

Officer Report

Reference No: P/CLE/2024/01225
Proposal: Use of treehouse as self-contained dwelling
Address: Tree House at Anchor Paddock Batchelors Lane Holt BH21 7DS
Recommendation: Refuse
Case Officer: Ellie Lee
Ward Members: Cllr Chakawhata (previously Cllr Cooke prior to 2024 Election)

Fee Paid:	£578.00		
Decision due date:	3 June 2024	Ext(s) of time:	N/A
No. of Site Notices:	1 Site Notice		
SN displayed reasoning:	To consider any third-party comments as to whether they verify the submitted evidence.		

Have Ward Members been notified as required by the constitution?	Yes
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Legislation

Pursuant to a determination, regard is made to the following sections of the Town & Country Planning Act 1990 (as amended)

S191- Certificate of lawfulness of existing use of development.

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful;
or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

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(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force....”

S193- Certificates under sections 191 and 192: supplementary provisions.

(1) An application for a certificate under section 191 or 192 shall be made in such manner as may be prescribed by a development order and shall include such particulars, and be verified by such evidence, as may be required by such an order or by any directions given under such an order or by the local planning authority.

(2) Provision may be made by a development order for regulating the manner in which applications for certificates under those sections are to be dealt with by local planning authorities.

(3) In particular, such an order may provide for requiring the authority—

(a) to give to any applicant within such time as may be prescribed by the order such notice as may be so prescribed as to the manner in which his application has been dealt with; and

(b) to give to the Secretary of State and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to such applications made to the authority, including information as to the manner in which any application has been dealt with.

(4) A certificate under either of those sections may be issued—

(a) for the whole or part of the land specified in the application; and

(b) where the application specifies two or more uses, operations or other matters, for all of them or some one or more of them;

and shall be in such form as may be prescribed by a development order.

(5) A certificate under section 191 or 192 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certificate.

(6) In section 69 references to applications for planning permission shall include references to applications for certificates under section 191 or 192.

(7) A local planning authority may revoke a certificate under either of those sections if, on the application for the certificate—

(a) a statement was made or document used which was false in a material particular; or

(b) any material information was withheld.

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(8) Provision may be made by a development order for regulating the manner in which certificates may be revoked and the notice to be given of such revocation

S171B- Time limits.

(1) 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.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach....”

Whilst the above legislation has been updated by s115 of the Levelling-up and Regeneration Act 2023, Planning Practice Guidance confirms that such amendments only apply where the change of use took place after 25 April 2024.

Planning Practice Guidance (PPG)

The PPG provides the latest advice on planning practice. Some relevance to these applications appears to be from the following –

Lawful Development Certificates <https://www.gov.uk/guidance/lawful-development-certificates>

Enforcement and post-permission matters –<https://www.gov.uk/guidance/ensuring-effective-enforcement>

Site Description

The application site lies within the Green Belt and is approximately 4.5km north of the main urban area of Wimborne, and approximately 4.9km west of the main urban area of Verwood. The red line site boundary as submitted with the application is approximately 0.04 hectares in area (400m²).

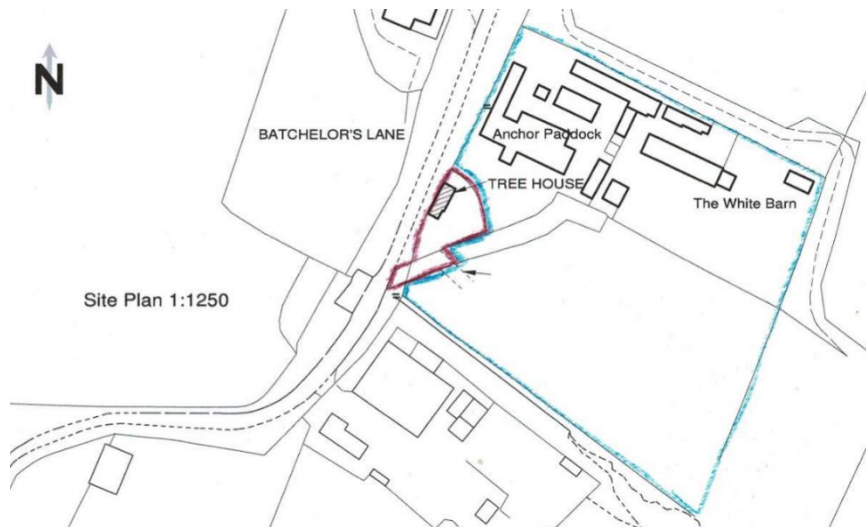
The structure identified as ‘Tree House’ is sited approximately 15 metres to the south-west of the lawful dwelling known as Anchor Paddock.

