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Certificate of Lawful Existing
Use or Development

PREPARED FOR

Miss M Curley

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PREPARED BY

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1. INTRODUCTION

This statement has been prepared to accompany a certificate of lawfulness application, regarding the render on an agricultural building at Cooks Marsh , Cley Next the Sea.

2. BACKGROUND

The building in question is an agricultural building on a small holding which includes a field under grass. Access to the property is shared with a neighbouring farmer. The subject building and those of the neighbour appear as one group albeit there is a split in ownership.

The building is of block construction and did have an asbestos sheeted roof. The previous owners a Mr and Mrs Cornwall, confirmed it was used for machinery storage and for housing pigs when they farmed it, although more recently it has been empty. The building also had a number of skylights on its western slope as shown on the aerial photo and internal photo below. The blockwork walls also had a number of windows which had been blocked up.



In February 2020 the roof suffered damage in bad weather. Miss Curley referred this to her insurers who agreed in April 2020 to fund the necessary repairs. As the roof was asbestos this could not be repaired safely, so it was agreed the roof would be re-sheeted in an alternative material. These works were completed over the Summer of 2020.

A Certificate of Lawful Existing Use or Development application was approved for the replacement of roof material on the agricultural building in February 2021, ref: CL/20/1881, with the Local Planning Authority determining that:-

The evidence submitted with the application demonstrates that operations to repair the roof at land At Cooks Marsh, Cley-Next-The-Sea, NR25 7UA do not materially affect the external appearance of the building. As a result, the works do not constitute development requiring planning permission as defined under S55 of The Act. As such the operations to repair the roof is considered Lawful.

3. WORKS UNDERTAKEN

The completed roof works are shown in the photo below which also shows the walls as being blockwork.



In 2023 the applicant rendered the wall in a colour to match the existing blockwork – see photographs below:-





As can be seen from the photographs the render has a similar appearance as the blockwork. The only real difference being the lack of mortar lines which is not a material factor when looking at visual appearance as a whole. It is therefore considered that rendering of the walls do not materially affect the external appearance of the building generally, therefore a Certificate of Lawfulness should be granted.

The photo below shows the building as original blockwork and it can be seen that the render will make no difference given the colour and texture.



4. LEGISLATION

The Town and Country Planning Act confirms what works do not constitute development. This includes:-

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

- (i) affect only the interior of the building, or
- (ii) do not materially affect the external appearance of the building,

In the case of *Burroughs Day v Bristol City Council* [1996] 1 PLR 78 it was held that the effect on the external appearance must be judged in relation to the building as a whole and not by reference to a part of the building taken in isolation.

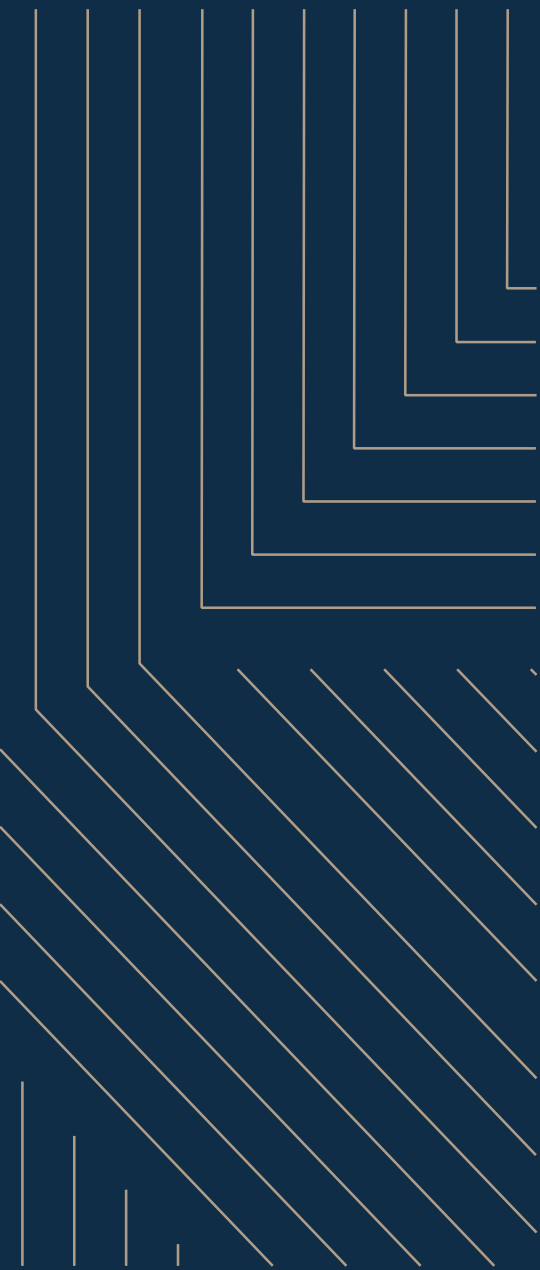
5. PLANNING DISCUSSION

The legislation clearly allows a landowner to undertake a number of works to a building. This includes maintaining it, improving it and other alterations. The key aspect being that it does not materially affect the external appearance. Materially using its normal definition means significantly.

The above makes common sense as the Planning System would be 'bombarded' with applications, if the test was any change.

The works undertaken by Miss Curley are related to maintaining the building and she is entitled to improve and alter whilst doing that as long as there are no significant change in the external appearance. In reality she could have painted it a range of similar colours. The texture is similar so materially there is no difference.

Overall the works undertaken are no different to countless farmers, land owners and other building owners who undertake repairs and improvements. There is no material change in appearance following the works undertaken so no planning permission was required.



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