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NYMNP  
Planning & Development

NYMNP

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STATION FARM OFFICES  
WANSFORD ROAD  
NAFFERTON  
DRIFFIELD  
EAST YORKSHIRE  
YO25 8NJ

T/F: 01377 253363

WEB: [www.ianpickassociates.co.uk](http://www.ianpickassociates.co.uk)

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR THE RETENTION OF AN  
EXISTING BUILDING AND EXTENSIONS TO BE USED FOR RESIDENTIAL  
ACCOMODATION**

Dear Sir or Madam,

Please find enclosed an application for a certificate of lawfulness in relation to the use of previously agricultural buildings, which were unlawfully converted and used for residential accommodation for a period of time equating to approximately 20 years. The development also includes an extension / linked conservatory, which was built in 2008.

The applicant began converting the former agricultural buildings in 2002, before moving into the buildings permanently on a residential basis. The applicant was previously living in Scarborough, however at that time he was unable to maintain his mortgage payments on time, therefore, he leased his house in Scarborough and moved to Stag Hall Farm, formally known as 'Low Moor Farm' (the applicant changed the name of the dwelling in 2005, although some correspondence still makes referenced to Low Moor Farm).

The applicant has resided within the converted buildings continuously since 2003.

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 relevant time limit for the change of use of a building, or part of a building, to use as a dwelling without planning permission is four years. Similarly, the erection of a building without planning permission also falls within the '4 year rule'.

It is therefore contended that the use of the existing buildings for residential accommodation is immune from enforcement action, as the use began and has been

uninterrupted for a period of time in excess of four years prior to the date of this application.

The use of the buildings for residential purposes have been in place for a period of approximately 20 years. This use has been continuous and uninterrupted for that duration.

Having researched the history of the site, we would contend it can be proven on the balance of probabilities that the building has been used for residential purposes for a period exceeding 4 years. The evidence used to support this application is detailed below:

- Google Earth Street View image dated April 2017 showing the existing linked conservatories in situ. The image is partially obscured by the roadside hedgerow, however the buildings can nonetheless be seen. The relatively domestic external appearance of the converted buildings can also be partially viewed. The applicant would contend this proves that the additional extensions have been in situ in excess of four year.
- Letters sent to the applicant from HMRC pertaining to National Insurance information, all of which use either Low Moor Farm or, more recently, Stag Hall Farm as the applicant's home correspondence address. These HMRC letters date back continuously to 2008. More examples can be provided upon request.
- Invoices pertaining to the conversion works from both plumbers and electricians, dated 2003 and 2004. The invoices specifically itemise the installation of a central heating system, a new hot a cold water supply to feed a washing machine, and the wiring of electrical circuits within the utility room, shower room, and kitchen. It is important to note that there are no other dwellings at Stag Hall Farm, only agricultural / industrial buildings. Such invoices / works could only reasonably be related to the conversion of the buildings.
- Invoicing for the carpeting of the conversion, dated 2005.
- Domestic Fuel invoices dating back to 2006.
- TV license payments (dating back to 2019).
- Letters from current home insurance provider / broker (dating back to 2017 – reference made to previous policy with NFU in 2017).

In addition to the above, the immediately adjacent neighbours to the north (Low Moor Farm Cottage) have expressed a willingness to sign a sworn affidavit that the applicant, Mr Foster, has resided continuously within said buildings for a period of 20 years (the neighbours bought the dwelling in 2000). This can be provided upon request, should it be deemed necessary on top of the existing information provided and set out above.

It is contended that the evidence provided demonstrates that, on the balance of probabilities, the building has been in use as residential accommodation for a period in excess of 4 years. As such, it is considered that the development can be regularised through a certificate of lawfulness, and it is therefore requested that said certificate is issued by NYMNP.

Should you require additional information, please do not hesitate to contact us.

Kind Regards,

Sam Harrison  
**Ian Pick Associates Ltd**