

APPLICATION FOR A LAWFUL DEVELOPMENT

CERTIFICATE

FOR AN EXISTING USE OR DEVELOPMENT

AT

BEECHWOOD, OLD WOOD,

SKELLINGTHORPE

LINCOLN, LN6 5UA

## **SUPPORTING STATEMENT**

### **1. INTRODUCTION**

- 1.1 This application is for a Lawful Development Certificate (L.D.C) for an existing use or development regarding an unoccupied bungalow at Old Wood, Skellingthorpe.
- 1.2 The building has remained empty for a number of decades and the applicant seeks clarification that the building and its residential use remains lawful.

### **2. SITE DESCRIPTION**

- 2.1 The site (shown edged in blue on the site plan) is approx. 1 mile from the centre of Skellingthorpe and is accessed via a tarmac track leading from Saxilby Road. The application building is shown edged in red on the plan.
- 2.2 The same access track also serves several other properties together with a few well-established commercial businesses.
- 2.3 The bungalow is constructed of timber with a corrugated tin sheet roof (see drawing at appendix 1).
- 2.4 The internal layout comprises of 1 bedroom and a kitchen/living area with a log burning stove for cooking and heating.
- 2.5 The building has no electricity and water was taken from a well nearby.

### **3. BACKGROUND**

- 3.1 The Old Wood community was established just after the First World War when returning ex-servicemen from that war were each given plots of land known as "Homes for Heroes".
- 3.2 A number of the ex-servicemen then built dwellings on their respective plots, some of which were made of brick and others made of wood or corrugated tin sheeting.
- 3.3 This bungalow is one of those such "Homes for Heroes" and was built shortly after the First World War in 1922.
- 3.4 The first record of it's existence is the spring edition of the 1923 Skellingthorpe electoral register and was occupied by George and Laura Crack. (See appendix 2).
- 3.5 Moving on Chronologically, the Crack Family are then shown on various Skellingthorpe electoral registers from 1924 to 1930 (see appendices 3a, 3b, 3c, 3d, and 3e).

- 3.6 In 1933 a mortgage was taken out on the property and was in the name of Mrs. E. Crack. The "Freehold Hereditaments And Premises" part of the mortgage describes a "Plot of Land in Skellingthorpe Wood, Skellingthorpe, Lincoln,.....with the wooden bungalow erected thereon" (see appendices 4a and 4 b).
- 3.7 Again, moving on Chronologically, the 1934 Land Tax Register shows the occupier(s) as a "G Crack" and describes the house type as a "bungalow" situated at "Old Wood" under consec number 13866 (see appendix 5).
- 3.8 The Crack family are further shown on the 1939 electoral register (see appendix 6) but unfortunately due to the Second World War no electoral registers were produced between 1940 and 1945.
- 3.9 Therefore, the next documentation is a 1948 re-conveyance showing settlement of the said mortgage (in paragraph 3.6) between the Midland Bank and Eleanor Crack. This re-conveyance is shown at appendix 7.
- 3.10. No further documents can be provided to show the bungalow's history after 1948.

#### 4. OVERVIEW

- 4.1 It is acknowledged that the dwelling is extremely humble by today's standards but nevertheless it was typical of many of the dwellings built by the ex-servicemen in the early 1920s under the "Homes for Heroes" initiative.  
Indeed, a County Planning Officers report from sixty years ago describes the Old Woods dwellings between the wars as "a number of shacks, caravans, old bus bodies and a few more permanent dwellings" (see extracts at appendices 8a, 8b and 8c).
- 4.2. Many of the original 1920's Home for Heroes dwellings have now been replaced over the decades.

