



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2151/0E1
2.	Proposed Development:	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE TO CHANGE USE OF LAND TO EXTEND DOMESTIC CURTILAGE AND ERECTION OF TWO SHEDS
3.	Location:	6 RICHMOND CRESCENT, ST BEES
4.	Parish:	St. Bees
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Known Site for the Small Blue, Key Species - POTENTIAL AREA for the Small Blue
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies
7.	Report:	
	Site and Location	This application relates to 6 Richmond Crescent, an end terrace property, located within the west of St Bees.
	Relevant Planning History	

No relevant planning history.

Proposal

This application seeks a lawful development certificate for the change of use of land to the rear of the dwelling to extend the domestic curtilage and the erection of two sheds.

Consultation Responses

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Planning Legislation

Town and Country Planning Act 1990 – Section 191 as amended by Section 10 of the Planning and Compensation Act 1991

Assessment

A lawful development certificate enables applicants to establish whether a proposed or existing development is lawful for planning purposes. In this instance it is claimed that the land to the rear of the dwelling subject to this application has been used as domestic curtilage for more than 10 years and the two sheds have been located within this land for more than 4 years.

The following evidence has been submitted to support this lawful development certificate:

- Application form;
- Covering letter;
- Site location plan;
- Site block plan;
- Shed elevations and dimensions;
- Solicitors letter dated 18 December 2006;



Cumberland Council

- Supporting photograph – google image 2009 and 2011;
- Site photos 1 – 5.

Based on the evidence submitted for the change of use of the land, it is reasonable to conclude that, on balance of probability and based on the facts of this case and the relevant planning law, the use of the land as domestic curtilage is lawful.

With regard to shed 1, again based on the evidence submitted it is reasonable to conclude that, on balance of probability and based on the facts of this case and the relevant planning law that the siting of shed 1 is lawful.

The applicant has however not been able to provide evidence that shed 2 has been located on this site for more than the required four-year period. The applicant has stated that the second shed has been on this site since 2017/2018 however no documentation can be provided to verify this. This matter was reported to the Local Planning Authority with the enforcement complaint logged on the 11th January 2022. The Local Planning Authority cannot find evidence prior to this date to confirm the applicants claims. From the details submitted within the application, including external dimensions, shed 2 is considered to fall within the parameters set out in Class E Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended). As the Local Planning Authority have now confirmed that the land upon which the two sheds sit falls within the domestic curtilage for 6 Richmond Crescent, shed 2 is considered to fall within the definition of permitted development and should therefore be considered lawful.

On this basis it is appropriate for a lawful development certificate to be granted in this case.

8. **Recommendation:**
Approval of Certificate of Lawfulness

Case Officer: C. Burns

Date : 22.06.2023

Authorising Officer: N.J. Hayhurst

Date : 24/07/2023

Dedicated responses to:- N/A