

## EVIDENCE OF BUILDING AS A PROPERTY & DWELLING

1. Foxglove Cottage is a modest stone building which was adapted some time in the recent past to form a dwelling. A new owner has bought the property and seeks confirmation via a Lawful Development Certificate that the property can be considered a legal dwelling under the Town & Country Act 1990 section 191. This application is submitted with plans to demonstrate that the property is laid out as per a family dwelling with off street parking and private enclosed garden.
2. A building of this form has existed on the site since at least 1899 (see historic OS map extract below pic1). Its form and historic materials suggest the building was utilitarian in use possibly as a barn or stable. No statutory applications are available on the councils public access for the property except the previous LDC application reference :-



*Pic 1 – 1899 OS map extract*

3. The construction of the building is coursed rubble stone walling with a modern rendered blockwork to the upper floor under a slate roof. The upper floor walling was added to the building in the recent past. The original structure has a buttress along its northern flank wall which does not reach the full height of the building. Domestic adaptations include the red brick chimney, upvc rainwater goods and standard gauge upvc and timber fenestration. The windows and doors are positioned within the elevations in a domestic arrangement with a row of first floor windows topped with flat roof dormers. Internally the ground floor consists of kitchen, hall, living room and a store room. Upstairs a bathroom and three bedrooms with a further upper store at the far end of the property. Both the ground and first floor store rooms have domestic style windows and doors overlooking the private enclosed garden. (see pics 2, 3 & 4).
4. Other physical evidence of the building being used as a domestic property can be seen in pics 5 which shows a google earth extract from 2003. The chimney, dormer and residential garden is all evident in the image.



