

# **(Upper Barn) 1, Beckerside, The Green, Millom LA18 5HL**

**Certificate of Lawfulness for proposed building operations under Section 191 of the 1990 Town and Country Planning Act, as substituted by the Planning and Compensation Act 1991 to allow for the completion of works approved under planning application reference 4/07/2141/0.**

## **SUPPORTING STATEMENT**

January 2023

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# 1 INTRODUCTION

- a. This application is made for a Certificate of Lawfulness for proposed building operations to allow the completion of works approved under planning application ref. **4/07/2141/0** at **(Upper Barn) 1, Beckerside, The Green, Millom LA18 5HL**. The application seeks confirmation that the development in the plans contained in Appendix A are permissible as works commenced prior to the expiration planning permission ref. **4/07/2141/0**.
- b. 1.2. The Town and Country Planning Act (TCPA) 1990 as amended by The Planning and Compensation Act 1991 under Section 191(1)(b) states a certificate of lawfulness of existing use or development is relevant if a person wishes to attain whether any operations which have been carried out on land are lawful. Section 191(4) states that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application they shall issue a certificate to that effect. The relevant section of TCPA 1990 in relation to the general condition limiting duration of a planning permission is Section 91. In this circumstance the relevant section is 91(1):

*Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—*

*(a) the applicable period, beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or*

*(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.*

- c. In accordance with the legislation, the purpose of this statement is to expand upon the information provided, namely statutory declarations and supporting evidence which seeks to demonstrate that the granted development has commenced prior to the expiry of the permission and therefore the development as such is, de facto, lawful.

## 2 PLANNING CONSIDERATIONS

A planning application was made to Copeland Borough Council under application reference **4/07/2141/0** at **(Upper Barn) 1, Beckerside, The Green, Millom LA18 5HL** the conversion of Barn to Residential Dwelling. The application was approved on 30th May 2007. Condition 1 stated the "The development hereby permitted shall be commenced within Three years from the date hereof" This allowed for the planning permission to be implemented until 30th May 2010.

As part of the approved planning permission **4/07/2141/0** there were various pre commencement conditions that needed to be discharge before works commenced on the site. Conditions 2 & 9, shown below relate to the drainage scheme and also discharge of water from the site.

We believe the drawing shown below, **image 1**, was submitted to the council and date stamped 3rd April 2008 to discharge conditions 2 & 9. The drawings shows the positioning of the new septic tank installed, the provisions for dealing with foul waste and also showing how the discharge of surface water was to be dealt with demonstrating that it was not being discharged onto the highway.

2. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.
9. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the dwelling being completed and shall be maintained operational thereafter.