Proposal

This Application for a Lawful Development Certificate for an Existing Use or Operation or Activity seeks permission for the ‘*Use of treehouse as self-contained dwelling.*’

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The Site Plan within submitted drawing ref: 4419-A(6)A identifies the location of Tree House as shown below, within the red line site boundary:



- **Evidence for the applicant**

The following documents are received –

- Application Form
- Site & Location Plans ref: 4419-A(6)A (dated February 2024) received 26/03/2024.
- Plan of Tree House at Anchor Paddock (As Existing & Proposed: Floor Plans and Elevations) ref: 4419-A(6) (dated January 2024) received 05/03/2024.
- Site, Block, Location Plan rev-23-05-24 (dated July 2024) received 15/07/2024.
- Statutory Declaration by Mr S Coles (dated 18/03/2024).
- Additional Statutory Declaration by Mr S Coles (dated 28/03/2024).
- Bank Statements (monthly) from November 2021 to August 2023.
- Supporting Statement by [REDACTED] (dated 08/05/2024).
- Supporting Document 'Treehouse Photos' including undated photographs (of internal rooms and people) and weather records between 01/03/2018 - 03/03/2018 (received 18/04/2024).
- Tenancy Agreement between tenants [REDACTED], and also M White (signed and dated 05/09/2021).
- Supporting Photographs (received 09/07/2024)
- Video ref: VIDEO-2024-08-12-14-28-16.MP4 (received 13/08/2024) showing rooms in the structure with minimal furniture:
 - Entrance to a single storey timber structure.

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- Room 1 with a kitchenette, fireplace and shelving (with light paint and also tiles on walls). This is the only room with an external door.
- Room 2 (a connecting room) which connects to Room 1 (with lilac paint on walls). This room has no external door.
- Room 3 (only accessed via Room 2, with dark red paint on walls). This room has no external door.
- Bathroom (Room 4) with toilet, sink and shower - can only be accessed via Room 2.
- Photograph of a room under construction, annotated to state: *“You can see all outside timbers are original and the fire place in still screws in original timber from the cladding or plasterboard.”*
- Email to accompany Video and Photograph (received 13/08/2024) setting out details relating to the additional information.

A summary of the points raised is as follows:

- The use as a single dwellinghouse began more than four years before the date of this application (answered as ‘yes’ on submitted Application Form).
- The building has been used as a self-contained dwelling since 01/02/2013 (stated on the submitted Application Form).
- The building works commenced in Autumn 2012.
- Mr S Coles previously lived at the structure formerly known as ‘The Cabin’ since February 2013.
- The Cabin was built to accommodate Mr S Coles to enable him to live independently.
- The Cabin was accessed via a gate which was beyond the electric gates that served as joint access to the property at Anchor Paddock.
- The gate to The Cabin was always along the north-west side of the driveway.
- The Cabin had its own curtilage and there was a footpath consisting of stepping stones leading from the gate to the path, as evidenced on historic aerial photos.
- The footpath/stepping stones shows the separation of The Cabin’s curtilage to that of Anchor Paddock.
- In May 2014, Mr S Coles’ wife [REDACTED] moved into The Cabin [REDACTED] [REDACTED]).
- Mr S Coles’ family moved out of The Cabin in 2019.
- Mr S Coles has submitted photographs of the internal areas of The Cabin, with some photographs showing family members.

