

PLANNING SECTION 191 STATEMENT



**Address: Timber dwelling at Nurstead Stables Nurstead Lane
Longfield Kent DA3 7HG**

Client: Alfie Friend

**Proposal: Certificate of Existing Lawful Development in respect to
the use of a timber building as a residential dwelling.**

Prepared by: James Barron BA(Hons) DipTP MRTPI

16 January 2024

1.0 Introduction

1.1 This Section 191 Planning Statement has been prepared on behalf of Alfie Friend in support of this application to Dartford Borough Council for a Certificate of Existing Lawful Development in respect to the use of the a timber building on land at Nurstead Stables Nurstead Lane Longfield Kent DA3 7HG.

1.2 In addition to the application form and certificates the following documents are submitted;

Application plans:

- Existing Block Plan
- Planning Statement
- Aerial Photographs – 2015, 2018, 2020 and 2022
- Building Invoices
- Invoices for supply of gas
- Supply of Sky
- Ctax records
- Electrical Certificate

1.3 This statement accompanies the application to show that the single storey timber site building has been occupied as a self contained unit of accommodation unrelated to the occupation of the main site and is rated for CTax independently from it.

1.4 There are no proposals to change the unit in any way which is accessed through the front gate from Nurstead Lane which gives access to the main traveller area.

2.0 Site and its Surroundings

2.1 The application site is a timber building located at the front of Nurstead Stables, a lawful traveller site, located on the western side of Nurstead Avenue approximately 50 m north of its junction with Nurstead Lane and just outside the defined envelop for New Barn. As such the site is located within the Green Belt and is surrounded by open fields; although located in close proximity to the residential development of New Barn.

2.2 The overall site has a long history as an authorised traveller site and the only real change has been in the number of pitches and families on the site. The most recent change being in 2017 when permission was sought to increase the occupation of the site to 3 pitches (17/01836) which was refused by the Council but subsequently granted on appeal (18/3292384) on 27 December 2018. This permission was limited by condition to be a twin unit and two single units with occupation restricted to Mark, Alfie and James Friend. Permission was subsequently sought to vary the permission to allow 2 twin units and a single unit (19/01717) but it appears that there has never been a determination of this application.

2.3 In the appeal decision (3292384) dated 27 December 2018 the Inspector (Chris Preston) noted that the term “retention of” is not an act of development for which planning permission is required and the planning history it is clear that the stables on the site are already lawful. He noted that one of the stable blocks was located at the front of the site but made no comment on its physical state or that it already been replaced by the timber building that now exists on the site. The stables were demolished and replaced in September 2016 – see supporting documents.

2.4 Permission for the reconfiguration of existing site layout, erection of a single building comprising 3 No. day rooms for use by the three authorised traveller families and removal of existing 3 No day rooms on the site was granted on 5 June 2023. This permission is now in the process of being implemented.