Pic 2



Pic 3

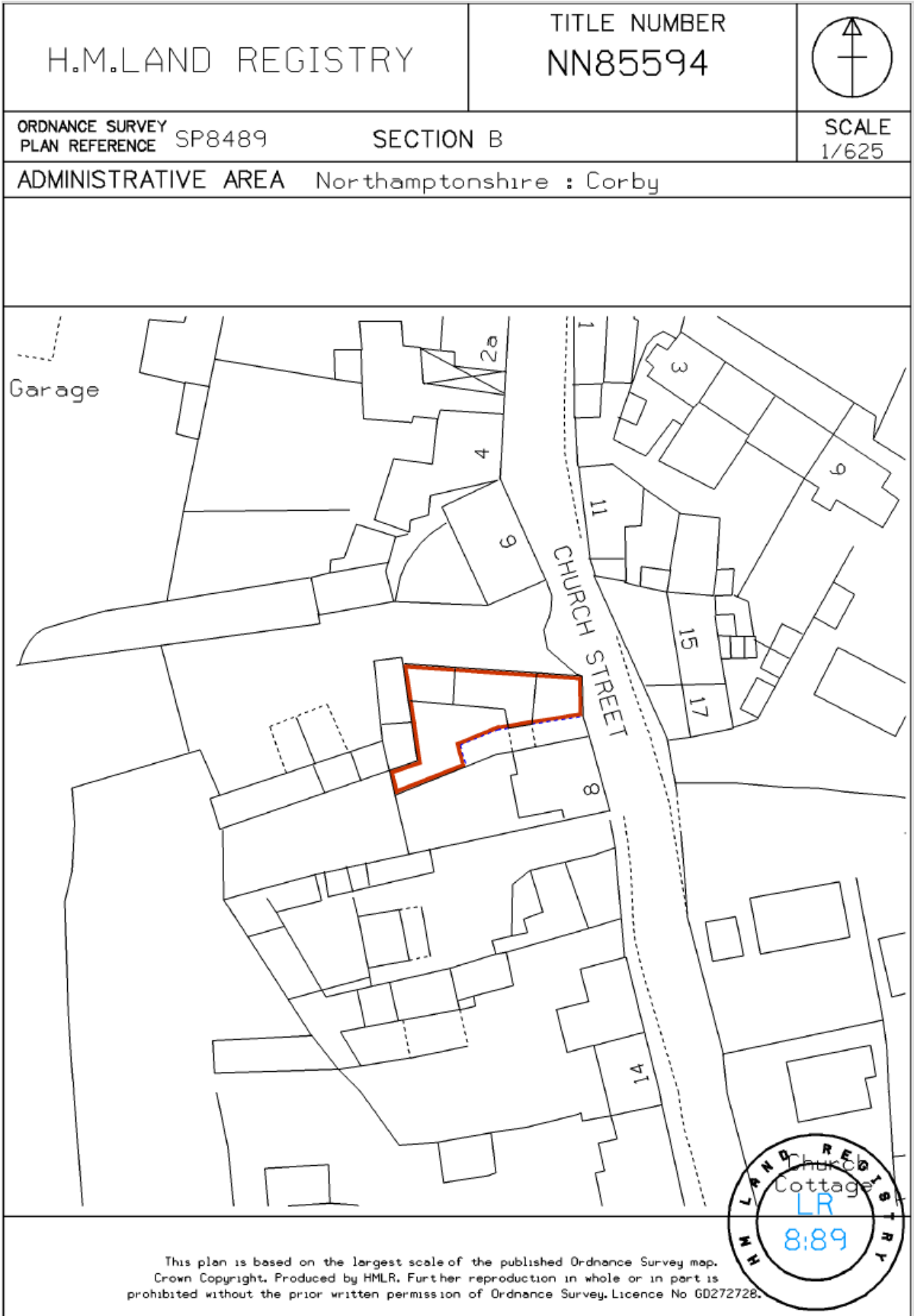


Pic 4



Pic 5

5. The previously refused Lawful development certificate delegated report confirms that the physical evidence of the building being used as a dwelling was consider sufficient.
6. This application presents further documentation to clarify that the property has been used a dwelling.
7. The following pics 6 & 7 are land registry extracts which confirm the transfer of the property as a dwelling in 1985.



Pic 6

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 6 FEB 2024 AT 20:59:16. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, LEICESTER OFFICE.

TITLE NUMBER: NN85594

There is no application or official search pending against this title.

## A: Property Register

This register describes the land and estate comprised in the title.

NORTH NORTHAMPTONSHIRE

- 1 (26.02.1986) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 8a Church Street, Cottingham (LE16 8XG).
- 2 The land was formerly copyhold of the Manor of Cottingham with Desborough and the rights saved to the lord by the 12th Schedule of the Law of Property Act, 1922 are excepted from the registration.
- 3 The land has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 15 November 1985 referred to in the Charges Register.
- 4 The Conveyance dated 15 November 1985 referred to above contains provisions as to light or air and boundary structures.
- 5 (15.02.2008) The land has the benefit of the rights reserved by a Transfer of 6 Church Street, Cottingham dated 31 January 2008 made between (1) Robert Leslie Stewart and Chines Stewart and (2) David Swallow and Kirsty June Swallow.

*NOTE:-Copy filed under NN282416.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (25.01.2023) PROPRIETOR: LEE ALAN ADAMS of 8a Church Street, Cottingham, Market Harborough LE16 8XG.
- 2 (25.01.2023) The price stated to have been paid on 8 July 2022 for the land in this title and in title NN112646 was £370,000.
- 3 (25.01.2023) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by a conveyancer that that conveyancer is satisfied that the person who executed the document submitted for registration as disponsor is the same person as the proprietor.
- 4 (25.01.2023) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 5 (25.01.2023) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of

Title number NN85594

## B: Proprietorship Register continued

this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 8 July 2022 in favour of Coventry Building Society referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