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- The Cabin had all of the fixtures and fittings that you would associate with a self-contained dwelling.
- Facilities for eating, washing, sleeping, clothes washing, and television were provided within The Cabin.
- The main entrance to The Cabin opened up into the living room, which also contains a kitchen/diner.
- Beyond the door to the left (in The Cabin), was a bedroom which had an en-suite shower room.
- A further door led to another bedroom, which was used as a nursery for Mr S Coles' children.
- Photographs in support of the application (some are described and with relevant date mentioned in the Statutory Declaration of S Cole) have been submitted:
 - Photo – July 2013 – Mr S Coles in the kitchen with a frying pan, and in the background are a hob, kettle, sink, plates, shelves and a boiler.
 - Photos x 2 – August 2013 – Two photographs of Mr S Coles and his wife, with paint on their faces from decorating The Cabin. Kitchen visible in rear of photograph, with lighting, cereal boxes and shelving containing cooking requirement.
 - Photo – October 2013 – Mr S Cole's wife holding a pie. Within the photo a fire can be seen, with doors open and the living room.
 - Photo – July 2014 – Mr S Coles cooking/baking in the kitchen. A toaster is in the background.
 - Photo – March 2015 – Mr S Coles' wife on their wedding date, at the entrance to The Cabin. There is a sign with 'Cabin' visible. The main door is open, the kitchen visible and the lights are on.
 - Photo – August 2016 – Mr S Coles' wife in a green dress. Part of the lounge is shown, including a coffee table, CDs and a fireplace.
 - Photo – December 2016 – Mr S Coles' and his wife decorating the a room before [REDACTED].
 - Photo – December 2016 – Mr S Coles' wife in front of a Christmas tree. Books and seating area are visible
 - Photo – April 2017 – Mr S Coles in the kitchen. Kitchen scales in background and other equipment.
 - Photo – 29 April 2017 – showing seating, a coffee table, furniture & a television
 - Photo – 25 May 2017 – a man, with a tiled wall in background and shelving.

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- Photo – 17 July 2017 – a man holding a child in a room.
- Photo – 17 July 2017 – a child sat on a sofa.
- Photo – 1 August 2017 – showing two people having a meal next to a coffee table, with bookshelves on the wall.
- Photo 17 July 2017 – a child sat on a rug.
- Photo – 17 July 2017 – Two adults and a child, with a pumpkins in foreground, in a room.
- Photo – 18 November 2017 – a child sat on a rug in a room.
- Photo – 25 December 2017 – a man in a room holding an item.
- Photo – 22 January 2018 – Photograph of birthday presents, a child and a fireplace.
- Photo – 14 February 2018 – A dining table with decorations.
- Photo – 3 March 2018 – showing a man holding snow outside a door. Snow in background.
- Photo – undated, showing paint pots in a room.
- Photo – undated, showing seating, a coffee table, furniture & a television.
- Photo – undated, showing sofa, furniture, Christmas Tree & cooking facilities.
- Photo – undated, showing a man outside on paved area, near a door.
- Copy of a weather report from 1 March 2018 - 3 March 2018.
- Bank Statements (monthly) from October 2021 to August 2023.
- Statement dated 08/04/2024 by ██████████ stating that he was a tenant at The Treehouse between September 2021 until September 2023 (with his partner and her son) and paid rent.
- A Tenancy Agreement between tenants ██████████ & ██████████, and also M White (signed and dated 05/09/2021) sets out monthly payments are to be made on the 5th day of each month.

Relevant Planning History

Application No.	Description	Decision	Date
P/FUL/2024/04000	Retention of works to dwelling (see P/CLE/2024/01225) including removal/resizing of windows; replacement cladding; alter pitch of roof	<i>Under consideration</i>	<i>Under consideration</i>

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P/HOU/2024/02602	Retain rear extension	Closed as Invalid	01/07/2024
P/HOU/2024/00739	Retention of first floor dormer extension; demolition of existing outbuilding	<i>Under consideration</i>	<i>Under consideration</i>
P/CLE/2024/00737	Retention of single storey rear extension	Refused	11/04/2024
P/HOU/2023/02656	Retain first floor dormer extension	Refused	15/09/2023
P/HOU/2022/06621	First floor dormer extension; rear single storey extension (retrospective)	Withdrawn	02/03/2023
P/HOU/2022/04905	Create habitable first floor accommodation with roof lights and dormer	Withdrawn	14/08/2023
3/17/2526/CLE	C1 (Bed and Breakfast). Use of land, including 9no self-contained brick and timber chalets, as bed and breakfast holiday accommodation	Lawful	02/11/2017
3/16/1460/CLE	Use of the land, including 9 self-contained brick and timber chalets, as bed and breakfast holiday accommodation	Refused	10/10/2016
03/80/1858	Erect extension	Granted	19/09/1980
03/80/1027	Erect extension	Refused	24/06/1980
03/79/2625	Erect addition to side of dwelling and make alterations	Refused	18/01/1980

Other evidence available to the Local Planning Authority

- The Council's Highways Officer has provided the following consultation response:

'The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.'
- The Lead Local Flood Authority have provided the following comments:

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'This is not a major application and as such the LLFA are not statutory consultees. Therefore, in this instance we will not be providing a formal response.'