#### 5. RELEVANT PLANNING HISTORY THE AREA

- 5.1 Locally (specifically the Old Wood) the council have dealt with (and approved) several other similar applications to replace original 1920s Homes for Heroes dwellings that had been empty for decades.
- 5.2. The most similar application to this application was for a property known as Iona, application number N/56/0622.  
It was also a very small, wooden, original 1920s Home for Heroes dwelling and it also had no electrical or water supply and had not been occupied since 1954.
- 5.3. Extracts from the councils publicly accessible file show planning officer Kevin Berrie's notes from his site visit confirming that the "old wooden bungalow [was] left as derelict [and] used as a workshop/store from 1954" (see extracts at appendix 9a, 9b and 9c).

## 6. DETERMINING THE APPLICATION

- 6.1. For a Lawful Development Certificate (L.D.C) to be issued the application must be considered in accordance with the 4 criteria initially established in the test case of :- Trustees of the Castell Mynach Estate vs The Secretary of State for Wales, and later confirmed in Hughes vs The Secretary of State and South Holland District Council, ie:-
- (i) *The length of time the dwelling has remained unoccupied*
  - (ii) *The physical condition of the building*
  - (iii) *Whether an alternative use has been made of the property since it was last occupied*
- and*
- (iv) *The owner's intention.*

6.2. This test case established that all the 4 criteria carry equal weight when determining on the balance of probabilities the issue of abandonment.

6.3. The 4 criteria will be addressed in order as follows:

- (i) *The length of time the dwelling has remained unoccupied.*

It is acknowledged that there is no documentation for the property after 1948, but it must be emphasised that the test case established that there is no definite number of years of unoccupancy after which a property is then deemed to have been abandoned, and only that the time period be taken into consideration.

Appeal cases have shown that properties can remain empty for many decades without their residential usage being lost.

- (ii) *The physical condition of the building:*

The building is made of wood with a corrugated tin roof. The timber sides are in good condition and the tin roof (although rusty in patches) is free from holes.

All the windows are intact, the doors have secure locks, and the house is watertight. Therefore, on inspection by the planning officer during the site visit it will show the structure to be in good order.

- (iii) *Intervening use since last occupied:*

The dwelling has not been put to any other use since it was last occupied.

- (iv) *The owner's intention:*

The applicant's family has owned the property for almost 45 years. Periodic maintenance of the house has included replacing some of the timber boarding due to age and woodworm.

Replacing some of the tin roofing sheets due to rust and damage by fallen trees.

Also due to the properties woodland location the foundations have been periodically repaired due to burrowing animals such as rabbits and foxes.

Therefore, the owners intention was always to retain the bungalow in its original form as evidenced by the overt acts listed above, with the view to one day replacing the bungalow like others have successfully done in the Old Wood area as described in paragraphs 5.1, 5.2, and 5.3.

## **7. CONCLUSION**

- 7.1. Taking all 4 criteria of the established test case into account equally, it is respectfully suggested that the application building and its residential use remains lawful, and therefore the certificate should be issued accordingly.

### **LIST OF APPENDICIES**

- APPENDIX 1. DRAWING INCLUDING INTERNAL LAYOUT
- APPENDIX 2. 1923 SKELLINGTHORPE ELECTORAL REGISTER (SPRING EDITION)
- APPENDICES 3. SKELLINGTHORPE ELECTORAL REGISTERS FROM 1924-1930
- APPENDICES 4. 1933 MORTGAGE DOCUMENT
- APPENDIX 5. 1934 LAND TAX REGISTER
- APPENDIX 6. 1939 SKELLINGTHORPE ELECTORAL REGISTER
- APPENDIX 7. 1948 MORTGAGE RE-CONVEYANCE
- APPENDICES 8. EXTRACTS FROM 1964 COUNTY PLANNING OFFICERS REPORT
- APPENDICES 9. EXTRACTS FROM PLANNING PERMISSION N/56/0622
- APPENDIX 10. LINCOLNSHIRE ARCHIVES RECEIPTS FOR REPORGRAPGHIC WORK.  
REF; SKELLINGTHORPE ELECTORAL REGISTERS AND 1934 LAND TAX REGISTER