

Planning Statement for Certificate of Lawful Existing Use or Development (CLEUD) at Crag Cottage, Finkle Street, Wortley, Sheffield, S35 7DH

Introduction

This statement has been prepared on behalf of the client, Mr Simon Roddis, and accompanies the application, ref: PP-12927365 seeking a Certificate of Lawful Existing Use or Development for the existing garage and workshop now used as a one bedroomed flat over garage at Crag Cottage, Finkle Street, Wortley, Sheffield, S35 7DH as shown on location plan SRG-JMA-ZZ-00-DR-A-(01)099A Site Location Plan.

The statement sets out the case for considering the whether the existing flat and garage have been constructed without the benefit of planning permission but that it is now lawful by virtue of the fact that it was constructed and completed more than 4 years ago and that, as a consequence, a CLEUD should be issued.

The applicant has brought this application forward of their own volition and not as a result of any known current, pending or historic enforcement action.

Application Site & Setting

The site contains Crag Cottage a two-storey stone built detached dwelling located at the end of a long access track off Finkle Street. The site sits within the green belt but is otherwise unclassified. Crag Cottage is situated at the end of the access track with the flat/garage located to the rear of this accessed via a tarmac driveway. The parking courtyard to the rear of the Crag Cottage originally contained a number of stone/brick outbuildings prior to the construction of the flat and garage and these were demolished as part of the works.

The development

The development that is the subject of this application is the garage & workshop which during construction was altered to include a one bedroomed flat over the garage and a kitchen and storage cupboard where the workshop was proposed. The application is being made on the following basis:

- *“four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed”*. As erected, the detached garage and workshop is understood to have been developed under the applicant’s permitted development rights, however the alterations to the structure during construction namely, not single storey & exceeding 4.0m in overall height mean planning permission should have been applied for.

- *“four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken”. Again as erected, the detached garage and workshop is understood to have been developed under the applicant’s permitted development rights, however the alterations to the structure and use to form a flat (single dwellinghouse) adjacent and over the garage mean planning permission should have been applied for.*

Statement of Case

The applicant moved into the property circa August 2010 and began construction of the garage & workshop themselves some time after January 2013, having received BMBC Building Control conditional approval.

The supporting evidence, please refer to “2401 - Supporting Information for Certificate of Lawful Existing” and attachments provides a detailed timeline of the construction works via aerial photography and also dated invoices & commissioning certificates for various items within the one bedroomed flat.

With reference to the last invoice, the development was substantially completed in October 2018, circa 5 years and 6 months ago.

Conclusion

The above summary of the facts demonstrates that the one bedroomed flat and garage at Crag Cottage was constructed without the benefit of planning permission more than 4 years ago. Given the length of time since it was completed, it is now lawful. As stated above, I consider that the 4 year rule applies to the operational development because the land was already in residential use, as illustrated by BMBC’s conditional approval of the Building Control application in 2013.

I therefore ask you approve this application and grant a Certificate of Lawful Existing Use and Development for the retention of the one bedroomed flat and garage.