

APPLICATION NUMBER	2024/0110	DECISION LEVEL	Delegated
		CASE OFFICER	Chris Beebe
PROPOSAL	Use of bungalow as dwelling house	DATE FOR DECISION	04/06/2024
LOCATION	Oak House Farm Bungalow Oak Street Shawforth Rochdale Lancashire OL12 8NP	REPORT WRITTEN	09/04/2024

1. SITE AND SURROUNDING AREA

The application site consists of a Bungalow located to the rear of Oak House Farm off Oak Street in Shawforth.

2. RELEVANT PLANNING HISTORY

79/1 - Permission Granted (Outline) for Bungalow – 1979

80/365- Permission Granted (Reserved Matters) for Bungalow - 1980

3. PROPOSAL

The applicant seeks a Certificate confirming the lawful use of the Bungalow as an independent dwelling house separate to Oak House Farm. It is understood that the owner of the two properties wishes to sell each separately.

The applicant contends that this use is lawful and is therefore seeking a lawful development certificate.

4. PUBLICITY

No statutory requirement to notify neighbours or publicise the application.

5. ASSESSMENT

In arriving at a decision whether it is appropriate for a certificate to be issued the relevant test is whether “on the balance of probability” the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a certificate, and whether the Local Planning Authority (LPA) has any evidence that contradicts or undermines the applicant’s claim.

It is for the LPA to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application.

The applicant is seeking to demonstrate that the building has been continuously occupied as a single independent dwelling house for a period of at least four years prior to the submission of this application – the time limit after which the breach of planning control becomes immune from enforcement.

The applicant has submitted the following information in support of the application.

- Planning History application 79/1 and 80/365

Confirmation has also been sought from Rossendale's Council Tax Department as to the payment or otherwise of Council Tax at the property. The payment / billing of Council Tax would lend weight to the argument that the Bungalow has been used as a separate / independent Dwelling House.

The Council Tax department confirmed in an e mail dated 09/04/2024 that *"We have been issuing council tax bills to Oak House Farm Bungalow OL12 8NP as a single domestic dwelling since 01/04/2001."*

The Planning History is not entirely clear owing to the scanned documents being in part illegible, most likely a result of the original documents condition and age when they were scanned. However, the application forms state that the Bungalow was used as a dwelling House by a disabled relative of the owner of Oak house Farm. Nothing in the documentation provides evidence that the Bungalow was granted permission on the basis that it was ancillary accommodation to the main house.

The Planning History in conjunction with the payment of Council Tax as a separate property demonstrates on the balance of probabilities that the Bungalow has been used as a separate / independent dwelling for a period in excess of 13 years.

It is considered that the above evidence reasonably demonstrates that the property has been occupied as a dwelling house for periods in excess of 13 years.

While the evidence submitted fails to be absolutely precise in some areas due to scanning issues with regard to the Planning History, it is considered on the balance of probability that the Bungalow has been occupied for a period of at least 4 years as a separate dwelling. Therefore, it is considered appropriate in this instance for a Certificate to be issued.

6. RECOMMENDATION

Approval (issue a Lawful Development Certificate).

7. SUMMARY REASON FOR APPROVAL

It has been demonstrated that the Bungalow and land shown edged in red on the submitted Location Plan have, on the balance of probability, been continuously occupied for residential purposes (i.e. as a single dwelling) for a period of at least four years prior to the submission of this application. Therefore, the use of the building and associated land for this purpose is therefore considered lawful and immune from enforcement action.

INFORMATIVE

The certificate is granted on the basis of the following:

- Application form signed 15/3/2024.
- Oak House Farm Title Plan

CASE OFFICER: Chris Beebe

DATE: 09/04/2024

SENIOR PLANNING OFFICER: Storm Grimshaw

DATE: 10/04/2024