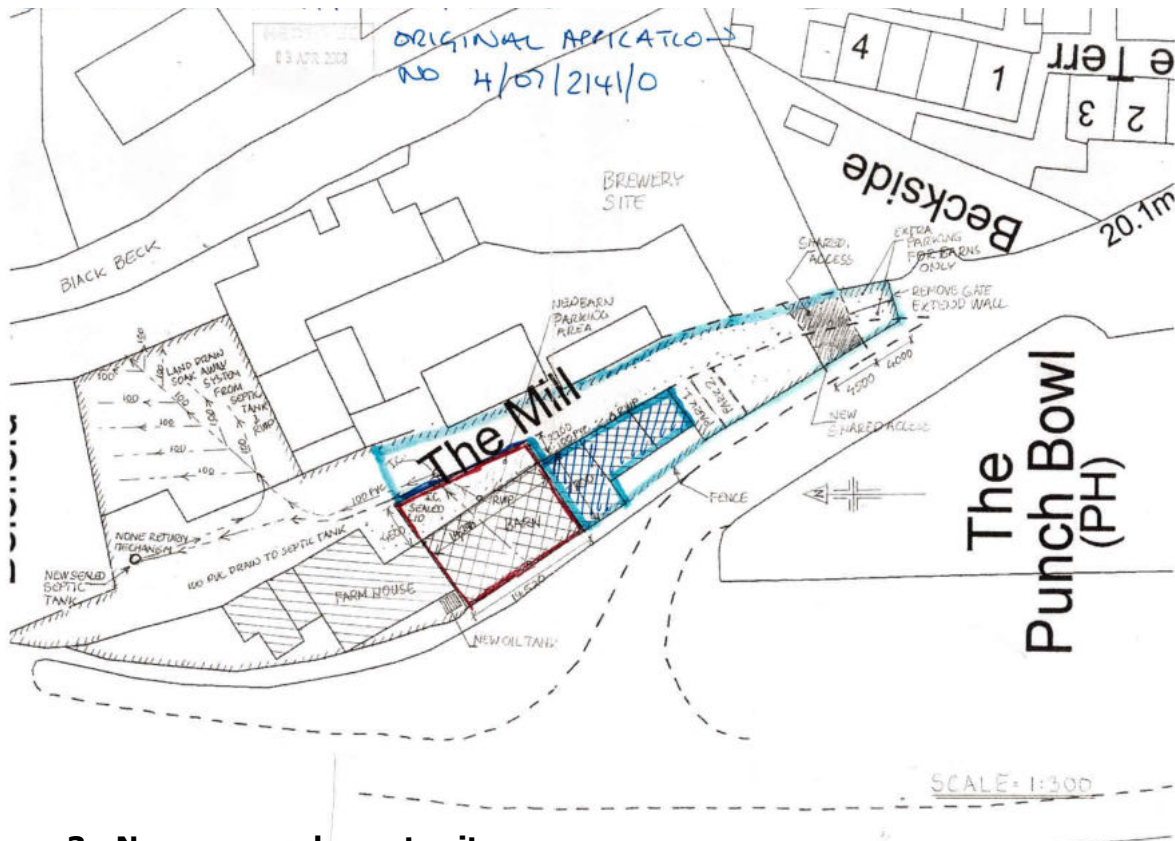


The pictures shown below, **image 2**, show a satellite view of the site showing the original access onto the site dated 2001.



**Image 2 - Original access onto site dated 2001**

In order to discharge the information in conditions 5 & 8 the following information, **Image 3**, was provided to the council in 2007 to discharge these planning conditions.



**Image 3 - New access plan onto site**



The plan shown in **image 3** has been implemented on site and was done so prior to the expiration of the planning permission **4/07/2141/0** which would have expired on 30th May 2010. **Image 4** below shows that work had been started on or before the Google street view image that was taken in 2009 to create the new access onto the site.



**Image 4 - New access onto site being created**

Up to date satellite images shown in **image 5** also show the completion of the new shared access onto the site as completed and also that it provides the necessary 33 x 2.0 x 33 visibility splay as required by condition 8 of the planning reference **4/07/2141/0**.



**Image 5 - 33 x 2.0 x 33 disability splay**



The address **Upper Beckstones Mill, The Green, Millom, LA18 4NZ** shown below in **image 6**, shares access to the site with our two address (**Upper Barn**) **1, Beckerside, The Green, Millom LA18 5HL** which the application **4/07/2141/0** refers to and also (**Lower barn Barn**) **Mill farm, The Green, Millom LA18 5HL**. This shared access is noted on the titles deeds for all three of the addresses.



**Image 6 - Upper Beckstones Mill, The Green, Millom, LA18 4NZ**

A planning application was made to Copeland Borough council reference number **4/15/2340/OG1** at the address **Upper Beckstones Mill, The Green, Millom, LA18 4NZ** for the removal of condition 7 (RE EXISTING ACCESS) of planning permission **4/97/0790/0** (Renewal of outline planning permission for conversion of agricultural buildings and mill to 4 residential units). The planning application **4/15/2340/OG1** was approved on the 5th October 2015, we believe condition 7 as noted in the planning permission **4/15/2340/OG1** was of the same nature of our planning conditions 5 & 8 under application **4/07/2141/0** as both sites share the same access. As condition 7 of planning reference **4/15/2340/OG1** was discharged we believe this shows evidence that the new access was created and approved by the council inline with conditions 5 & 8 under application **4/07/2141/0**.

