DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0943-23**	**Applicant:**	**Mrs A Andrews**
Proposal:	Conversion of barn into residential dwelling		
Location:	Lords Manor Barn 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

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 'Lords Manor Barn' for the purposes of a dwelling house (C3) is lawful.

The applicant has provided the following:
-A Personal Statement as well as
-invoices that are from the applicant to the builder/plumber/electrician.
-Photographs

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 and tree lined. The boundaries are set back from Hospital Drove where there is a grass verge with a number of cars parked. This site abuts an application for a separate certificate at 'lords Manor' which is located north of the site shown in red on the location

plan.

History

H18-0941-23- S191 - Use of building as a residential dwelling. Pending

Consultation Responses

None requested

Planning Considerations

The application seeks the local authority's consideration as to whether the use of a building for the purposes of a dwellinghouse at LORDS MANOR Barn 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

Personal Statement
The applicant has provided a personal statement detailing that Mrs Ann Andrews through poor health was unable to live in the main house and so an outbuilding was converted (that forms the premise of this certificate) to suit her needs. The applicant points out explicitly that this is not an annexe but a 'Stand Alone Property'. The supporting information states that the utility bills are shared with the property and so cannot be evidenced to support that this is a unit that is separate from the dwelling.

Invoices
A number of invoices have 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 June/July of 2018 and addressed to whomever carried out the work (rather than receipts).

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

Location Plan
The location Plan outlines the site in red, located to the north of the main dwellinghouse.

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, nor in fact whether the unit is a separate planning unit in its own right.

Within the personal statement the applicant claims that the utility bills are shared 'on the property'. The invoices are sent to those who have provided the work (rather than a receipt from the contractor) and the photographs of the building do not allow for an understanding firstly, if this is a dwelling house in its own right and secondly when the works were carried out. The certificate is not supported by floor plans or photographs showing the internal arrangement. Insufficient information is presented to the LPA to make an assessment of whether or not the building for use as a dwellinghouse is lawful.

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. The shared relationship between the 'barn' and the property through bill payments does not allude to this building being a separate planning unit, there is insufficient information presented for the LPA to come to any other conclusion.

Conclusion

On the balance of probabilities and reflecting that the property and 'the barn' share utilities (and potentially ownership), and utilise the same access it is considered that the building is unlikely to be considered as a separate planning unit in its own right. 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.