CASE OFFICER'S REPORT

Application Reference: **2023/08130**

SITE ADDRESS: **Old Manor House, The Street, West Winterslow, Salisbury, SP5 1RY,**
PROPOSAL: **Certificate of Lawfulness for alterations to the outbuilding/annex**

POLICIES

None relevant for Certificate of Lawful Use applications

CONSULTATION RESPONSES

Winterslow Parish Council – no objection, subject to confirmation that the building complies with building regulations for a dwelling above garaging

REPRESENTATIONS

One letter with photographs of the garage structure under construction in 2015

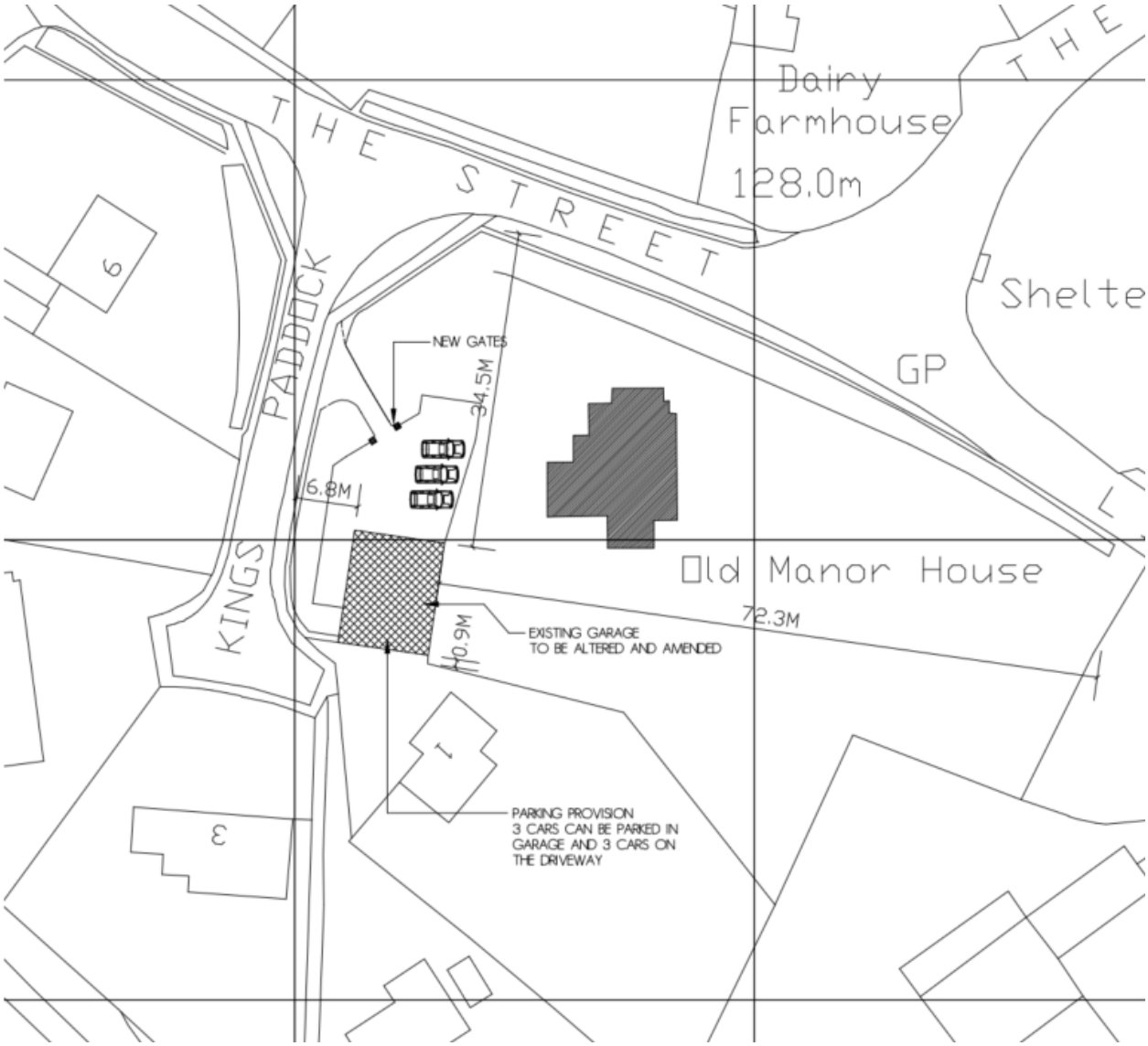
ASSESSMENT

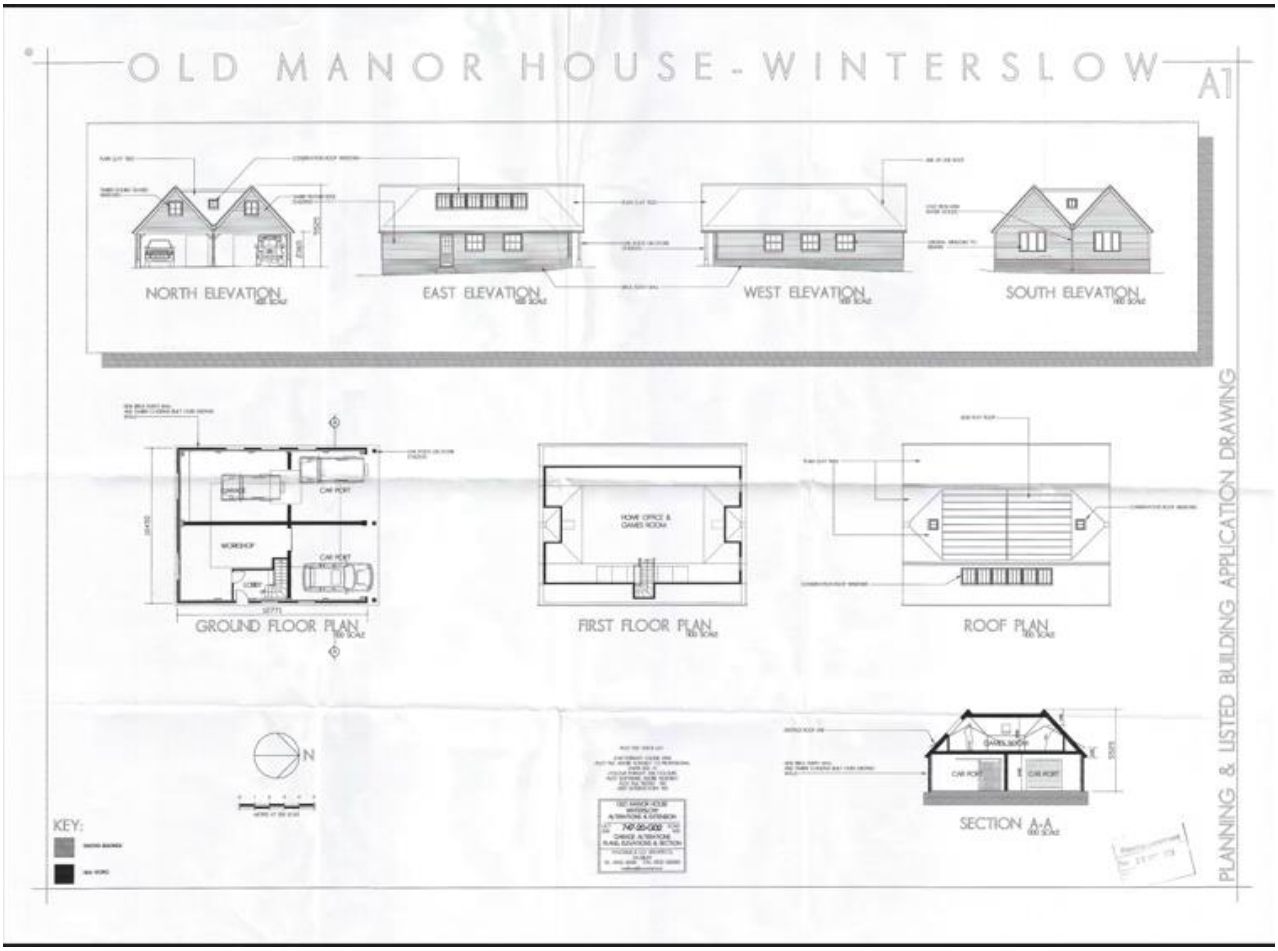
This is a planning application for a certificate of lawfulness of existing use under section 191 of the Town and Country Planning Act 1990. The application relates to alterations to an approved garage/outbuilding plan.