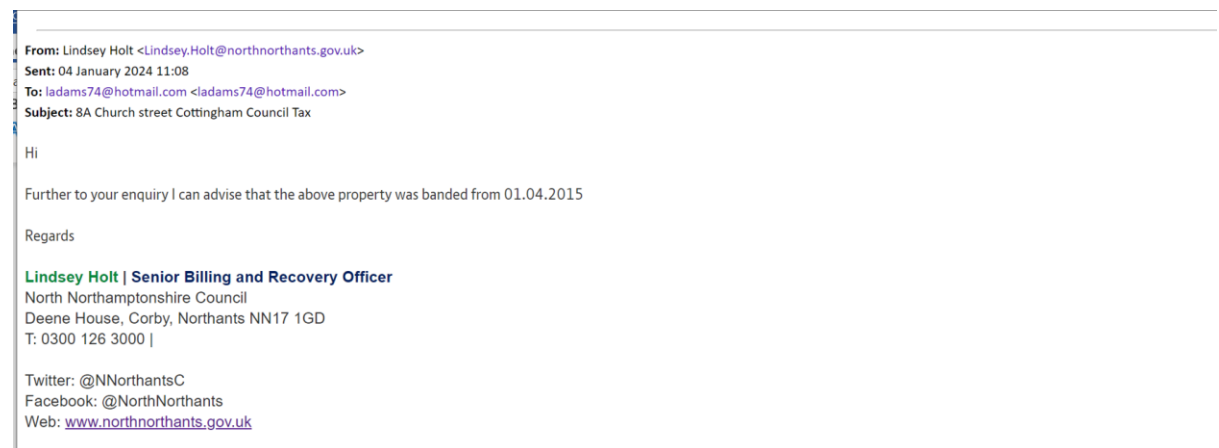
- 1 A Conveyance of the land in this title dated 15 November 1985 made between (1) Susan Claire Hutton and (2) Alan William Jackson contains restrictive covenants.

*NOTE: Original filed.*

- 2 (25.01.2023) REGISTERED CHARGE dated 8 July 2022 affecting also title NN112646.
- 3 (25.01.2023) Proprietor: COVENTRY BUILDING SOCIETY of Coventry House, Harry Weston Road, Binley, Coventry CV3 2TQ.

End of register

8. The pdf submitted with this application lists the following evidence that the property has been used as a single residential property by paying the following bills :-
- council tax bill from 3<sup>rd</sup> July 2013
  - council tax bill from 10<sup>th</sup> March 2014
  - landlords gas safety record dated 29<sup>th</sup> January 2014
  - British Gas bill dated 24<sup>th</sup> January 2013
  - British Gas bill dated 24<sup>th</sup> February 2013
  - landlords gas safety record dated 23<sup>rd</sup> February 2015
  - landlords gas safety record dated 15<sup>th</sup> July 2015
  - landlords gas safety record dated 27<sup>th</sup> February 2018
  - landlords gas safety record dated 27<sup>th</sup> March 2017
  - British Gas letter dated 30<sup>th</sup> January 2014
9. The below is an email received from the local authority rates department confirming the property has been rated since 1<sup>st</sup> April 2015



10. As per the Town and Country Planning Act; Part VII; Certificate of lawful use or development (as amended) & the Town and Country Planning (General Development Procedure) Order (England) 2015 : An application for a Lawful Development Certificate (LDC) should be used to establish whether an existing use of land, or some operation development, or some activity in breach of a planning condition, lawful. The use of a land is deemed lawful if no enforcement action can be taken against the changes, whether this is a result of not requiring planning permission or because the time for enforcement has expired and that the current enforcement notice are not being violated.
11. The Planning and Compensation Act 1991 (section 4) introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limits are:-
- Four years for building, engineering, mining or other operations in, on, or under the 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.
  - Ten years for all other development. The ten 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.

