

## DELEGATED DECISION REPORT

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HPK/2023/0351  
Valid 31/08/2023

THE OWD HOUSE  
FAR WOODSEATS FARM  
FAR WOODSEATS LANE  
CHISWORTH

APPLICATION FOR A LAWFUL  
DEVELOPMENT CERTIFICATE  
FOR - C3 - DWELLINGHOUSES  
THE SPLITTING OF THE MAIN  
PROPERTY INTO A SINGLE  
DOMESTIC DWELLING TO  
THE SE OF THE BUILDING.  
CONSTRUCTION OF A PORCH  
TO THE FRONT OF THE  
PROPERTY. INSTALLATION  
OF AN UNDERGROUND  
SEPTIC TANK.  
INSTALLATION OF AN  
UNDERGROUND LPG TANK.

(CERTIFICATE OF  
LAWFULNESS - EXISTING)

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### MAIN ISSUES

- Whether the existing development has been in place for 4 years or more, making the development lawful under the Town and Country Planning Act 1990 (Section 171B).

### DESCRIPTION OF SITE

The Owd House is a semi-detached dwelling house located on a former farm. the application site is located within the Settled Valley Pastures Landscape Character Area as well as being located on Green Belt land.

### PROPOSAL

A certificate of lawfulness is requested for a number of existing development at the application site. It is claimed that these developments have been in place for a minimum of 4 years, including:

- The C3 use of the application building
- The construction of an entrance porch to the front of the property
- The installation of an underground septic tank
- The installation underground LPG tank

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Town and County Planning Act 1990 – Changes over time: Section 171B

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

No previous planning history

## **CONSULTATIONS**

N/A

## **OFFICER COMMENTS**

The Town and Country Planning Act 1990 Section 171B states *where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*

1. The C3 use of the application site.

The applicant claims that the application site has been used as a C3 – residential dwelling house since at least 2017. Council Tax records have been provided dating back to 02/10/2019. While these do not date back to the claimed 2010, 4 years have successfully passed since the date of evidence provided. As such the use of the application site as C3 is found to be lawful.

2. The construction of a porch at the front entrance of the dwellinghouse.

The applicant has provided a record of works completion dating to 02/05/2019. This demonstrates the completion of the existing porch to have past the required 4 year period. The existing porch is therefore found to be lawful.

3. The installation of underground septic tank

Evidence has been provided of completion of the septic tank installation (via the proof of invoice) dating to 16/09/2019. This demonstrates that 4 years have passed since the completion of installation. As such the installation of the septic tank is seen as lawful.

4. The installation of underground LPG tank

Evidence have been provided of completion of the LPG tank (via the proof of invoice) dating to 17/05/2019. This demonstrates that 4 years have passed since the completion of the installation. As such the installation of the LPG tank is seen as lawful.

## **CONCLUSION / PLANNING BALANCE**

In conclusion sufficient evidence has been provided to demonstrate the lawfulness of the use of the application site as a C3 dwelling, the construction of a front porch, and the installation of the a septic tank and LPG tank. As such it is recommended that a certificate for existing use be granted.

**OFFICER RECOMMENDATION :**     **Approve**

**Case Officer:** Rachel Robinson

**Recommendation Date:** 20<sup>th</sup> October 2023

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**