



David Will



Property Consultant

The Willows, Happisburgh Common, Norwich, NR12 0RT

Telephone: [REDACTED] Email: [REDACTED]

Website: www.davidwill.co.uk

Planning Statement

In connection with an application for a Certificate of Lawful Use or Development in respect of the Apple House, Pollard Street, Bacton, NR12 0LB

The applicants are Mr R and Mrs K Barr of The Grange, Pollard Street, Bacton, NR12 0LF.

The Apple House is a detached dwelling originally a Grade II Listed barn used for agricultural purposes. On 5th February 1990 North Norfolk District Council granted planning permission by reference PF/89/0930 to convert the barn into domestic accommodation.

The Planning History

1. PF/89/0930 – Proposal conversion of barn for domestic occupation. This is clearly a Use Class C3 application to use the building as a dwelling and provided the conditions of the decision were complied with the permission was implemented and the barn is a dwelling. The changes were made within five years of the decision date, 15th February 1990, and if necessary, I can provide Statutory Declarations from Mrs Barr and others that the work was done when she purchased within three years of the purchase date.
2. 20041383 – Alterations to facilitate conversion of barn to residential at barn at The Grange, Pollard Street, Bacton (Listed Building Consent), approved 29th September 2004 and all the conditions were complied with. This is a residential consent with no holiday conditions.
3. 20041382 – Conversion of barn into two holiday dwellings at barn at The Grange, Pollard Street, Bacton which has approved on 29th September 04 subject to conditions. The permission was subject to a five year time limit for implementation. Secondly, the external materials to be used on the development hereby permitted shall be fully in accordance with the details submitted in the planning application unless agreed in writing by the Local Planning Authority. The development to which this permission relates shall be undertaken in strict accordance with the submitted and approved plans, drawings and specifications, unless otherwise agreed in writing by the Local Planning Authority. Condition five has not been complied with.

Attached to the application is a plan which was part of application PF/89/0930 which shows internal works, these works were in progress when Mrs Barr purchased Apple House in 1993.

Surveyor and Land Agent
Planning and Development Surveyor
Independent Valuer

When Mrs Barr purchased The Grange, including the barn in September 1993, the works scheduled in the planning consent had been substantially completed, as will be seen from a survey report produced by Hugh Ferrier, which is attached to this application. In this report, on page 20, it says *“Fine barn with 5 thatched dormers in the pitched roof laid with Norfolk reed. Walls partly reconstructed in preparation for residential. New chimney right hand gable”*.

Clearly planning reference PF/89/0930 had been implemented at the time of Mrs Barr's purchase, which was less than five years after the granting of the planning permission.

A photograph taken after the purchase of The Grange is attached to this application and photos of the internal work at the time of purchase are attached to Mrs Barr's Statutory Declaration. Photographs of the works of conversion completed in 2009 are also attached to this application.

Planning permission, listed building consent and building regulation consent was granted on 29th September 2004 by reference 2004/1382 and 20041383 to convert the barn into two holiday dwellings. Condition 3 stated that the development to which this relates shall be undertaken strictly in accordance with submitted and approved plans, drawings and specifications. The two holiday dwellings were not built, and the permission ran out of time.

Instead, Apple House was converted into a single dwelling. North Norfolk District Council was supplied with drawings but agreed that planning permission was not required. Apple Barn was already a single dwelling by virtue of PF/89/0930 and thus the further works were permitted development, whereas planning permission for the conversion to two holiday units was required and was not permitted development.

The work carried out was completed in August 2010, more than 10 years ago. The rule is that a Certificate of Lawfulness can be applied for as long as the building has been used continuously for 10 years without planning compliance and any building work has been finished more than 4 years ago.

In this case, both the planning permission for conversion to two holiday units and the permission to use Apple House for domestic occupation are Use Class C3. Class C3 is the dominant class for all residential dwellings in England and one may more within Class C3 any of its sub-classes without planning permission. A holiday use is Use Class C3, subject to a planning condition or restriction as to its use.

Did the conversion of work completed in 2009 require nutrient neutrality consent? This requires new housing developments in certain areas should not add more nutrient pollution to the water catchment. It applies only to new housing developments in areas with protected habitat sites that are already in unfavourable condition due to nutrient pollution. This is not a new development as it was completed in 2009. This is confirmed in Natural England's update October 2023.

Therefore, it is factual that Apple House was granted a Use Class C3 by virtue of planning permission PF/89/0930 and was implemented by virtue of the installation of windows, extensive internal works and a new chimney and has remained a Use Class

C3. The works completed by 2009 were permitted development not requiring planning permission. In any event, the works have been completed more than four years ago where building works for which planning permission should have been obtained but which have been completed for more than 4 years the works are immune from enforcement action.

The Statutory Declaration by Mrs Barr confirms the contents of this application.

Since this application only has to be on the basis of probability and the work was completed more than 10 years ago, a Certificate of Lawful Use or Development is required to regularise the use of Apple House.

David Will
February 2024