- Natural England have no objection to the application, subject to a payment of a Strategic Access Management and Monitoring (SAMMs) contribution.
- From a search of Council Tax records available on the Government website, records for 'The Tree House' at BH21 7DS are available online and show that 'The Tree House' has been registered for Council Tax since **27 December 2023**.
- Dorset Council's Council Tax team have confirmed that The Tree House was banded at Council Tax Band A from **27 December 2023**.
- The Council's Electoral Services has confirmed that persons were registered as residing at Anchor Paddock including between **2012 and present**.
- The Council's Electoral Services also confirmed that there are no records for the Tree House structure under its former name 'The Cabin.'
- A Site Notice was displayed, and 6 neighbours were notified by letter. One third party objection was received, with the following concerns raised:

Highway safety, traffic and parking:

- Objection that Batchelors Lane cannot support access to any further properties (as gravel is already continually damaged by traffic using the lane).
- Batchelors Lane is an unadopted single track gravelled byway and public footpath, with a speed limit of 10mph. After 100 yards or so the lane is private gated roads with restricted access.
- Surface of lane was good until 4 years ago when building work at Anchor Paddock and White Barn commenced (with heavy lorries visiting and greater traffic). Gravel has deteriorated significantly.
- The common entrance to Anchor Paddock, White Barn and the Tree House is a dip in the private section of the lane, after 2 blind corners and a steep hill.
- When vehicles pass on the road (Batchelors Lane), they have to drive on the grass.
- Concerns over pedestrian and horse rider safety.

Waste and Recycling:

- Occupants of the site hire a large refuse collection vehicle to collect the large communal bin. This vehicle is too large for the lane.

Other Matters:

- Concerned by the number of developments undertaken in the area by the same individual.
- Question as to why the person living at White Barn is listed as a consultee on the application. Concern there is a conflict of interest.

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- Holt Parish Council has not provided comments on the application.
- Other than the third party objection and consultation responses noted above, no other comments have been received.
- Fine and Country (Edwards) Sales brochure from the latest sale of the property (dated 2019) includes photographs of the garden within the property at Anchor Paddock and also identifies a timber shed in the text (and in the photographs).

Analysis of Evidence

- 1.0 The submitted Application Form states that the use of the structure, as a single dwelling house began more than 4 years prior to the date of the application.
- 1.1 The Statutory Declaration of Mr S Coles sets out that the structure was built in **Autumn 2012**, and that he moved into the structure formerly known as 'The Cabin' in **February 2013**. The Statutory Declaration also sets out that 'The Cabin' was built to enable him to live independently.
- 1.2 The submitted Application Form also states that the structure has been used as a self-contained dwelling since **1 February 2013**.
- 1.3 The evidence suggests that the building was constructed as a dwellinghouse, rather than having any pre-existing purpose so in order to be lawful it is necessary for a 10 year period to be demonstrated.
- 1.4 Photographs have been submitted to support the application which are dated between **July 2013** and **3 March 2018**. Some of these dates of the photographs are only mentioned in the Statutory Declaration of Mr S Coles rather than being annotated on each photograph file. Undated photographs have also been submitted for consideration. These photographs mostly show people in rooms in a location which is not possible to precisely determine from the photographs.
- 1.5 The submitted Statutory Declaration of Mr Coles also sets out that in **May 2014**, Mr Coles' wife [REDACTED] moved into The Cabin. It is acknowledged that the photograph dated **March 2015** shows Mr S Coles' wife on their wedding day outside a timber structure, with a sign titled 'Cabin' visible in the photograph. The timber structure that was on the site at the time of the photograph, is not the structure that currently exists on the application site.
- 1.6 Mr Coles' Statutory Declaration sets out that the [REDACTED] was raised in the 'The Cabin' structure.
- 1.7 A copy of a weather report dated 1 March 2018 - 3 March 2018 has been submitted which indicates that there was snow in March 2018, and reference

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is made in the Statutory Declaration to the weather to which accords with the supporting photograph dated **3 March 2018**.

