

Planning Services

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Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number

Suffix

Property name

Address line 1

Address line 2

Address line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

2. Applicant Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

2. Applicant Details

Town/city	Norwich
Country	United Kingdom
Postcode	NR14 6PB

Are you an agent acting on behalf of the applicant?

Yes No

Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

No Agent details were submitted for this application

4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- An existing use
- Existing building works
- An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include Use Classes C2A and C4 or the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

C3 - Dwellinghouses

5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Change of use of the Annex Springbeck Church Lane Haddiscoe from games and billiards room to a separate independent unit of residential accommodation

6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

Yes No

Please state why a Lawful Development Certificate should be granted

6. Grounds for application of a Lawful Development Certificate

In June 2014 Benjamin Cathersides agreed to purchase The Annex and I agreed to purchase Springbeck. The sellers told me the Annex had been occupied as a separate dwelling and was attracting payment of council tax as a separate dwelling at Band A rates, because it had a kitchen, shower, living room and bedroom. They had owned the property for about eight years. They had queried the position with the Council but been advised that as it had its own kitchen and was capable of being used as a separate dwelling, it was correctly being charged council tax. It has its own parking and separate balcony. I recently checked with the Council tax department who confirmed the property was first listed as attracting council tax in 2006. I was also told that on 21st April 2020 the Council Inspector had a conversation with planning who confirmed to her that no restrictions applied and there would not be any exemptions if the property became unoccupied.

Benjamin Cathersides also known as Benjamin O Carroll and I completed our purchases on 6th August 2014 and the Annex was occupied by Mrs Betty Massingham as her own independent dwelling from mid August 2014 until she dies on 11th July 2015. Benjamin O Carroll transferred the Annex which has its own separate legal title to me in late 2014/2015. The property was let on an assured shorthold tenancy to Jason Pillar from 26th October 2015 until 20th November 2017. It was let to Nigel Brown on another assured shorthold tenancy from 27th November 2017 until 26th May 2018. From June 2018 until until 14th April 2020 the property became a holiday let with guests having the same facilities as the previous tenants namely their own bedroom, kitchen, bathroom and living room. Two of these holiday guests were using the property as their main residence and they paid council tax during their stay despite having a written holiday let agreement with me.

A few of the holiday lets occurred through private referrals but the majority were bookings through Home and Away and Trip advisor. The Annex returned to being let on an assured shorthold tenancy to Hannah Burton on 14th April 2020 and has remained in use as a separate dwelling house since that date until Hannah Burton moved out in late June 2020. Between Hannah and Lorraine the property was been occupied as a dwelling by two sets of holidaying guests without interruption through VRBO until 6th August. Lorraine Campbell made various internal changes to make the property more homely from 6th August to 12th August. On 13th August 2020 the property was occupied by Lorraine Campbell as her main residence and she continues to reside there. The lawful use certificate should be granted because the Annex has been continuously used as a separate unit of residential accommodation for more than four years. It has been capable of being used as such for over a decade. The previous owners confirmed it was used as a separate residence during their ownership.

7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

31/12/2006

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, state exactly when any interruption occurred

The use has been used or been capable of being used as a separate independent unit of residential accommodation since some time in 2006. Since my ownership it has been in constant use as a separate independent residential unit. After Mrs Massingham's death in July 2015, it was let to successive tenants on ASTs until March 2018. It was used as a holiday let providing guests with separate living accommodation from March 2019 to April 2020. The only period it has been empty was for a couple of weeks after Mrs Massingham's death before Jason moved in and 7 days after Jason moved out before Nigel Brown moved in. Council tax records provide further information along with the supporting documentation submitted by post. I can personally confirm use of the Annex as a separate dwelling since August 2014 but the previous owners told me that it had been used as a separate dwelling for a considerable period by them as well and that would bring the total period to over ten years.

Lorraine Campbell is a very old friend and currently is providing me with much needed emotional support as I was signed off sick with anxiety this Summer, a large part of which has been caused by aggressive and unpleasant neighbours.

The Annex was extremely popular as a holiday let and frequently booked until February 2020. After that bookings were disrupted by the covid 19 pandemic so I decided to let it again on 14th April 2020.

I live alone in Springbeck save for my son James who has aspergers and black moods of depression. It is possible that in a few years James will need to have his own independent home nearby where I can continue to support him with his mental health needs and aspergers. The Annex could be ideal for that purpose but if he decides not to live in the Annex, I will need to be able to let it to provide a rental income to pay his living expenses incurred elsewhere. I am retiring this year and will not be earning a salary.

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

Yes No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes No

8. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

9. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

10. Interest in the Land

Please state the applicant's interest in the land

10. Interest in the Land

- Owner
- Lessee
- Occupier
- Other

11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

29/08/2021