

Officer Report

Reference No: P/CLE/2024/00737
Proposal: Retention of single storey rear extension
Address: Anchor Paddock Batchelors Lane Holt BH21 7DS
Recommendation: Refuse
Case Officer: Claire Hicks
Ward Members: Cllr Cook

Fee Paid:	£258.00		
Decision due date:	8 April 2024	Ext(s) of time:	
No. of Site Notices:	1		
SN displayed reasoning:	On the gates to notify third parties.		

Have Ward Members been notified as required by the constitution?	Yes
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1.0 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

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

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(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.

(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.

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(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....”

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>

2.0 Site Description

2.1 The site lies within the Bournemouth 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.

2.2 The site comprises approximately 0.3ha.

3.0 Proposal

3.1 The application under consideration seeks confirmation as to whether the single storey rear extension was substantially completed more than four years before the date of this application.

3.2 The application was received complete on 12/02/2024 and this is the date of the application for the purposes of applying the 4 year period. Therefore, the relevant period to consider is between 12/02/2020 and 12/02/2024.

4.0 Evidence for the applicant

4.1 The following documents are received –

- Application form (description contained)
- Location Plan
- Floor Plans
- Elevations
- Historical Aerial Photographs
- Statutory Declaration, by Mr Stuart James Coles – dated 28th March 2024

4.2 A summary of the points raised is as follows:

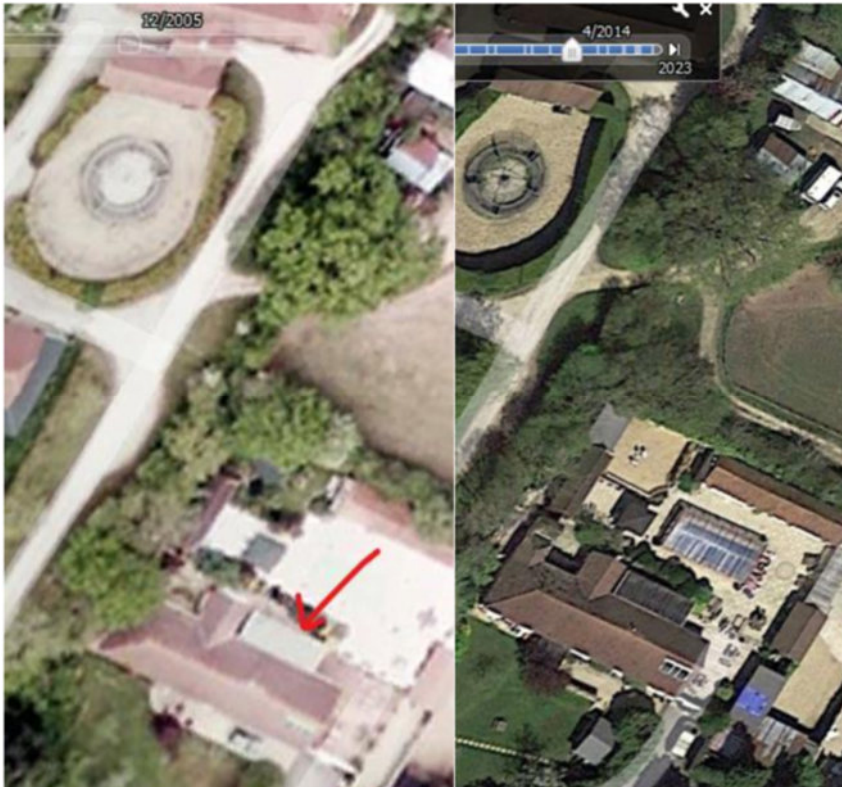
- Application form:
- The rear extension marked in red on the submitted Site Plan has been in situ since at least 2003.
- The building works were substantially completed on 01/01/2003.

