

2022/0422

Mr Ben Walker

Lawful development certificate for existing use of building as ancillary residential use in association with the dwelling at Green Gate Farm

Green Gate Farm, Horn Lane, Ingbirchworth, Sheffield, S36 7GG

Description

The application site consists of Green Gate Farm a large stone built L-shaped dwelling and a large detached barn, set off Horn Lane, Ingbirchworth. The property is set within approx. 7 acres of land which consists of a formal garden area, paddock and woodland.

There does not appear to be any agricultural activity taking place at the site.





Aerial Photograph 2022



Aerial photograph 2009



Aerial Photograph 2002



Historic OS Plan 1960

Background

92/1110 – Change of use of cow shed to dwelling – Withdrawn

2007/1486 - Erection of a 2 storey extension to dwelling – Refused for the following reason:-

The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the policy of the Local Planning Authority not to permit development except in very special circumstances for purposes other than those set out in paragraphs 3.4, 3.5 and 3.6 of Planning Policy Guidance Note 2. The proposed development would be contrary to that national policy guidance and to UDP Policy GS8E in that the total size of the proposed development and previous extensions would exceed the size of the original dwelling and would result in a disproportionate addition. The Local Planning Authority are of the opinion no very special circumstances exist that would justify the granting of planning permission in this instance.

2008/0506 - Erection of two storey extension to dwelling (Resubmission) – Approved with conditions

2011/1229 - Erection of two storey side/front extension and alterations to dwelling including erection of front porch – Approved with conditions

2021/1540 - Erection of extension to existing dwelling, installation of timber framed window and removal of storage building – Under consideration

Proposed Development

The applicant has applied for a Lawful development certificate for the existing use of a barn building as ancillary residential use in association with the dwelling at Green Gate Farm. The applicant has provided the following evidence to support the application:-

Letter and plan from J Stead dated 11/03/2022 – which states that they bought that property in July 2007 and sold the property in May 2017, during that time the barn was used as storage in association with the residential property and was never used for agriculture.

Letter and plan from W Thompson dated 26/03/2022 – which states that they bought the property in October 2019 and sold the property in February 2021, during that time the barn was used as storage in association with the residential property and was never used for agriculture.

Statutory Declaration from Ben Walker (applicant) dated 07/04/2022 which states that they bought the property in February 2021 and since this time the barn has been used as storage in association with the residential property, i.e the garaging of vehicles, storage of garden machinery, storage of garden furniture and children's toys. The statement lists the previous owners of the property as:-

July 2007 – May 2017 – Mr J Stead
May 2017 – October 2019 – Mr D Spencer
October 2019 – February 2021 – Mr W Thompson

The declaration states that to the best of Mr Walkers knowledge, the previous owners used the former agricultural building as storage in association with the residential property and not for agricultural purposes.

Consultations

Legal – This seems a straightforward case which can be granted

Representations

No representations received

Assessment

The LPA can grant a certificate confirming that an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under Section 191 of the Town and Country Planning Act 1990. The applicant has submitted this application for lawful use of the relevant area of land under Section 191 of the Town and Country Planning Act 1990. Section 191(1) provides that if any person wishes to ascertain whether any existing use of buildings or other land is lawful they may make an application for that purpose to the local planning authority specifying the land and describing the use, operations or other matter. Section 191(4) further provides that if, on the basis of the information provided in the application, the Council is satisfied at the time of the application of the use, and the Council is obliged to issue a certificate to the effect that the use is lawful. It should therefore be assessed whether the use of the land is lawful under the Town and Country Planning Act 1990 on the basis. If the 10 years is established for the use the Council would not be entitled to take enforcement action in respect of the breach and the present use would thus be lawful.

The application relates to a barn which is situated to the east of the dwelling known as Green Gate Farm. The applicant has applied for a Lawful development certificate for the existing use of the building as ancillary residential use, in association with the dwelling. A search of the

planning history at the site does not show any planning applications/permissions for the barn, therefore it is not clear when the barn was constructed, however the footprint of the barn and the dwelling can be seen on the 1960's historic OS Plans and on the 1990's OS Plan. The 1948 OS plan appears to show the dwelling only, so it appears that the barn was constructed prior to 1960 but not on or before 1948. In 1992 a planning application was submitted to change a 'cow shed' on the land into a residential dwelling, which indicates a previous agricultural use at this time, however this application was withdrawn, and no details/plans are on the planning application record for this application. The aerial photographs from 2009 do not appear to show any livestock on the land or what appears to be any agricultural activity, however this is just a snapshot in time and this evidence alone does not prove that the agricultural use has ceased.

In terms of the submitted evidence, the applicant has provided a Statutory Declaration and statements from previous owners. The statement includes the details of previous owners from July 2007 – May 2017 – Mr J Stead, May 2017 – October 2019 – Mr D Spencer and October 2019 – February 2021 – Mr W Thompson and the applicant Mr B Walker from February 2021 to the present day. After liaising with the Legal Officer and considering the evidence submitted by the applicant in the form of the sworn statement and statement from previous owners of the site, it is clear that given these statements, that the barn has been used for domestic storage purposes for 10 years or more and has not been used for agricultural purposes since July 2007. There is therefore sufficient evidence to show that the barn has been used for domestic storage purposes for more than 10 years and a LDC for its use can be granted.

Recommendation:

Grant