would fully support the Planning Officer in Refusing the application.

Steve Buckley  
Planning Coordinator

