

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0941-23 **Applicant:** Mr J Andrews
Proposal: Use of building as residential dwelling
Location: Lords Manor 219a Hospital Drove Long Sutton
Terminal Date: 6th February 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Section 191 of the Town and Country Planning Act 1990 (TCPA 1990)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is an application made under Section 191 of the Town and Country Planning Act 1990 (as amended). The applicant seeks confirmation as to whether the use of a building for the purposes of a dwelling house (C3) is lawful.

The applicant has provided a planning statement as well as invoices that are from the applicant to the builder/plumber/electrician. They are dated in 2018 and are hand written on paper. The applicant has also provided a location plan.

Site Description

The application site is located on the eastern side of Hospital Drove (north of the junction with Woad Lane/Ave Farm Road) close to number 219. The application site is located to the east of Long Sutton and North West of Sutton Bridge located outside of any defined settlement boundary and in the open countryside.

The site is closed off with high gates. The boundaries are set back from Hospital Drove where there is a grass verge with a number of cars parked. Within the site there is a number of timber framed structures and driveways leading into the site.

History

H18-0943-23 - S191 - Conversion of barn into residential dwelling. Pending

Consultation Responses

None requested

Planning Considerations

The application seeks the local authorities consideration as to whether the use of a building for the purposes of a dwellinghouse at LORDS MANOR 219A HOSPITAL DROVE is lawful.

The grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements such as the Building Regulations 2010, or the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) or other licensing or permitting schemes.

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of an application and how it must be submitted. An application must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application. An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. *Paragraph: 005 Reference ID: 17c-005-20140306*

Evidence provided by applicant

The applicant has provided a personal statement, 'evidence invoice for works, photographs and a site location plan.

Personal Statement

Within the statement the applicant has stated that the he has lived in the dwelling continuously for more than 4 years and that the dwelling was built by friends and trained professionals where needed.

Invoices

A number of invoices has been provided. However they are not traditional in the sense that the applicant is the author of the invoice which are nearly all dated in August and September of 2018 and addressed to whomever carried out the work.

Photographs

The photographs clearly show a timber clad structure, with white UPVC openings that appears to be habituated. The photographs however are not dated and only provide 'existing' evidence.

Location Plan

The location Plan outlines the site in red. A building is shown on the plan that does not correlate with the location or dimensions of the building seen on site or shown within the submitted photographs.

Assessment

The information submitted in support of this application is not sufficient to demonstrate that the dwelling has been lived in continuously over a 4 year period. Notwithstanding the personal statement the invoices are sent to those who have provided the work (rather than from the contractor). The applicant alludes to the ability for statements to be supplied, confirming that the dwelling has been inhabited by the applicant continuously for 4 years, though these have not been provided. Information in terms of bill payments, which may include utilities or council tax have not been provided. Lastly the plans are not accurate enough to reflect the dwelling that is located on the site today.

More information is required if the LPA are to consider that this building is a dwelling that has been lived in continuously for more that 4 years. Such information as bill payments, that are addressed and dated as well as affidavits may be acceptable. More accurate plans should also be provided as well as a chronological description of how this site (and the wider site) has developed as well as the

relationship between Lords Manor, the barn and nearby dwellings.

Conclusion

At this stage the information provided is insufficient to determine whether or not Lords Manor has functioned as a dwelling continuously over a 4 year period. On this basis a certificate cannot be issued

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.