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PLANNING STATEMENT.

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR PART USE OF THE GARAGE BUILDING AS A RESIDENTIAL DWELLING.

AT

THE GARAGE,
SOUTH BARN,
ANDREWS FARM,
STATION ROAD,
WARNHAM,
WEST SUSSEX,
RH12 3SP.

July 2024.

1. INTRODUCTION.

1.1. This Planning Statement has been prepared on behalf of Mr Keith George in accordance with The Town and Country Planning Act 1990 (the Act).

1.2. This planning application is for a Lawful Development Certificate for the continued use of part of a garage building for residential purposes, as shown edged red on the submitted Location and Block Plans.

1.3. This application is supported with the following drawings and documents:

- Planning Statement.
- Existing Coloured Plans and Elevation drawing number **2024-01**.
- Site Location plan drawing number **2024-02**.
- Block Plan drawing number **2024-03**.
- Statutory Declaration signed by Keith John George dated 29th May 2024.
- Statutory Declaration signed by Tracee Jane Peters dated 29th May 2024.
- Tracee Peters hospital letter dated 12th October 2023.
- Philip Overton letter dated 1st June 2024.
- Appeal Decision Appeal Ref: **APP/U1430/X/22/3313394.**

2. LAWFUL DEVELOPMENT CERTIFICATE.

2.1. The building known as "The Garage" is located on the property at South Barn, Andrews Farm, Station Road, Warnham, West Sussex. The subject garage building was originally constructed as a "4 Bay Detached Oak Garage Block", following the grant of planning permission on 30th April 2015, planning reference number **DC/15/0517**.

2.2. This application is for a Lawful Development Certificate for the continued use of part of the garage building for residential purposes. The site of the garage building is shown edged red on the submitted Block Plan, drawing number **2024-03.**



4 Bay Detached Oak Garage Block.

3. BUILDING ALTERATIONS.

3.1. The inside of the garage block has been altered to provide a first floor living area comprising a bedroom, living room and shower room. The residential part is accessed via the access door at the northern end of building through a lobby into a kitchen and staircase to the first floor.



Residential Access.



Ground Floor Kitchen.



First Floor Living Room and Shower Room.

4. EVIDENCE VERIFYING THE INFORMATION INCLUDED IN THIS APPLICATION.

4.1. Statutory Declaration of Keith John George.

4.2. Please refer to the Statutory Declaration signed by Keith John George dated 29th May 2024. Keith George confirms that he gained planning permission to construct a detached building for garaging vehicles and storage of household items. He states that he made internal alterations to the building with the installation of a kitchen on the ground floor and living area on the first floor comprising a living room, bedroom and shower room with wc. Mr George states that the work to the residential conversion was completed in May 2018.

4.3. Mr George states that he let the residential part of The Garage to Tracee Jane Peters from July 2018. He confirms that Tracee Peters occupies the premises as her principle private residence and continues to reside at the property, paying rent that covers the cost of electricity, water and drainage.

4.4. Statutory Declarations of Tracee Jane Peters.

4.5. Please refer to the Statutory Declaration signed by Tracee Jane Peters dated 29th May 2024. Tracee Peters confirms that she is employed by Dufrey at Gatwick Airport and resides permanently in The Garage at South Barn, Station Road, Warnham. She confirms that she occupies the building as a tenant and that it has been her permanent residence since 23rd July 2018. She states that her previous home was at 5 Beech House, Waterside Close, Bewbush, Crawley, RH11 6AT.

4.6. Tracee Peters confirms that she continues to occupy The Garage and pays rent to Mr Keith George to include electricity, water and drainage. Tracee Peters confirms that she has not paid Council Tax since she has occupied The Garage.

4.7. Tracee Peters has provided a letter addressed to her from Surrey & Sussex HealthCare dated 12 October 2023. All her correspondence is addressed to South Barn, Andrews Farm, Station Road, Warnham. To date the Post Office have not recognised The Garage as a separate dwelling and therefore does not have its own postal address.

4.8. Letter From Philip Overton.

4.9. Philip Overton of 1 Andrews Farm, Warnham confirms in a letter that he is aware that the garage building at South Barn, Andrews Farm has been occupied as a residential dwelling by Tracee Peters since about 2018.

5. SEPRATE RESIDENTIAL DWELLING.

5.1. The Garage at Andrews Farm has its own kitchen and bathroom such that the occupier is completely self-sufficient. The tenant does not rely upon any other property or dwelling for bathroom and cooking facilities. The residential accommodation is shown edged red on the drawing number **2024-01** titled "Existing Plans and Elevations".

6. SERVICES.

6.1. It is not unusual for separate dwellings and buildings located within the same property ownership / unit to share services such as water, drainage and electricity. In this case mains electricity and water is supplied from a joint system that services both buildings at South Barn. Drainage is also shared to the main sewer. Heating and hot water is powered from electricity.

7. COUNCIL TAX.

7.1. The applicant nor the tenant occupier pays Council Tax for the separate residential dwelling within The Garage. They do not pay this local tax because the subject building is not yet recognised as a separate residential dwelling by the Local Authority, Consequently the Local Authority have not served the occupants with an invoice nor charged them by any other means for the payment of Council Tax.

8. LEGISLATION.

8.1. The Act states that uses are lawful at any time if no enforcement action may be taken against them and they do not constitute a contravention of any requirements of any enforcement notice. The Planning and Compensation Act

1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limit was previously four years for the change of use of a building, or part of a building, to use as a single dwelling house.

8.2. After 23rd April 2024 the time limits for this type of action changed from four years to ten years. Therefore, the applicant needs to demonstrate that the breach of planning control. i.e. the conversion of part of the garage building to residential use had been undertaken for four years or more prior to 23rd April 2024.

9. SIMILAR APPEAL DECSISION.

9.1. Please can I refer to a planning appeal decision relating to The Cottage, Stream Farm, Chapel Lane, Guestling Green TN35 4HN, appeal ref: **APP/U1430/X/22/3313394.**

9.2 The appeal decision paragraph 11 refers to how that building was provided with its own living room, bedrooms, kitchen and bathroom. The inspector stated in Paragraph 12. "With regard to caselaw, consideration should be given to whether The Cottage has provided for the main activities of, and ordinarily afforded the facilities required for, day-to-day private domestic existence, and the actual use that The Cottage has been put to. On the evidence presented The Cottage currently provides those facilities and is currently used as a private dwelling".

9.3. The appeal decision paragraph 18 also refers to the non-payment of Council Tax and separate utility bills. The inspector stated "….I can also see why council tax may not have been paid voluntarily for an independent dwelling which does not benefit from planning permission, if payment of council tax has not been formally demanded. This would also explain why The Cottage has not been formally registered as a separate address. The absence of itemised bills in these regards does not therefore lead me to doubt the appellant's evidence or find that The Cottage has not been occupied as an independent dwelling".

10. SUMMARY.

10.1. From evidence provided the applicant converted part of The Garage to residential accommodation in May 2018.

10.2. Part of the subject building known as The Garage is occupied by Tracee Peters as a tenant. Tracee Peters confirms that she has occupied The Garage as her principle private residence since 23rd July 2018.

10.3 The residential part of The Garage has its own living space, bedroom, kitchen and bathroom facilities. It is a self-contained residential unit.

10.4. From information provided by the applicant, part of The Garage building at South Barn, Station Road, Warnham, has been occupied continuously as a residential dwelling for a period of more than four years prior to 23rd April 2024.

10.5. For the above reasons a Certificate of Lawful Development is applied for.

David Hall.
July 2024.