

Application by Mr David Neale for a certificate that the use of the property known as “The Annexe” at Mametz, Framingham Lane, Bramerton, NR14 7HF, as a single dwelling, Use Class C3(a), is lawful.

Background

Mr & Mrs Neale purchased Mametz in 2007. The house was in a very poor state of repair and was simply not capable of being lived in. Mr Neale’s intention was to renovate and extend it as a hospital job working at weekends as he is in the building trade. Following the purchase, Mr Neale did no work to Mametz for several years whilst he saved the money for his intended renovation and extension.

Planning permission for the extension of Mametz was granted in May 2012 under ref. 12/0329. Works to implement the consent have proceeded very slowly to the point where earlier this year (2023) the bathroom and toilet works were completed but the kitchen has yet to be fitted out. The property has no furniture in it and it has not been occupied since at least 2007.

Mr & Mrs Neale needed somewhere to live and so in 2007 Mr Neale extended the existing double garage upwards and converted it into a self-contained two bedroom dwelling with mains water and electricity. Mr & Mrs Neale moved into the converted garage in October 2007 and they have lived in it as their family home to the present day.

The application

The application is for a certificate that the use of “The Annexe” as a single dwelling, Use Class C3(a), is lawful.

The former garage was extended and occupied by Mr & Mrs Neale in October 2007 and they have continued to live in it as their family home to the present day.

With the benefit of hindsight it is clear that the works to the garage and the subsequent occupation and use of the building by Mr & Mrs Neale needed planning permission but the works were completed and the residential occupation of the converted and extended building began over 15 years ago and the time for taking any enforcement action has long since passed. It is unfortunate that the property was named "The Annexe" because it is a self-contained dwelling and has never been used as an annexe.

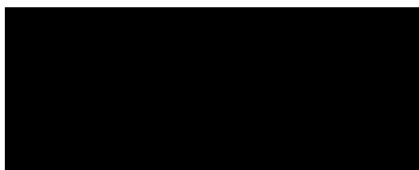
Section 171(b) of the T&CPA 1990 provides that no enforcement action may be taken against building operations after four years following practical completion and against the change of use to a single dwelling house after four years beginning with the date of the breach.

Section 191(2) of the T&CPA 1990 provides that uses and operations are lawful if no enforcement action may be taken in respect of them.

The evidence to support the application

The application is supported by Affidavits from:

- Mr David Neale
- Mrs Susan Neale



who all confirm that "The Annexe" has been Mr & Mrs Neale's family home for the last four years and indeed since 2007.

The application is also supported by:

- Council Tax records for the last 5 years,
- Anglian Water Bills from March 2018 to December 2022 (the last available)
- E-on electricity bills from May 2020 to February 2023 (the last available)

- A letter from Aviva confirming that they have been insuring “The Annexe” since February 2018
- A statement from Goff Petroleum that confirms 12 oil deliveries to “The Annexe” from May 2018 to December 2022 (the last delivery).

With regard to the electricity and water bills, Mametz has not been occupied since at least 2007 so the electricity and water has only been used in “The Annexe”.

Assessment

The evidence in the Affidavits referred to above clearly shows that the unauthorised works to extend “The Annex” and convert it into a single dwelling were completed in October 2007 and that it has been occupied as a single dwelling by Mr & Mrs Neale from that date to the present time. The evidence in the Affidavits is supported by the Council tax records from 2018 to date, the electricity bills from May 2020 to February 2023, the water bills from March 2018 to December 2022, the letter from Aviva dated 11 February 2023 and the statement of oil deliveries from Goff Petroleum. The Affidavits also confirm that the dwelling, Mametz, has not been occupied from 2007 to date and has not contained any furniture during this period.

The building works were completed and the change of use to a single dwelling took place in October 2007. The works and change of use are immune from enforcement action by reason of section 171(b) of the T&CPA 1990 and the applicants are entitled to the certificate they have applied for by reason of Section 191(2) of the T&CPA 1990.

Conclusion

The Council is invited to share my view that the evidence supports the application and that the certificate of lawfulness that has been applied for should be granted.

Michael Haslam OBE, BSc(Econ), MRTPI(Rtd)

March 2023