



**North
Northamptonshire
Council**

Development Management Service
Wellingborough Office
Swanspool House
Doddington Road
Wellingborough NN8 1BP
Tel: 01933 231906
www.northnorthants.gov.uk

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 (as amended)

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.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text" value="1"/>
Suffix	<input type="text"/>
Property Name	<input type="text"/>
Address Line 1	<input type="text" value="Church Street"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text" value="Northamptonshire"/>
Town/city	<input type="text" value="Isham"/>
Postcode	<input type="text" value="NN14 1HD"/>

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

Easting (x)	Northing (y)
<input type="text" value="488468"/>	<input type="text" value="273994"/>

Description

Applicant Details

Name/Company

Title

Mrs

First name

Kerry

Surname

Drury

Company Name

Address

Address line 1

1 Church Street

Address line 2

Isham

Address line 3

Town/City

KETTERING

Country

United Kingdom

Postcode

NN14 1HD

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

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 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. [View more details on Use Classes.](#)

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

Grounds for application for 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

On 8th February I received a letter ref: WC/2022/00010 from North Northamptonshire Council informing us of a breach of condition at the above address. The council stated that it is considering issuing a breach of condition. I immediately removed the single dwelling annexe from AirBNB and informed the council of same.

The breach of condition was a genuine mistake arising from the following circumstances:

I built a single dwelling annexe, with full planning permission, which was signed off in October 2010. This was for an elderly relative, my mother Joy Mary Harvey, and she lived in this dwelling until January of 2018 after an irreconcilable falling out in the Christmas of 2017.

Please note that this incident, caused by the deteriorating mental health of Ms. Harvey, has had a profound effect on my personal circumstances including my own mental health, welfare and financial position.

During my investigations into the breach of condition after receipt of the letter from North Northamptonshire Council I discovered that section 171 B of the 1990 planning act allows for immunity in case of a continuous breach of planning control that is subject to time-limits, four years in the case of a single dwelling.

The situation with my mother described above left me with an empty property and financial burden which led us to put our house up for sale. In the meantime we started to allow guests to stay in the annexe. We were unable to sell out house and, having identified that the annexe was in constant demand from guests, I listed it on AirBNB in June 2019.

The annexe has been continuously used as a single dwelling house for more than 4 years. No enforcement action was received previous to letter dated 8 Feb 22 ref: WC/2022/00010.

Therefore I believe that that the "four year rule" applies in this case.

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)?

07-01-2018

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 Annex has been in use for the period stated until February 2022 with no more than 2 weeks interruption of use over the 4 year period.

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

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

Pre-application Advice

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

- Yes
- No

Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

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.

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?

- Yes
- No

Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and 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 options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Kerry Drury

Date

28/02/2022