The **image 7** below shows the new finished access with drop kerb onto the site shared for addresses **Upper Beckstones Mill, The Green, Millom, LA18 4NZ** and our two address (**Upper Barn**) **1, Beckerside, The Green, Millom LA18 5HL** which the application **4/07/2141/0** refers to and also (**Lower barn Barn**) **Mill farm, The Green, Millom LA18 5HL**, dated 2016 from Google street view.





**Image 7 - New shared access onto site dated 2016**

We have also taken some up to date photos date 11/01/23 **Images 8,9,10 & 11** of the access onto the site to show that the original access has been blocked off, the new shared access is still in place as per the plans in **Image 3** and also has the required viability 33 x 2.0 x 33 as required by condition 8 of planning reference **4/07/2141/0** and shown in **image 5**.



**Image 8 - New shared access onto site dated 2023**



**Image 9 - New shared access onto site dated 2023**





**Image 10 - Original access onto site still blocked up dated 2023**



**Image 11 - Original access onto site still blocked up dated 2023**



Along with the information sent for conditions 2 & 9 and the completion of the of the works noted above in relation to conditions 5 & 8 of planning reference **4/07/2141/0** number internal works was also carried out on the property in 2008.

In 2008 the following works were completed on the property. Foundation work was completed on the building on the northern wall that connects to the adjoining property **Mill Farm, The Green, The Green LA18 5HL**. The partition wall separating the two properties was also rebuild, **Image 12**. In accordance with the plans shown in **appendix A**, new windows openings were created and lintels put in on the inner leaf of the barn ready to be exposed once the main construction started. The upper barn also had the roof tiles removed new king post trusses installed to replaced damaged ones, new roof joists fitted, the roof was then re batted and a new membrane was installed before the roof was re tiled to make the building water tight, this can be seen in **images 12 & 13**.

In 2008 an application to building control was made for the upper barn under reference 4/08/0498/4, building control inspected the property on the 1st July 2008 prior to the expiration of planning reference **4/07/2141/0** and again on the 14th February 2011, **Appendix C**



**Image 13 - Works completed 2008**



**Image 12 - Works completed 2008**

## *Conclusion*

- a. National Planning Practice Guidance (reference Paragraph: 007 Reference ID: 17c-007- 20140306) indicates that if a local planning authority has no evidence itself, nor any from other third parties, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous.
- b. In this case, associated evidence provided by the applicant demonstrates that the land and building identified within the red edged plan in the Location Plan has been subject to work following the permission granted prior to the expiry 3-year as per condition 1 of the Decision Notice.
- c. In this case, the information provided in this submission gives clear evidence of planning permission **4/07/2141/0** being implemented lawfully prior to its expiration. It is considered that the evidence provided is sufficiently precise and unambiguous to justify the grant of a certificate. Accordingly, it is clear that the applicant would be entitled to a certificate to this effect.
- d. If you require any further information or clarifications with regards to this application, please do not hesitate to contact me.

# APPENDIX A: APPROVED DRAWINGS



# **APPENDIX B: DECISION NOTICE**

# APPENDIX C: EMAIL FROM BUILDING CONTROL

**From:** Sally Huddart Sally.Huddart@copeland.gov.uk  
**Subject:** RE: Mill Farm, Upper and Low Barn, The Green  
**Date:** 17 November 2021 at 10:39  
**To:** Anthony Wilmott anthony@awtdevelopment.co.uk



Good Morning Anthony

I have looked into both properties as request:

Application number 4/08/0498/4 – Upper Barn has had two foundation inspection carried out on the 01.07.2008 and 14.02.2011.

Application number 4/08/0543/4 – Lower Barn has had one foundation inspection carried out on the 14.02.2011.

These applications were made under the planning reference 4/07/2665/0

Hope this helps

Kindest regards

Sally Huddart  
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Building Control  
Copeland Borough Council  
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**Mental Health Champion.** Get in touch if you need to talk.....



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