

4. Pre-application advice

Another room was a breach of condition 2 of the original planning permission for the garage extension of 1989. Pippa advised that as this breach had been in place for over 10 years (as proved by the photos on Google maps which Pippa found whilst we were on the phone), that the use was now lawful and the council would not pursue the matter. Pippa then sent an email to a buyer's solicitor, detailing the government legislation and also stating that our land charges search will show that there is no enforcement notice or breach of condition in force at this property. This email was also accompanied by photos from Google maps dating 2009 and 2014, which prove that the garage door had already been bricked up as far back as this (12 years) and probably more, as we originally viewed this property in 2008 and it was also already bricked up then and not in use as a garage.

11. Requirements

We are applying for this certificate as we are in the process of selling the house and the buyer's solicitor has brought up the issue of there being a breach in the condition of the original planning permission of 1989 for the use of the garage. Having spoken to Pippa Greenway (see no. 4), we sent over her email as well as photographic evidence from as far back as 2009 that the garage door has been bricked up since at least then, therefore not used as a garage and as it is well over 10 years that this breach has taken place continuously, it has become lawful and no enforcement action would be taken, as already stated by the council. However, the solicitor will not just accept this and wants a certificate.

We are also including the photos from Google maps as well as archived brochure details from when the house had been marketed in 2012 and 2016 - the floorplan clearly shows that there is no garage door and the room is labelled "workshop", not garage. The property description

describes "fitted cupboards with drawers and work surface" as being in there, thus also clearly showing that this space has not been in use as a garage for many years.

We feel that all this is proof enough that the breach of condition has been continuous for more than 10 years and is therefore lawful and would like a certificate of lawfulness to satisfy solicitors that this is the case, even though we have already been told by the council that this is the case and that there is no enforcement notice or breach of condition notice in force at this property.

downstairs WC

Fitted with a two piece white suite comprising pedestal wash hand basin and low-level WC, wooden laminate flooring, wall mounted gas combination boiler serving heating system and domestic hot water, double glazed window to side

lounge

4.72m (15' 6") into bay x 2.74m (9' 0")

Double glazed walk-in bow window to front, gas fire set in feature surround, radiator, decorative cornice style ceiling, two wall lights, blinds to be included

dining area

3.61m (11' 10") x 2.74m (9' 0")

Radiator, double glazed door to front with coloured glass, open plan to Kitchen & double doors to Living Room

living room

5.18m (17' 0") into bay x 3.96m (13' 0")

Double glazed walk-in bow window to rear, coal effect gas fire set in feature surround, radiator, decorative cornice style ceiling

kitchen

3.61m (11' 10") x 3.51m (11' 6")

Fitted with a matching range of base and wall units with round edged worktops, 1 & 1/2 bowl stainless steel sink with single drainer and mixer tap, tiled splashbacks, plumbing for dishwasher, space for fridge, gas point for range cooker, tiled floor, ceiling with recessed spotlights with dimmer switch and feature sky lantern flooding the kitchen with natural light, range cooker included, built in dishwasher, wooden laminate flooring

utility room

2.79m (9' 2") x 2.01m (6' 7")

Fitted base units with round edge worktops, plumbing for washing machine, radiator, double glazed door with matching side panel to garden, wooden hanging maiden

study

2.79m (9' 2") x 2.69m (8' 10")

Double glazed window to side, radiator, wooden laminate flooring, secret doorway to workshop, three wall lights

workshop

4.83m (15' 10") x 3.20m (10' 6")

Double glazed leaded window to side, double glazed door to garden, fitted cupboards with drawers and work surface

first floor landing

Staircase from the ground floor and leading up to the second floor landing

bedroom 1

4.06m (13' 4") into bay x 3.58m (11' 9")

Double glazed walk-in bow window to front, fitted wardrobes with hanging rail and shelving, radiator, decorative cornice style ceiling

bedroom 2



Fwd: 11 Trent Road

1 message

S Da-Silva-Grave [REDACTED]

Wed, 14 Jul 2021 at 11:46

To [REDACTED]

Get Outlook for Android

From: [REDACTED]
Sent: Friday, 9 July 2021, 17:13
To: Sharron
Subject: Fw: 11 Trent Road

----- Forwarded message -----

From: Pippa Greenway [REDACTED]
To: [REDACTED]
Cc: Yvonne Durkin [REDACTED]
Sent: Friday, 9 July 2021, 17:11:43 BST
Subject: 11 Trent Road

Good afternoon Dave

The legislation is here: <https://www.legislation.gov.uk/ukpga/1990/8/section/191>

(3) For the purposes of this Act.....a failure to comply with any condition.....subject to which planning permission has been granted *is lawful* at any time if

- (a) the time for taking enforcement action in respect of the failure has then expired; and
- (b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

Para 4 identifies the time limits for taking enforcement action, with a breach of condition this would be 10 years. So, if ten years have expired since the breach of condition occurred and the breach has continued to occur over the course of the ten years, then it becomes lawful. In this instance, since it also involves operational development, there is an argument to say that after 4 years we cannot take enforcement action and it therefore becomes lawful after 4 years.

Your land charges search will show that there is no enforcement notice or breach of condition notice in force at this property.

I trust that this assists you.

Kind regards

Pippa Greenway

Senior Planner
Development Management



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From: [Redacted]

Sent: 09 July 2021 16:27

To: Pippa Greenway [Redacted]

Cc: Yvonne Durkin [Redacted]

Subject: 11 Trent Road

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Hi Miss. Greenway,

As per our phone calls, please can you send me and my solicitor who is copied in on this email. The generic statement about the fact the council can't act on something that happened over 10 years ago, in regards to 11 Trent Road.

Regards,

David da Silva Grave

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