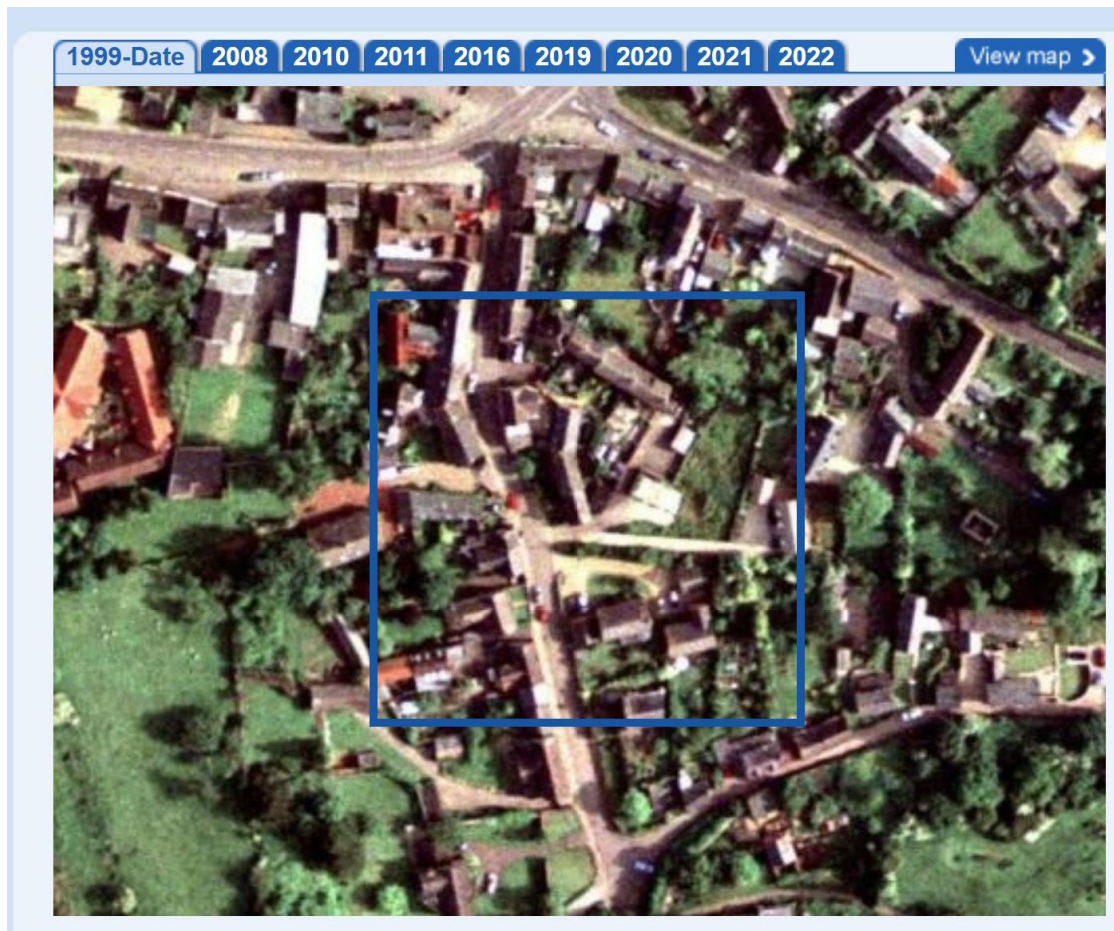
12 It is up to the person applying for a Lawful Development certificate(LDC) for an existing use to show proper evidence. This could include:

- Proof that any building was 'substantially complete' more than four years before the date of the application. **The evidence with this application fully confirms that the building has been substantially complete for more than four years.**
- Proof that any use has been carried on continuously for a period of ten years (four years in the case of a dwelling). **The evidence provided with this application confirms that the property has been used as a dwelling for over four years continuously.**

