Hinckley & Bosworth Borough Council
A Borough to be proud of

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Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.
Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2010

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: Mr & Mrs | First name: S | Surname: Ansar

Company name:

Street address: Fishing Lodge
Adjacent to Pooltail Cottage
Markfield Road
Town/City: Groby
County: Leicestershire
Country: United Kingdom
Postcode: LE6 0FS

	Country Code	National Number	Extension Number
Telephone number:			
Mobile number:			
Fax number:			

Email address:

Are you an agent acting on behalf of the applicant? ○ Yes ◉ No

2. Agent Name, Address and Contact Details

No Agent details were submitted for this application

3. Site Address Details

Full postal address of the site (including full postcode where available)

House: | Suffix:
House name: FISHING LODGE
Street address: ANNEXE TO POOLTAIL COTTAGE
MARKFIELD ROAD
Town/City: GROBY
County: LEICESTERSHIRE
Postcode: LE6 0FS

Description of location or a grid reference
(must be completed if postcode is not known):
Easting: 451760
Northing: 308352

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ○ Yes ◉ No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land: ◉ a) Owner ○ b) Lessee ○ c) Occupier ○ d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you? ○ Yes ◉ No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

◉ An existing use

○ An existing operation

○ An existing use, operation or activity in breach of a condition

Being a use, operation or activity in effect on the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

Use Classes: Other:

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

The Fishing Lodge has been occupied by us as an independent single dwelling house since March 2001. Fishing Lodge has been our only residence since March 2001. Please find enclosed copies of the Statutory Declarations confirming our continuous residence in the Fishing Lodge for over 10 years (Document B).
The Fishing Lodge was erected before 1957 as a residential building without any planning permission. Please see the two entries referring to the out building in the document from Market Bosworth Rural District Council (Document C).
Second entry (dated 1/4/63) states that the outbuilding consists of 1 Coal Bunker, 1 Wash House, 1 Store, 1 Bedroom, 1 Sitting room, some extension and a Garage. It also had toilet facilities. The district council document gives detail measurements of the rooms and the wash house in the Fishing Lodge.
Derived from the conveyance records, Ivy Barnes lived in the Pooltail Bungalow (Pool Tail Cottage). Her maid Erna Stockloss lived in the annexe (Fishing Lodge). This continued for many years till the death of Ivy Barnes in the year 1971. Erna Stockloss moved into Pooltail Cottage (Pooltail Bungalow). Later the lake on the site was leased regularly for Fishing. Erna Stockloss died by drowning in tail of the lake in the year 1987. Their headstones are in Pooltail beside the lake. Based on the information above one can infer that the Fishing Lodge and the Pooltail Bungalow had been used for residential purpose simultaneously for over 10 years.
A letter dated 24th November 2005 from the Tracey Darke, Planning and Building Control Manager, states "The Certificate of Lawful existing use will either relate to the use of the outbuildings for ancillary use, or you will have to provide evidence and show to the Local Planning Authority the use of the outbuildings as single dwelling house has existed more than 10 years in continuous manner. In order for us to consider an application for the certificate of lawfulness you must apply with relevant statements, statutory declarations and any other evidence in order for the Local Planning Authority to assess the application"
We have lived in the Fishing Lodge since March 2001 continuously for over 10 years. We believe the Annexe (Fishing Lodge) should be classed as separate dwelling in planning terms.
Pool Tail was up for sale in the April 2000. The sale details (Documents D) from the Spencer Estate Agents identify the Fishing Lodge as a separate entity.
It states "Enquiries have been made of the District Valuer who advises the Bungalow and the adjoining Fishing lodge are separately rated for council tax purposes".
The sales details describe the Fishing Lodge as a "Brick Built construction and comprises porch and two rooms".
We purchased Pool Tail in November 2000. When we bought Pool Tail, in the Fishing Lodge there were sleeping, cooking and washing facilities. There was a Tin bath for bathing and a huge Belfast Sink in the kitchen area. There was a wood burner in the front room. The outlet chimney is still fixed at the back wall. There were also central heating radiators.
We made enhancements to improve the property. These modifications were completed by February 2001.These modifications were completed by February 2001. Even before the modifications, the Fishing Lodge satisfied the conditions for it to be a single dwelling house. It was designed and adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping.
We paid Council Tax regularly for the Fishing Lodge since February 2001. We have continued to pay the council taxes charged by the Council for the Fishing Lodge. Please find enclosed the copies of Council Tax bills for the Annex (Fishing Lodge) for March 2001 and for March 2011/2012 (Document F). We paid only 50% of the council Tax for the Pooltail Cottage which stayed empty. Planning permission was sought to renovate and extend Pooltail Cottage
Please find enclosed a copy of a letter dated 13th November 2001 from District Valuation Office. The letter confirms that the Fishing Lodge comprises a dwelling for Council Tax purposes as of 5th March 2001 and assessed as a Band 'A' property. (Document G). Fishing Lodge clearly provided the facilities required for day-to-day domestic existence and therefore complies with the definition of a single dwelling house.
BT Telephone line was connected to the Fishing Lodge on 16th March 2001. Please find enclosed a copy of a letter from BT confirming the start of telephone service account 1768 8568 at the Fishing Lodge on 16th March 2001(Document I).The same telephone number is still in use. Please find enclosed a recent bill from BT for the same account number 1768 8568 (Document J).
Please see details of evidences described in the Document 'Grounds for the Application'.
We believe we have satisfied the requirements specified by the Planning Authority and therefore request the Planning Authority to kindly grant us the Certificate of Lawful Use.

9. Grounds For Application For A Lawful Development Certificate

Under what grounds is the certificate being sought:

- (●) The use began more than 10 years before the date of this application
- ( ) The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- ( ) The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ( ) The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ( ) The use as a single dwelling house began more than four years before the date of this application
- ( ) Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number: | Condition number: | Date:

Please state why a Lawful Development Certificate should be granted:

It has been used by us as a single dwelling house over 10 years

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed? 01/03/2001

In the case of an existing use or activity in breach of conditions has there been any interruption? ( ) Yes (●) No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought: ( ) Yes (●) No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed? ( ) Yes (●) No

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? (●) Yes ( ) No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

( ) The agent (●) The applicant ( ) Other person

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. ☒ Date: 17/05/2011

Warning:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.