HPK/2013/0431

HIGH PEAK
26 JUL 2013
BOROUGH COUNCIL

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Mr Michael Green,
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23 July 2013

Dear Mr Green,

DANEHEY, COMBS ROAD, COMBS, HIGH PEAK, SK23 9UW.

I enclose an application for a Lawful Development Certificate for an existing use at the above address.

This dwelling was originally approved with an agricultural, horticultural or forestry occupancy condition. However this condition has not been complied with since at least 1982.
From 1982 to the present day the dwelling has been used as a private domestic dwelling house. This is therefore now its existing use, to which this Lawfull Development Certificate application relates.

The application consists of :-

4 copies of the signed application forms.

4 copies of a 1:2500 location plan.(drg no 13.7/1). The property that is the subject of this application is edged red.

4 copies of the original planning permission dated 9 May 1956, ref CHA/12/55/3

4 copies of a letter from the Area Planning Officer to agents of the applicants father, dated 10 April 1968.

4 copies of the Planning Officers report to committee with regards to the 1980 planning application for extensions to Danehey, ref 13837/HPK/11/80/1139

4 copies of a Statutory Declaration from Mr William Farley.

4 copies of a Statutory Declaration from Mr Brian Pope.

My client has asked me to provide the following information in support of his application.

Mr Farley has lived at Danehey from 1982 to the present day and confirms that no occupier of Danehey has been employed in agriculture during that time. Therefore there has been a continuous breach of condition 1 of the 1956 planning permission during this period.

Bridgefield Farm, Combs was sold by the applicants father in 1982, when the family moved to Danehey. Again breaching condition 1 of the original planning permission. Danehey has therefore not been part of Bridgefield farm for 31 years.

In any case, Bridgefield Farm, Combs has not been an agricultural holding since 1989.

To the best of the applicants knowledge, from its construction in 1956 to the present time, Danehey has never been occupied by any one employed in agriculture. The Planning Authority where fully aware of this in 1968 and 1980.

The 10th April 1968 letter from Mr John Foster, the Area Planning officer, confirmed that the change from agricultural dwelling to private domestic dwelling did constitute a material change of use and that planning permission was required. He was aware at the time that the applicants father was occupying Danehey, that he had done for two years and that he was not employed in agriculture. Mr Foster confirmed that he had taken up the question of enforcement of the planning condition with the County Planning Officer. The Planning Authority where therefore, even in 1968, fully aware of the change of use that had taken place but no planning enforcement action was taken.

A 1980 Planning officers report to the Planning committee on an application for extensions to Danehey (ref 13837/HPK/11/80/1139) confirms that, from their records the property does not appear to have been occupied as an agricultural workers dwelling since it was first built and is in direct contravention of the condition imposed on the outline consent of 1956.
The report confirms the contents of the 10 April 1968 Area Planning Officer letter and that no enforcement action has ever been taken.
The report requested the Committee views in repect of whether the house might now be considered as an established dwelling in the countryside, not necessarily to the need of agriculture and thus resolve this outstanding issue.
The Committees comments on this matter are not known, but certainly no enforcement action was taken.

On the 19 October 2011 planning permission was granted for an extension to provide additional living accommodation for a dependant relative (ref HPK/2011/0474). No concerns where raised by the Planning Authority to its previous history and current use, during the course of this application.

As can be seen above, since 1968, the Planning Authority have been fully aware that the property has been used as a private domestic dwelling house and at no time has enforcement action been taken for the change of use and non compliance with condition 1 of the planning condition.

The Enclosed Statutory Declaration from Mr William Farley confirms the continued private domestic use of the dwelling from 1982 to date, however as can be seen from the Planning Authorities correspondence above, the use goes back much further

Yours Sincerely,

[redacted]