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RE: APPLICATION for LAWFUL DEVELOPMENT CERTIFICATE at MOUNT CHARLOTTE, NEWSTEAD ABBEY PARK

Dear Sir/Madam,

I am writing on behalf of the owner of Mount Charlotte, Newstead Abbey Park to apply for a Lawful Development Certificate for outbuildings at the property.

Our client has recently purchased the property and is seeking to regularise any potential planning issues, in particular the Games Room and Annexe building next to the main house.

The Site

Mount Charlotte is a residential property in Newstead Abbey Park. The property was constructed in the late c20th and is set facing the road in a generous plot and has been in continuous use as a dwellinghouse since then. The site is within the Green Belt, but not within the designated parkland of Newstead Abbey.



Figure 1 - Recent Aerial Image of the Site (taken from Nottingham Insight Mapping)

Outbuildings

The games room is a standalone building, about 12.2m x 17.2m built in a similar style to the main house and used as games room. The Annexe building is similar in its style and size, being 12.4m x 21.7m, and contains an office, several bedrooms, and a utility room, all of which have been used continuously as part of the residential use of the dwelling since their construction. It also includes a single garage. Plans and elevations of these buildings have been submitted as part of this application.

The buildings were constructed around 2008/2009. We can see from the aerial maps available on Nottingham Insight Mapping that the buildings appear in the 2009 image, but not in the 2007 image.



Figure 2 - 2009 Aerial Image of the Site (taken from Nottingham Insight Mapping)

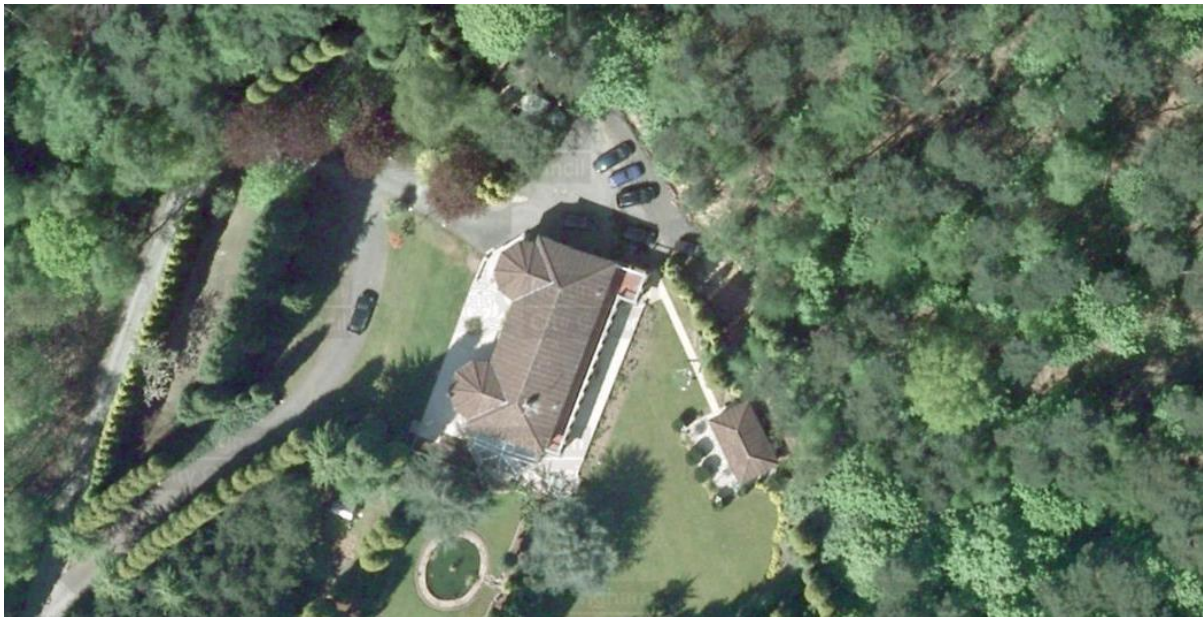


Figure 3 - 2007 Aerial Image of the Site (taken from Nottingham Insight Mapping)

There is also record of Building Control Notice for the buildings accepted on 21/05/2008. Please see the details below as provided by Gedling BC via a Land Search in April 2022:

Application No: IN/0044/2008

Site Description: Erect Games Room and Garage Annexes

Decision: Initial Notice Accept

Acceptance Date: 21/05/2008

Approved Inspector: BUTLER

Address of Site: Mount Charlotte, Newstead Abbey Park, Nottingham Road, Ravenshead, Nottinghamshire, NG15 8GD

Planning Policy

Permitted Development

The General Permitted Development Order, Schedule 2, Part 1, Class E, allows the construction of buildings “*incidental to the enjoyment of the dwellinghouse*”, where the buildings in question meet a range of criteria. It is considered that the design and size of the outbuildings accord with this guidance; being under 4m in height, and occupying well below than 50% of the residential curtilage, and the use of the buildings is also clearly incidental to the enjoyment of the main dwelling. The siting of the Annexe is also considered to accord with the criteria, but it is unclear whether the Games Room accords with requirement E.1(c), requiring it to not be situated on land forward of the wall forming the principal elevation of the original dwellinghouse – the building is behind the line of the projecting bay windows, but in front of the line of the main wall.

We therefore consider that the Annexe building is likely to be permitted development, but it is unclear whether the Games Room is.

Lawful Development

The guidance note: “*Application for a Lawful Development Certificate for an Existing use, Proposed use, or Operation or Activity in Breach of a Planning Condition*” published on the planning portal, gives examples of when an application for a Lawful Development Certificate (LDC) should be made. One of the examples given, which is relevant in this case, is: “*when an owner discovers, in the course of a sale of the land, that planning permission has never been granted, and needs to show a prospective purchaser that no enforcement action can be taken by the local planning authority*”

The guidance note goes on to outline the time limits within which local planning authorities can take planning enforcement action against breaches of planning control, as set out in the Planning and Compensation Act 1991. The time limits are:

- “*four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed*”
- “*four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken*”
- “*10 years for all other development. The 10 year period runs from the date the breach of planning control was committed*”

Once these time limits have passed, the development becomes lawful, in terms of planning.”

The outbuildings appear to have been constructed by 2009, meaning that they have been complete for well over 10 years. Whether planning permission was required or not, it is considered that the buildings have now been complete and in use for well over the time required for them to become lawful in terms of planning. They should therefore now be considered lawful.

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On the basis of the above we consider that the outbuildings are now lawful in regards to planning, and wish to apply for a Lawful Development Certificate to recognise this.

We look forward to hearing back from you – please don't hesitate to contact us should you require any further information.

Yours sincerely,



Chris Muller MA BSc (Hons)
Urban Designer - Guy Taylor Associates