

DELEGATED DECISION REPORT

SMD/2024/0364
Valid 05/08/2024

2 & 3 RED ROW PARK
NOOK
IPSTONES

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR -
INTERNAL ALTERATIONS TO
CONVERT 2 X ONE BEDROOM
COTTAGES INTO A FAMILY
HOME**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Does the conversion of two cottages come under the same class use?
- Will the proposed changes result in a change of use?

DESCRIPTION OF SITE

The application relates to two mid-terrace cottages within the open countryside outside of Ipstones. It is part of 4 traditional style terrace cottages that match in style and materials. The properties are situated at right angles and directly adjacent to the highway. To the rear, the land slopes up and is enclosed by a stone wall on the southern boundary. There are a number of garages and sheds at the far end of the narrow gardens.

PROPOSAL

This application seeks approval for a certificate of lawfulness to convert two cottages into one. There will be no external changes. Internally, the wall on the ground floor dividing both properties will be removed to create a large kitchen, the stairs serving no.2 Red row will be removed and the existing bathroom serving No.2 Red row will be converted into a bedroom. Permitted development rights are intact.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 192 of The Town and Country Planning Act 1990 (as amended). The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Changes of use.

SITE HISTORY

SMD/1991/0646 Site for retirement bungalow 17/04/1991 refused

EVIDENCE IN SUPPORT OF THE APPLICATION

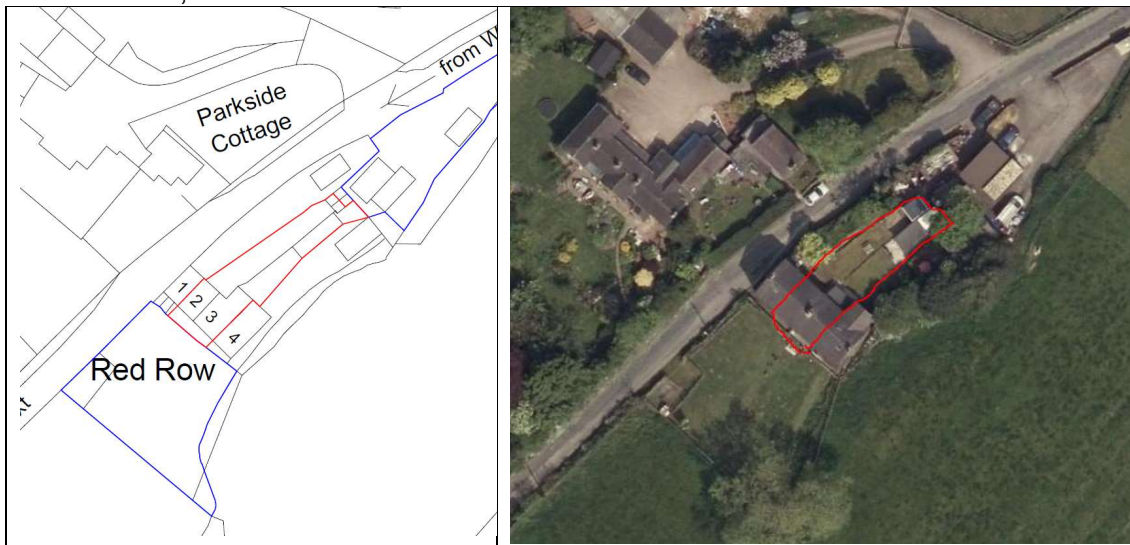
- Application Form
- Block Plan- 2nd October 2024
- Proposed Floor Plan- 31st July 2024

OFFICER COMMENTS

Section 192 of The Town and Country Planning Act 1990 (as amended) entitles any person to ascertain whether-

- (a) any proposed use of buildings or other land; or
- (b) any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question. If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The land edged red includes both dwelling's curtilages and surrounding garden as shown below;



Having compared the curtilage on the site plan against aerial photographs and Streetview, I am satisfied that the curtilage is associated with no.2 and 3 Red Row that comes under Class C3-dwellinghouse.

When checking the planning history, both properties have not previously been involved as part of a change of use. Therefore, the dwellings have been under Class C3 use.

Will the proposed works result in material change of use?

The proposal makes it clear that the intention to convert two cottages into one is to create a family sized property. The proposed internal changes show strong evidence that the use will be for residential purposes as the proposed layout will be largely unchanged with communal area on the ground floor and bedrooms on the first floor being preserved. It is noted that the front doors of the dwellings will be kept with the illusion of two cottages as existing. This said, keeping two doors will not result in a change of use as internally, the use of the planning unit/ dwelling is deemed to function under C3 in which the cottage is to be ran under one single household.

Therefore on this basis, the proposed use would not result in a material change of use and a certificate of lawfulness should be made out in those terms. Moreover, as the proposed works comprise only internal changes, this would not amount to development.

Conclusion

The proposed Use, as described in the applicant's evidence, would be lawful on the date of the application because it will not the result in a "material change of use".

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Li

Recommendation Date: 17/10/24

X 

Signed by: Jane Colley Signature

d

On behalf of Staffordshire Moorlands District Council