



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

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

Applicant Details

Name/Company

Title

Mr

First name

Ronald

Surname

HAYDON

Company Name

Address

Address line 1

Goodway Farm Radford Road

Address line 2

Address line 3

Town/City

Alvechurch

County

Worcestershire

Country

Postcode

B48 7DY

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

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.

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

The Building Operations/Works that have taken place externally and internally more than 10 years ago. These include the development internally creating a two bedroom dwelling place, kitchen, sitting room and bathroom.

Externally as confirmed by a photograph taken in July 2014 where complete changes to the external elevations has occurred with new facia and windows; but excluding the porch and kennel. These were added and completed by 31 May 2017 being 6 years ago. In completeness the creation of a Class 3 dwelling place as a result of the Building Operations/Works that have taken place over 10 and 4 years respectively.

Exhibits A(i) show part Office and the greater part within the red line as converted to domestic accommodation.

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

Substantive Evidence has been provided in the form of originally 4 Sworn Witness Statements and now 5 and Exhibits referred to; confirming that Building Operations have been carried out since 1998 for the Office Area and 2002 of the building as described and as shown on the Drawings have all been completed by at the latest 31 May 2017 and the majority by 2010. This Building Operation has created the transformation of part of an Original Agricultural Building into a small office and a two bedroom dwelling place with kitchen, toilet area and sitting room thereby constituting a "change of planning status" of the Building

A detailed Planning Statement also accompanies the Application.

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)?

31-05-2017

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

- Yes
 No

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

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

21/0426

Date (must be pre-application submission)

03/12/2021

Details of the pre-application advice received

Application 21/00426/CPE was refused

Queries have arisen as to what is required. On 18 May 2023 it was stated in an email from BDC:

"The lawfulness the LPA is being asked to consider is still not clear to me. It is noted that the fee paid via the planning portal and the category chosen relates to that of a material change of use. Therefore, it seems appropriate that the reason box should also include an existing use":

MY RESPONSE

This with the greatest respect is a mistaken concept. Firstly the Application category was for a Certificate of Lawful Development which incorporates Building Works so the correct button above has been used An application has been submitted as follows for the Operational/Building Works externally and internally :

"Extensions to form a porch and kennel; operational development to convert; thereby changing the "Planning Class" of part of the original building both internally and externally from agriculture, into an independent Class 3 dwelling place with a porch, kennel place and home office to create a single planning unit"

This is based upon: An Application for a Certificate of Lawful Existing Development [Operations] as provided by Section 191 of the Town and Country Planning Act 1990 (As amended by Section 10 of the Planning & Compensation Act 1991).

Existing use "per se" in terms of actually living in the Development/Conversion is not being claimed.

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 the questions answered, details provided, 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.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published 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

David FELLOWS

Date

07/08/2023

Amendments Summary

A further check of the Planning Statement has been made and instruction received by the applicant to submit this application for determination.

This application is for a Certificate that Operational Development has taken place over ten and four years ago both internally and externally and the changes created to the status of the building are now immune from action and are therefore Lawful.