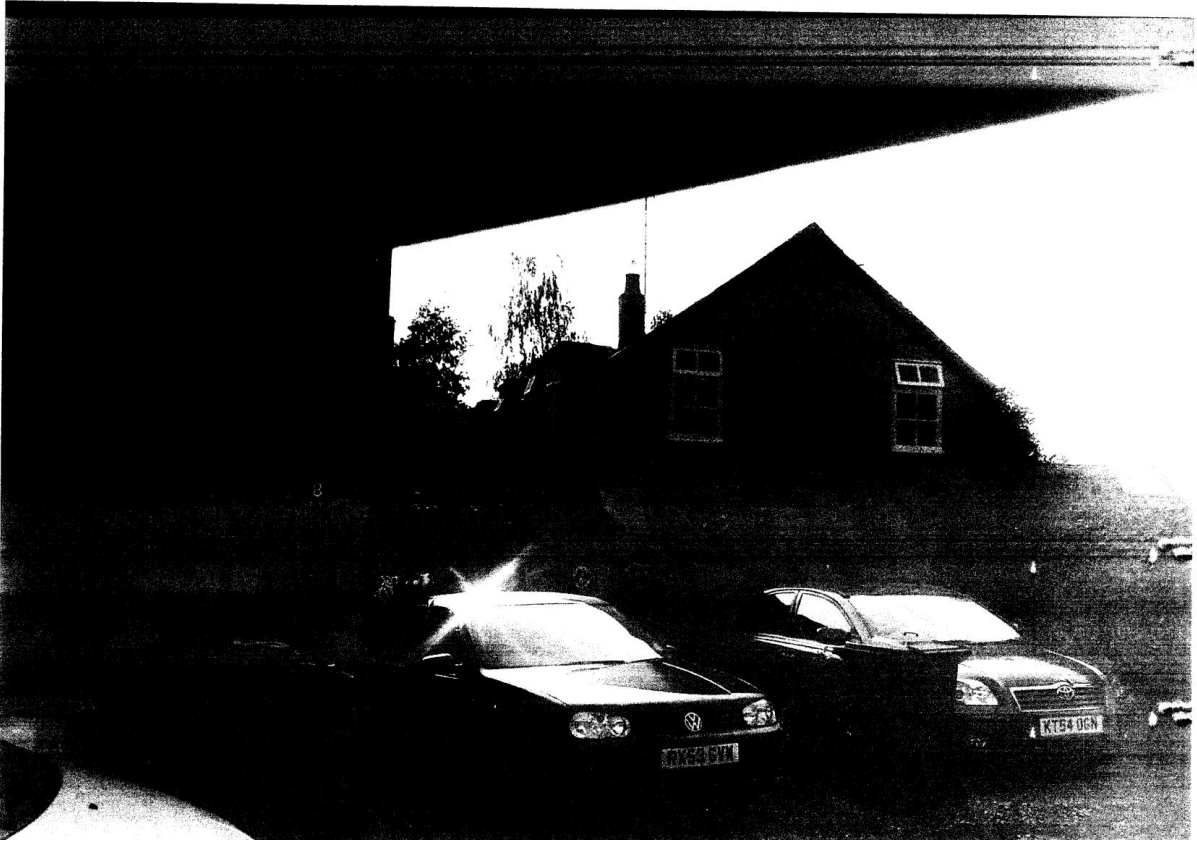
13 This application must include the following information to establish the planning use as a single dwelling:-

- The Date that the use started, or the date on which the building was substantially completed. The evidence provide includes a number of council tax bills as well as gas safe certificates dating from 3<sup>rd</sup> July 2013. Furthermore the 2003 dated imagery from google earth pro shows the site laid out as a residential building with dormers, chimneys and enclosed gardens. Furthermore in item 9 the councils own rates dept confirms that the property was banded 1<sup>st</sup> April 2015. This would have required an inspection by the council to ascertain the number of bedrooms and living rooms to establish ratable value.
- This lawful development certificate application for an existing lawful use as a single dwelling (C3 planning use) gives clear evidence that the property has been used since at least the April 2015.
- The works are beyond the period for the council to take enforcement action.
- This application provides information with regards use (C3 Dwelling house), the date that the use began (1<sup>st</sup> April 2015 – councils rate dept confirmation email dated 4<sup>th</sup> Jan 2024), a plan is submitted with this application providing identification of the land, the title register confirming applicants interest in the land with lots of photographic, map and utility/council bills demonstrating the property being used as a single dwelling. Furthermore evidence in pic 8 and 9 show that the building was adapted prior to 2015. The building is clearly domestic in appearance and is an obvious part of the street scene in the conservation area leading to the church. No enforcement action was taken on previous occupiers of the house.