3.0 Evidence

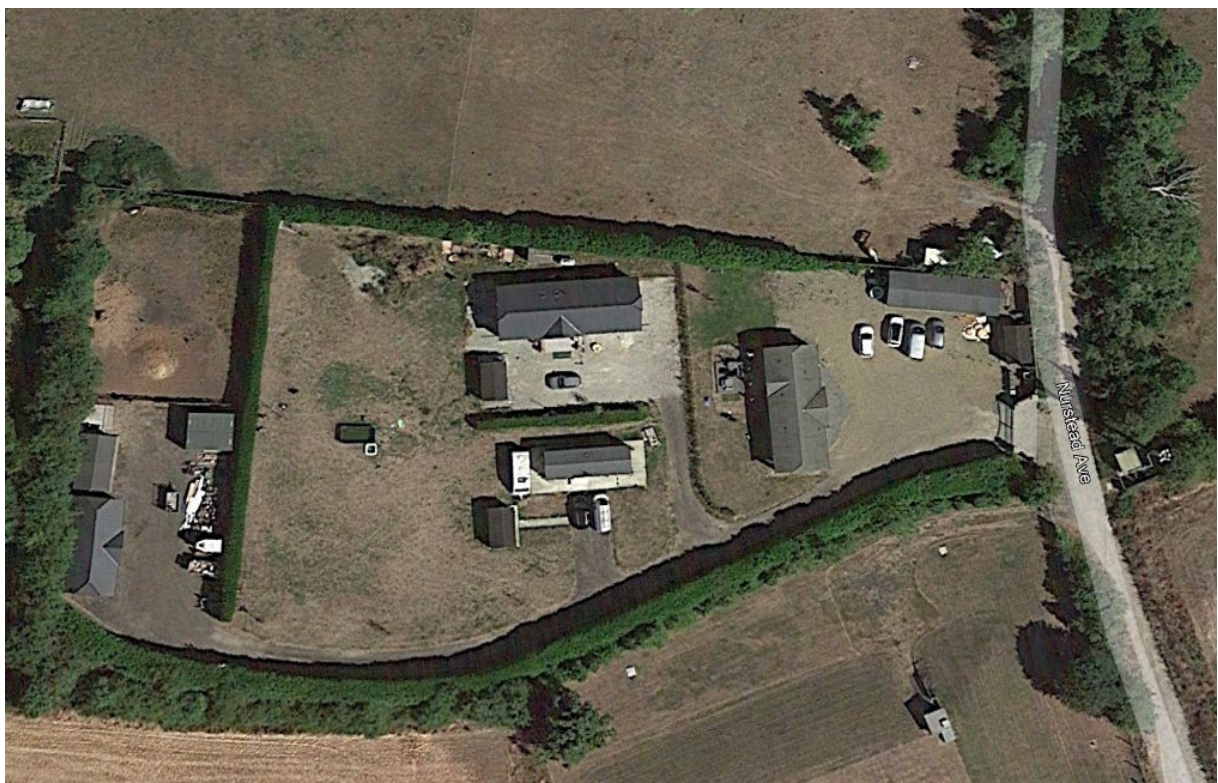
a) Aerial Photograph Images:

3.1 In order to substantiate our claims about the replacement of the stable building with a timber dwelling, we are attaching extracts from Google Earth aerial photographs which clearly show the building that now exists is different to that was on the land in 2015. The residential building was erected in 2017 and has been continuously occupied for a period of in excess of 4 yrs prior to the date of the application.

3.2 Aerial Photograph April 2015



3.3 Aerial Photograph May 2018



3.4 Aerial Photograph April 2020



3.5 Aerial Photograph August 2022



b) Building Invoices

3.6 A document dated 26 September 2016 from the PH Carpentry Ltd confirming the works that took place, including the removal of the stable building and removal of waste from the site. It confirms that the works were completed on 23 September 2016 and that payment was made in full

3.7 An invoice from Bugsy dated 15 October 2016 for the supply and fitting of a bathroom and kitchen at the premises.

c) Invoices for gas supply

3.8 A number of invoices from B & W Products Ltd dated from August 2017 to September 2021 to the occupier Ms Rebecca Friend for the supply of propane gas.

d) Sky installation document

3.9 A document dated 10 February 2017 for the installation of a Sky system at the building.

e) Electrical Installation Report:

3.10 An Electrical condition report dated 12 November 2016 following the installation of a bathroom, kitchen and heating at the property. It gives details of the equipment installed and any identified faults. It confirms that the property was occupied in late 2016.

f) Barclaycard letter

3.11 Confirms that Miss Rebecca Friend was in occupation of the site

g) VOA Documentation

3.12 A letter from the VOA dated 12 March 2023 acknowledging that the property had been assessed by the VOA as being within Band A with CTax being effective from 27 January 2022. Although this does not show occupation for the requisite time it is understood that Ms Friend had been in contact with the council confirming occupation from at least 2016.

4.0 Conclusion

4.1 We are satisfied that the submitted documentation clearly show that the use of building as a Class C3 dwelling has existed for a period in excess of 4yrs from the date of submission of the application and is now exempt from planning

control and would be lawful. The building has been occupied as a separate dwelling for a period of well in excess of the 4ys required and since the stables were replaced in September 2017. There has been no break in the requisite period of occupation and there has been no material change in the way in which the property is occupied or used. We are therefore satisfied that the use of the building as a dwelling is lawful and the Certificate should be granted.

James Barron BA(Hons) DipTP MRTPI