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- Location Plan



- Historical Aerial Photographs- Google Earth
Approx 12/2005 Approx 04/2014



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Approx 05/2017



Approx 04/2020



Approx 06/2023



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Statutory Declaration to support the application, by Mr Stuart James Coles – dated 28th March 2024

I, Mr Stuart James Coles, [REDACTED]

[REDACTED] do solemnly and sincerely declare that:-

1. I can confirm that I previously lived in the property known as The Treehouse, Anchor Paddock, Holt Wood, Wimborne BH21 7DS since February 2013. During my time living at the property it was known as The Cabin.
2. I wish to confirm that the rear extension along the north side of the dwelling at Anchor Paddock was in situ during my time living at The Treehouse. This is identified by a red rectangle below.
3. I also wish to confirm that there has always been a greenhouse to the east of the site as highlighted by the blue rectangle below.
4. I am aware that this aerial image was taken in April 2014.



5.0 Relevant Planning History

P/HOU/2022/04905 - Anchor Paddock, Pond Head Road, Holt, Wimborne, BH21 7DS - Create habitable first floor accommodation with roof lights and dormer – Withdrawn on 14/08/2023.

P/HOU/2024/00739 - Anchor Paddock, Batchelors Lane, Holt, BH21 7DS - Retention of first floor dormer extension; demolition of existing outbuilding – Application under consideration.

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P/HOU/2023/02656 - Anchor Paddock, Batchelors Lane, Holt, Dorset, BH21 7DS - Retain first floor dormer extension – Refused on 15/09/2023. The refusal reasons were:

- 1. The site lies within the Bournemouth Green Belt. The first floor dormer extension, when considered in the context of the other extensions built at the dwelling since the dwelling was first built, results in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which is harmful by definition and also results in harm to the openness of the Green Belt. No very special circumstances have been put forward that would outweigh this harm. The proposed development is therefore contrary to the provisions of Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (2023), in particular paragraphs 147 to 150.*
- 2. The box design and massing of the dormer results in a poor form of design that jars with the simple roof form of the dwelling and the dormer window extension is contrary to Policy HE2 (design of new development) of the Christchurch & East Dorset Core Strategy 2014 and Section 12 (achieving well designed places) of the National Planning Policy Framework 2023.*

P/HOU/2022/06621 - Anchor Paddock, Batchelors Lane, Holt, Dorset, BH21 7DS - First floor dormer extension; rear single storey extension (retrospective) – Withdrawn on 03/03/2023.

ENF/20/0313 - Anchor Paddock, Batchelors Lane, Holt, Wimborne, BH21 7DS - Bungalow is being converted into two storey dwelling.

3/17/2526/CLE - Anchor Paddock, Batchelors Lane, Holt, Wimborne, Dorset, BH21 7DS - C1 (Bed and Breakfast). Use of land, including 9no self-contained brick and timber chalets, as bed and breakfast holiday accommodation – Lawful on 02/11/2017.

3/16/1460/CLE - Anchor Paddock, Batchelors Lane, Holt, Wimborne, Dorset, BH21 7DS - Use of the land, including 9 self-contained brick and timber chalets, as bed and breakfast holiday accommodation – Refused on 10/10/2016.

03/80/1858/HST - Anchor Paddock, Batchelors Lane, Holt Lane, Holt – Erect extension – Granted on 19/09/1980.

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03/80/1027/HST - Anchor Paddock, Batchelors Lane, Holt Wood – Erect extension – Refused on 24/06/1980.

- Reasons for Refusal:
1. The Local Planning Authority consider that the design of the proposed extension is unsympathetic and out of character with the appearance of the existing dwelling.
 2. The Local Planning Authority are of the opinion that the proposed development constitutes a substantial, suburban-type, extension of the existing dwelling and would be tantamount to the provision of a new dwelling in the countryside, contrary to the provisions of the approved South East Dorset Structure Plan.
 3. There has been no material change in circumstances since the Local Planning Authority refused to grant planning permission for the identical proposal under ref: 3/76/2625.

03/79/2625/HST - Anchor Paddock, Batchelors Lane, Holt Wood, Holt – Erect addition to side of dwelling and make alterations – Refused on 18/01/1980.

- Reasons for Refusal:
1. The Local Planning Authority consider that the design of the proposed extension is unsympathetic and out of character with the appearance of the existing dwelling.
 2. The Local Planning Authority are of the opinion that the proposed development constitutes a substantial, suburban-type, extension of the existing dwelling and would be tantamount to the provision of a new dwelling in the countryside, contrary to the provisions of the County Development Plan, the Rural Planning Policy for Dorset and the Holt Area Planning Policy.