- 1.8 Mr Coles' Statutory Declaration sets out that the [REDACTED] [REDACTED] was raised in the structure, but that the family moved out of the 'The Cabin' in **2019**. No precise date is provided.
- 1.9 The Council's Electoral Team confirmed that Mr S Coles was registered at Anchor Paddock (the main house) between 2012 until 2019, along a relative of S Coles. During 2014 – 2019, [REDACTED] Coles was registered at Anchor Paddock. In 2019, S Coles and [REDACTED] Coles were marked to be deleted from being registered at the Anchor Paddock.
- 1.10 The Statutory Declaration of S Coles also provides details on how The Cabin was accessed (via a gate, beyond electric gates that served as joint access to the property at Anchor Paddock). S Coles claims that The Cabin had its own curtilage, and that a footpath/stepping stones showed the separation between The Cabin and the main dwellinghouse at Anchor Paddock. Within the same document, it is also claimed that the structure had all the fixtures and fittings that you would associate with a self-contained dwelling, including facilities for eating, washing, sleeping and clothes washing.
- 1.11 However, no evidence has been provided by Mr S Coles that demonstrates that bills were paid for 'The Cabin,' and no evidence has been provided to clarify that any bills and facilities were separate to main dwellinghouse at Anchor Paddock where it is understood that a relative of S Coles lived, according to electoral records. This suggests that there was a familiar link between the use of 'The Cabin' and the main dwellinghouse at Anchor Paddock, and that 'The Cabin' may have operated as ancillary accommodation rather than as a separate dwelling.
- 1.12 No information has been provided about occupancy of the structure between the time when Mr S Coles moved out in 2019 up to the start of the tenancy demonstrated by a signed Tenancy Agreement dated **5 September 2021** between tenants [REDACTED] & [REDACTED], with M White.
- 1.13 In the agreement, monthly payments were to be made on the 5th day of each month. The monthly bank statements of the Applicant have been submitted for dates between October 2021 to August 2023. The submitted monthly bank statements show monthly incoming payments from [REDACTED] & [REDACTED] on dates between **October 2021 to August 2023**, but no payment was evident in **January 2022**.
- 1.14 The monthly rent payments between are mostly corroborated within a statement (dated 08/04/2024) from [REDACTED], which states that he was a tenant at The Treehouse between **September 2021 to September 2023** (with

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his partner and her son) and paid rent, but rental payments are not provided for September 2021, January 2022 and September 2023.

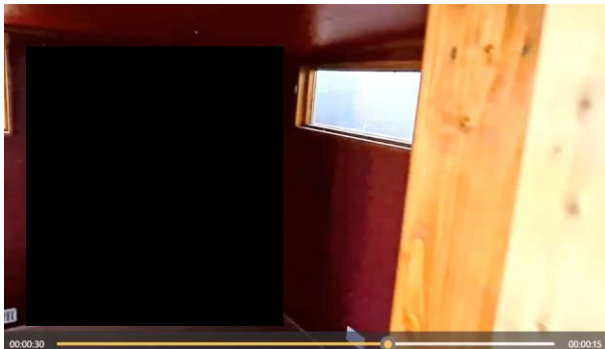
- 1.15 Further to the above, the monthly bank statements also show incoming payments from parties other than [REDACTED] and [REDACTED], including some which appear to be for holiday let payments (Countrywide Stays), although it is unclear which properties the incoming payments relate to, and whether the payments relate to the application site structure known as the Tree House.
- 1.16 The evidence of monthly rental payment does not include any evidence prior to October 2021, including from the time period of 2013 to the end of September 2021. As such, the evidence of rental payments only covers a period of 3 months between October 2021 – December 2021, and a period of 19 months between February 2022 and August 2023. Notwithstanding the Statutory Declaration of S Coles, the bank statement evidence does not evidence a continuous period of residential use of the structure for a minimum period of 4 years.
- 1.17 A video has also been submitted in support of the application received by email on **13 August 2024**. Within the agent's email, the following is stated:
- *“The video clearly shows the extent of the dwelling as used by Stuart Coles and his family.*
 - *The positioning of trees shows that the footprint of the building hasn't changed in size.*
 - *The external walls are clearly shown in place on the photo attached which shows the position of the old fire place. You can see all of the nails in the old timbers showing where plasterboard has been removed before being replaced.”*
- 1.18 Whilst the email states that the video was taken on 1 May 2020, the video file is titled 'VIDEO-2024-08-12-14-28-16.MP4' which suggests that the video was likely taken more recently than stated. It also shows minimal furniture in the rooms. As such, there is some uncertainty over the date of video.
- 1.19 Initially officers were concerned about the differences in the layout of the building compared to the 'as existing' and 'as proposed' plans, but these differences have lately been acknowledged by the applicant who has submitted a new 'Site, Block, Location Plan' showing changes between 'as existing' floor plans & elevations, and the 'as proposed' floor plans and elevations (Site, Block, Location Plan rev-23-05-24, dated July 2024).
- 1.20 The layout of the 'as existing' plan appears to generally accord with the video footage, but there are a number of anomalies including:

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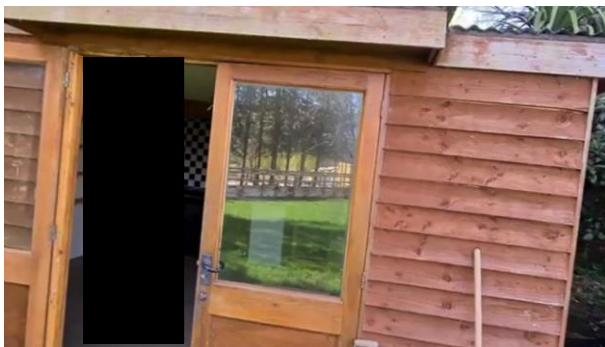
- the roof of the nursery looks to be lower in the video (extracts below) both internally, as the roof slopes down over a small window omitted from the submitted 'as existing' drawing, and externally where the lower height and slope is evident in contrast to the higher flat roof shown on the submitted 'as existing' drawing;



- the depth of the nursery appears to be less in the video than is shown on the 'as existing' drawing. The internal door to the nursery is shown in a different position on the as existing drawing compared to in the video where it is adjacent to the en-suite stud wall, and the end window is more central in the video than on the plan, but even taking account of this the space to the right of the nursery door in the video appears to be less than the depth of the ensuite.



- The front window of the nursery is offset in the video (with the shelving shown to the left), but is central on the 'as existing' plan submitted.
- The difference between the top of the external door and the flat roof appears to be greater on the submitted 'as existing' elevations drawing than is evident on the video.



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- 1.21 The rear window in the lounge is shown as a two pane deeper window than the single pane window evident in the video. The en-suite window is similar depicted on the plan as being deeper than in the video.
- 1.22 These differences suggest that the 'as existing' drawings submitted cannot be relied upon.
- 1.23 If, as suggested, the video was taken on 1 May 2020, then the works that have been undertaken to achieve the building shown on the 'as proposed' plan and which have materially changed the external appearance of the building, do not benefit from lawfulness by reason of time.
- 1.24 An additional photograph has been provided. The text suggests that this demonstrates that the original structure of the building was retained when works were undertaken to achieve the current physical appearance. However, it is difficult to draw this conclusion from the photograph provided which shows daylight at approximately head height.



- 1.25 The stepping stones between the cabin and the main dwelling referred to in the Statutory Declaration are visible in the sales details (from the Fine & Country document), but there is no evidence of any enclosure of the cabin on the site; no separate garden area independent of the main house is evident.
- 1.26 The submitted Statutory Declaration, photographs, video and other supporting documents do not support that the structure is a conversion of the original timber outbuilding. Instead, the submitted documents suggest that the structure (Tree House) as existing has been created following substantial

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rebuilding which has had the effect of creating a new structure with a different footprint, eaves height, ridge height, layout and volume.

- 1.27 The Fine & Country (Edwards) sales brochure dated **2019** (available online and below) from the latest sale of the property references a 'summer house and a timber outbuilding' but does not mention a separate dwelling or even an annexe, reporting only a 'timber outbuilding'. Had a separate dwelling been present it is reasonable to assume that it would have featured as part of the sales details. The reference to 'a timber outbuilding' suggests an ancillary use of the structure, potentially following the departure of Mr S Coles and his family.

The grounds are a notable feature with secure gated access and tarmac driveway. There is ample parking and storage areas/facilities, a neatly landscaped private garden area, decking, fruit cages, barbecue area and a greenhouse. The front garden enjoys a good degree of privacy and has both summer house and timber outbuilding. The paddocks are laid to grass with mature trees.