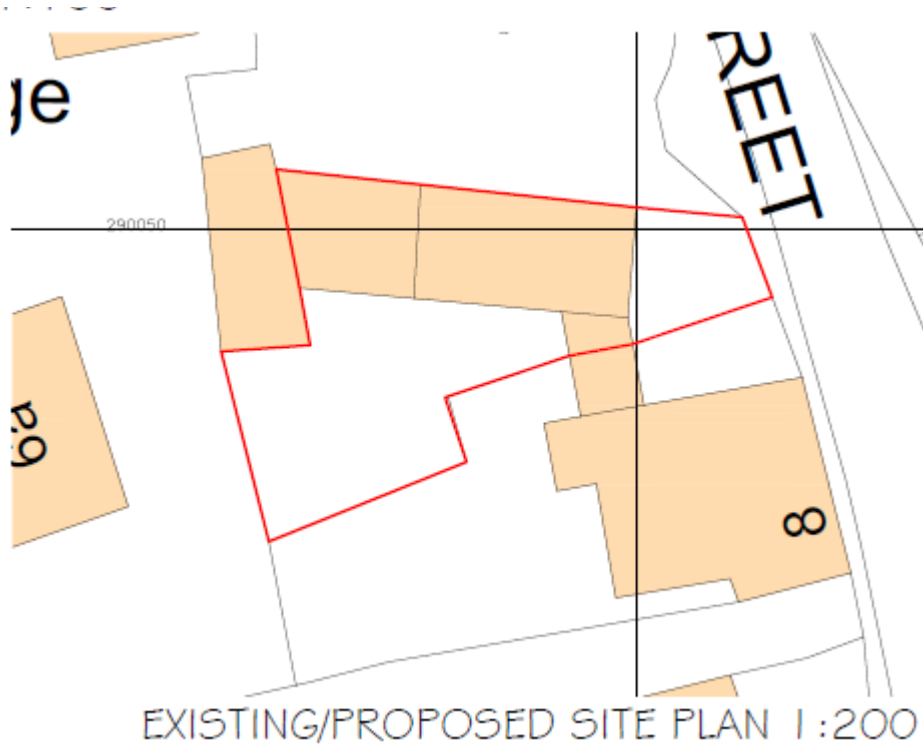




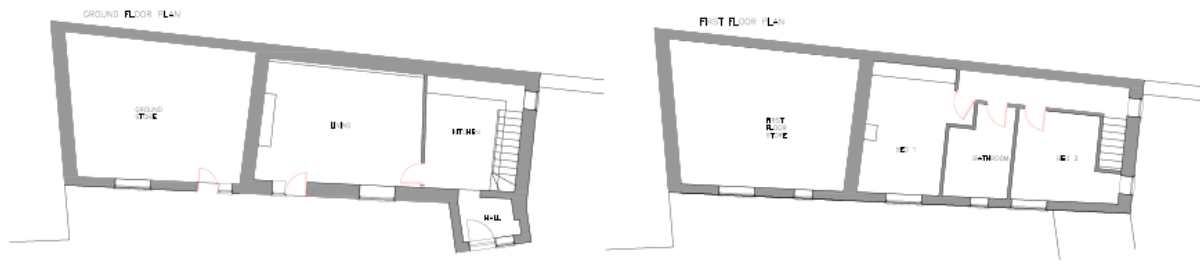
Pic 8 – satellite image dated from 1999 clearly shows the property known as 8a Church Street with dormers and a chimney in the roof.



Pic 9 - Image taken from a design and access statement supporting an application for a property adjacent showing 8a Church Street. The application was dated 8<sup>th</sup> Aug 2011.



Pic 10 – plan showing extent of dwelling within the red line.



Pic 11 – floor plans showing domestic layout