6.0 Site's Planning Constraints

- Horton Conservation Area - 69.95m.
- Within Bournemouth Greenbelt
- Environment Agency - Groundwater – Susceptibility to flooding - 0m.
- Environment Agency - Risk of Surface Water Flooding Extent 1 in 1000 - 0m.
- Bournemouth Water Consultation Area - 0m.
- Public Right of Way: Footpath E45/55 - 3.72m.
- Dorset Heathlands - 5km Heathland Buffer – 0m.
- Site of Special Scientific Interest (SSSI) impact risk zone – 0m.
- Ancient Woodland: Queens Copse/Holt Forest; Ancient Replanted Woodland 216.28m.
- Ancient Woodland: Holt Wood; Ancient & Semi-Natural Woodland - 432.05m.
- Ancient Woodland: Queens Copse/Holt Forest; Ancient & Semi-Natural Woodland - 486.85m.
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021) - 2402.35m.
- Radon: Class: Class 1: Less than 1% - 0m.

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7.0 Consultee Comments

7.1 Bournemouth Water Ltd – Received on 14/02/2024:

We confirm Bournemouth Water has no comment or concern.

8.0 Other evidence available to the Local Planning Authority

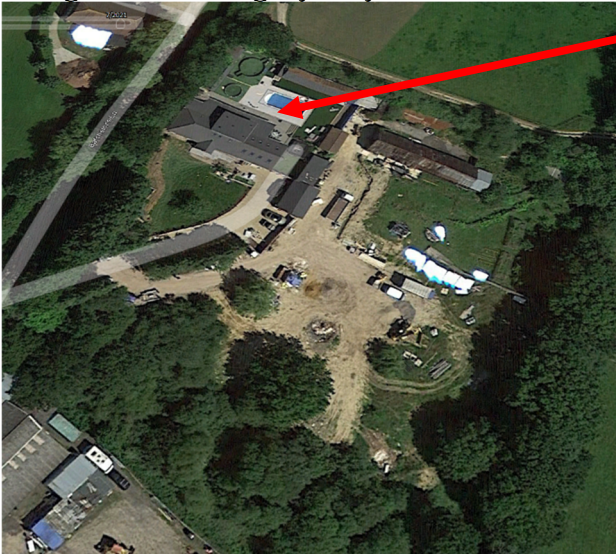
8.1 Aerial Photography

Google Earth imagery May 2020



Light grey roof of extension. No
Dormer Extension visible

Google Earth imagery July 2021



Dark roof at ground floor.
Completed Dormer Extension

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8.2 Dorset Explorer Imagery – subject to copyright

Latest imagery Dorset Explorer- dated 27 May 2023



Latest development evident- single storey extension and dormer.

1 June 2020



No rear extension evident- it appears to have been demolished.

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20 June 2017



Previous extension evident

22 July 2014



Previous extension evident

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8.3 2020 Sales Details:

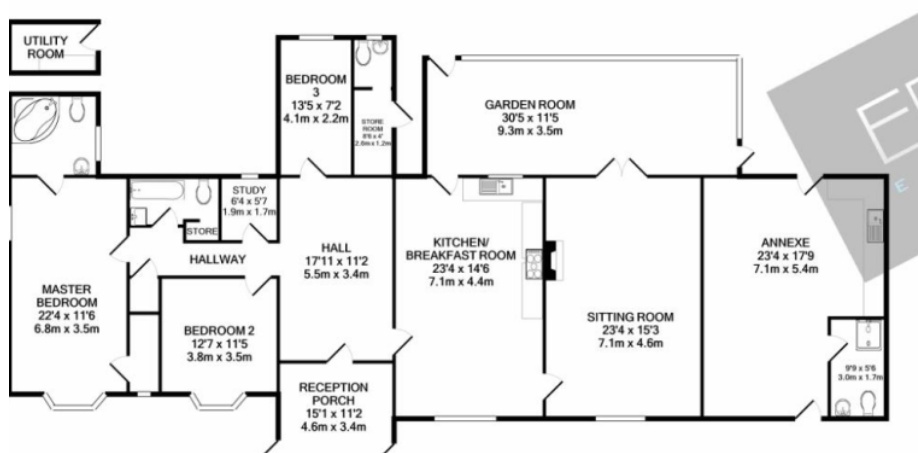
The Council has also obtained the 2020 sales details of the property (please see below for photos and explanations).