The application site is a residential property situated on the corner of The Street and Kings Paddock. The Old Manor House is a listed building that sits centrally within the plot and is surrounded by garden. At the south west corner of the site and to the front of the main house is a two storey ancillary building finished in timber with a tiled roof, which is the subject of this application .

Planning permission was granted in 2013 under application no. 13/06329/FUL for the “conversion of the existing garage and workshop to provide first floor home office and games room accommodation. Install new gated to existing entrance”. Permission was granted on 27th January 2014 for the above, with two conditions relating to the approved plans and timescale for commencement.

The approved plans for the garage are as below, the first being the block plan and the second the plans and elevations:-


THE STREET
Dairy Farmhouse
128.0m
THE
Shelte
GP
KINGS PADDOCK
6
NEW GATES
34.5M
6.8M
Old Manor House
72.3M
10.9M
EXISTING GARAGE
TO BE ALTERED AND AMENDED
1
PARKING PROVISION
3 CARS CAN BE PARKED IN
GARAGE AND 3 CARS ON
THE DRIVEWAY



From an interrogation of files in the Council's possession it is clear that the above development did not take place in accordance with the approved plans, in that the existing garage structure was actually demolished and a wholly new structure erected in place of the existing building (Building Regulations Initial Notice BR/15/0644/IN – Internal alterations and kitchen extension to existing dwelling with demolition of existing garages and construction of new garage with studio at first floor) No plans of the development are available as this scheme was dealt with by an Approved Inspector and the LPA were only notified of the development. This application was subsequently withdrawn and a further BR application submitted, this time for the LPA to determine, in 2019 (BR/19/008112/RV). The file shows that the development of the replacement garage (noted as new double garage with accommodation above) was 'generally complete, only requires completion inspection' at the time of the Building Inspector's site visit on 14th August 2019. At a further Building Inspector site visit on 11th October 2023 there were minor details for the 'garage and accommodation block' to be resolved before a final completion certificate can be issued.

From the Enforcement files it is clear that the Enforcement Officer was made aware that the garage building had been demolished and was being re-built on the site in March 2015, but no action was taken as the building was deemed to be on the same footprint and 'accords to plans in size and appearance.' The owner, in an email to Enforcement, confirmed that the building had been demolished and re-built in 2015. Further complaints in early 2019 asserted that the building was complete, but that it was different to the approved plans. The Enforcement Officer deferred to the views of a Revenues and Benefits Officer confirming that the building was as per the plans and no further action was taken. The Revs and Bens site notes indicated that the first floor accommodation had no kitchen or sanitary equipment and that the owners were living in it whilst working on the main house in 2018.

The Statutory Declarations submitted by the applicants assert that the garage building commenced in late 2014 and that following commencement, changes were made to the plans, and that the building was finished in its current configuration in March 2016, although no evidence in the way of photographs, plans etc have been submitted to corroborate this statement. However photographs have now been provided by the applicant which appear to show the interior of the building in December 2016 showing a kitchen, and later photographs in 2017 and 2019 showing family members at a party on the first floor in 2017 and 2019. The kitchen appears to be the same in the 2016 and 2019 photos. These photos are at odds with the statement by Revs and Bens officers that there was no kitchen in the building in 2018. However, whichever statement is correct, it does not counter the inspection notes of the Building Control officer who confirmed that the replaced garage was complete by August 2019, which is four years and 1 month before the submission of this application.

A site visit photo taken by the case officer in relation to another application on the site (relating to the main house) under ref no. 2022/07696 shows a glimpse of the garage block as constructed, as is shown below:



This photo shows the eastern elevation of the garage, which is different to the approved plan above, and accords with the plans submitted with this application to show the garage as built, as set out below:-



CONCLUSION

On the balance of probabilities the garage and accommodation over, which is used ancillary to the use of the main dwelling as a single residential property, was not constructed in accordance with the plans approved under ref. no. 13/06329/FUL, and that the works were finished in their current configuration more than four years from the submission of this application on 21st September 2023. The evidence from the Council's Building Regulations Files and Enforcement Files confirm that the building was complete in August 2019, and therefore the development is immune from enforcement action in accordance with Section 191B of the Town and Country Planning Act 1990 (as amended)

RECOMMENDATION:

Grant