

29 February 2024

East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ



Dear Sir,



Certificate of Lawfulness for the continued unrestricted occupation of New House following a continuous Breach of Condition 2 of Planning Permission 6133-72 (Hertford Rural District Council) for a period in excess of 10 years.

New House, Bramfield, Herts, SG14 2QQ

Please find enclosed a Certificate of Lawfulness Application which seeks to demonstrate that on balance of probability the occupation of New House, Bramfield has been taking place in breach of Condition 2 of planning permission 6133-72 for a period in excess of 10 years therefore the continued occupation of the property need no longer be in compliance with said condition that required:

“The occupation of the dwelling shall be limited to persons employed or last employed locally in agriculture as defined in Section (1) of the Town and Country Planning Act 1971 or in forestry and the dependants of such persons residing with them (including a widow or widower of such a person).”

This application includes the following evidence.

- A Statutory Declaration from  (Applicants, Owners and Occupiers)
- A Statutory Declaration from  (Brother of Applicant)

- A Statutory Declaration from [REDACTED] (Family Friend)
- Contextual Evidence demonstrating occupation over the required period of time of New House by the applicants.
- Contextual Evidence demonstrating that no one residing in New House has complied with Condition 2 in terms of employment type.

Application Enclosures and Case

The applicants inherited the property upon the on the death of [REDACTED] in 2003, who was the widower of [REDACTED] (original applicant of planning permission 6133-72). Upon her death in 2003 and the subsequent occupation in April 2003 of the applicant's family, planning condition 2 has been in continuous breach, circa 20 years.

The submitted evidence clearly demonstrates a continuous and continued breach condition well in excess of the 10 years required for the purposes of this Certificate of Lawfulness to be found successful. The breach continues to this day.

All statutory declarations confirm that the property was occupied as a self-contained residential for no other purpose, continuously and without any interruption. All signed parties confirm that the plan submitted with this application are an accurate representation of the unit in question.

Together with the Statutory Declarations which must be given significant weight as legal documents, are a suite of additional contextual documents that seek to demonstrate occupation of the property throughout the period 2003 to present day. They include bills, tax records and other personal correspondence from companies to the applicants thus demonstrating primary residence. Further evidence has been provided from employers to demonstrate the fact that the applicants have never worked in agriculture or forestry.

I trust these details together with the enclosed supporting documents provide you with all the information you need to register and determine this submission favourably. Should you need anything further please do not hesitate to contact me.

For obvious reasons please treat this submission as containing highly confidential information, we do not give permission for them to be published on the Council's website, nor should they be made publicly available in other mediums.

For the Council to approve this application they must on the balance of probability take the view that occupation of the dwelling has occurred for a continuous period of 10 years prior to this application. It is the conclusion of AJM Planning that this test has been easily met with evidence that demonstrates approximately 20 years of occupation.

Yours sincerely,



Andy MacDougall
AJM Planning