9.0 Analysis of Evidence

- 9.1 The 2020 sales details for the property showed a small extension (bedroom 3) and a garden room of wooden construction believed to be the dining area (from Dilly dally sales literature).

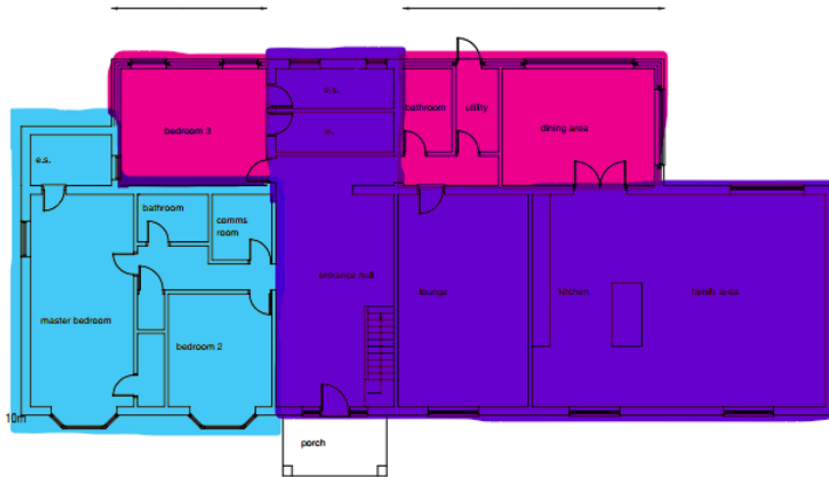


- 9.2 Whilst the scale of the floor plan from the same sales details (below) cannot be relied upon, it clearly shows that there was a walkway between bedroom 3 and the garden room and that the garden room had a lesser depth than the rear pitched roof projection which tallies with the above photograph:



- 9.3 Whilst the above floor plan was not to scale, the plan submitted as part of the refused dormer extension application P/FUL/2023/02656 is to scale:

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- 9.4 The area northwest of original bedroom 3 (pink now labelled bedroom 3) is a new extension and the dining/bathroom and utility area (also pink) has a greater footprint than the wooden garden room previously on this site. The external walls are now level with the dual pitched roof single story extension (bedroom 3).
- 9.5 Aerial photographs submitted with application P/CLE/2024/00739 show the previous garden room. A gap (walkway) can be seen between the bedroom 3 and the garden room on the photography.
- 9.6 Close up from the sales details shows the gap previously in existence as well.



- 9.7 From the same sales details it can be seen that the previous structure was a simple lean-to extension.



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- 9.8 Although a statutory declaration has been received to which significant weight can be attached, the claims are not supported by other photographic evidence and therefore there is a conflict which cannot be reconciled in favour of the applicant.
- 9.9 The works subsequently undertaken represent a new extension which is not lawful by reason of time.

10.0 Conclusion

- 10.1 In order to be considered lawful the evidence would need to show the single storey rear extension has been substantially completed more than four years before the date of this application (i.e. 09/02/2020)
- 10.2 As demonstrated above, it is clear that the single storey rear extension was not present on 1 June 2020. Therefore, the single storey rear extension was not substantially completed for more than four years prior to 12/02/2024.
- 10.3 On the balance of probability, the single storey rear extension had not been substantially completed for the relevant continuous four year period prior to the date of the application.

Recommendation: Unlawful for the following reasons:

1. The Applicant has not provided the Council with sufficient evidence to establish on the balance of probability that the single storey rear extension to the dwelling known as Anchor Paddock shown on plans 4419:A2 and 4419:A(3C) was substantially completed more than four year prior to the date of the application.

First Schedule:

Retention of single storey rear extension

Second Schedule:

Anchor Paddock Batchelors Lane Holt BH21 7DS

Case Officer Signature:	CHI	Authorising Officer Signature:	EAD
Date:	11/04/2024	Date:	11/04/2024