- 1.28 A photograph from this brochure (below) also suggests that the structure within the garden was a timber outbuilding, of a more modest height than the submitted drawings show.



- 1.29 Photographs from a site visit on 26 June 2024 (below) show that a replacement structure appears to have been built within the garden. The building is materially higher than the original timber outbuilding, with different fenestration and cladding.

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- 1.30 Since the structure was constructed, a timber fence also appears to have been erected, separating the Tree House from the main house.
- 1.31 Aerial photography available is not helpful to officers when determining the lawfulness of this application under consideration, since any structures are screened by tree canopies.
- 1.32 The Council Tax records for 'The Tree House' available on the Government website, only show that the structure has been registered for Council Tax since **27 December 2023**, which is less than 4 years prior to the date the application was submitted for consideration.
- 1.33 The Electoral records do not evidence any separation between occupants at the main dwellinghouse at Anchor Paddock and any separate residential units on the site in the garden.
- 1.34 No utility bills or Council Tax evidence has been submitted by the applicant to support the independent residential use of the timber outbuilding that pre-dated the existing structure.
- 1.35 The third party objection received raises matters relating to highways safety, traffic, parking, waste & recycling, which fall outside matters which can be considered within this Certificate of Lawfulness application. No other third party comments have been received.
- 1.36 Holt Parish Council have provided no comments on this application.

2.0 Summary of occupation of the Tree House, formerly known as The Cabin -

Dates	Occupants of Tree House/The Cabin	Evidence
February 2013 - 2019 (sometime after April 2019)	S Coles	Statutory declaration of S Coles. Photographs of occupation.

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May 2014 - 2019 (sometime after Apr 2019)	█ Coles	Statutory declaration of S Coles. Photographs of occupation.
Late 2019 - Sep 2021	None evidenced	The Fine & Country (Edwards) sales brochure dated 2019 does not refer to a separate dwelling.
Sep 2021 - Aug 2023	█ & █	Tenancy agreement. Bank statements: Oct 2021 to Dec 2021, and Feb 2022 to Aug 2023.

- 2.1 The supporting evidence suggests that 'The Cabin' was erected as a residential unit for Mr Coles with all the facilities to provide independent living accommodation, but there is a lack of precise information to demonstrate the degree of independence from the main dwelling which was occupied by a relative, (with a lack of bills or Council Tax evidence submitted), and from which there was no physical demarcation.
- 2.2 Even if Mr S Coles, and subsequently his family, lived independently from the main dwellinghouse, this was for a period of less than 7 years. The sales brochure from 2019 does not support the contention that there was an independent unit of accommodation separate from Anchor Paddock when the property was marketed.
- 2.3 The physical and visual changes that have taken place between the building that is now on the site and the original timber building, are considered to amount to an entirely new development, rather than the conversion of the original outbuilding. This represents a new planning chapter.
- 2.4 The first evidence of the structure known as the Tree House being rented out as an independent residential unit, only dates from late 2021.
- 2.5 It is considered that insufficient evidence has been submitted to prove on the balance of probabilities that there has been an independent residential unit on the site in continuous occupation for 10 years at the date that the application was made.

Conclusion

On the 8 April 2024 the Use/Development described in the First Schedule in respect of the land specified in the Second Schedule and outlined in red on the plan attached was not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reasons:

Recommendation: Unlawful for the following reasons:

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1. The applicant has failed to provide adequate clear and unambiguous evidence to demonstrate on the balance of probability that the use of the structure as a separate dwellinghouse independent of Anchor Paddock has taken place for a continuous period of 10 years prior to the date of the submission of the application, so the development is not immune from Enforcement action.

2. Insufficient evidence has been provided to demonstrate on the balance of probability that the structure known as the Tree House was constructed more than 4 years prior to the date of the submission of the application. Nor is there sufficient evidence to demonstrate on the balance of probabilities that the Tree House was created from alternations to a pre-existing lawful structure and that the alterations took place more than 4 years prior to the date of the submission of the application.

First Schedule:

Use of treehouse as self-contained dwelling

Second Schedule:

Tree House at Anchor Paddock Batchelors Lane Holt BH21 7DS

Case Officer Signature:	ELE	Authorising Officer Signature:	E Adams
Date:	25/09/2024	Date:	27/09/2024