

**THE BARN AND BARN COTTAGE
BROOKFIELD FARM, WALBERTON, BN18 0BA**

APPLICATION FOR A CERTIFICATE OF LAWFUL USE AND DEVELOPMENT

SUPPORTING STATEMENT

1.0 INTRODUCTION

1.1 The Council served a Planning Contravention Notice (PCN) upon the Applicant on 31 July 2013 relating to a breach of planning control whereby the Barn and Barn Cottage were alleged to be occupied as two separate residential units, contrary to the planning consent to convert a redundant Sussex Barn into a single unit under reference WA/50/96. It was further alleged that The Barn was being used as a holiday let in breach of the extant agricultural occupancy condition.

1.2 The applicant duly returned the PCN and attended a follow up meeting at the Council offices to explain that both units had been occupied continually as two separate residential units, with their own residential curtilage and amenity areas, since implementation of the planning permission in 2009. It was further explained that each had an independent liability to Council Tax and that the applicant's son lives in Barn Cottage and complies with the AOC by virtue of his employment at Park Farm, Aldingbourne.

1.3 The applicant was advised to submit a Certificate of Lawful Use and Development (CLEUD) under the "4 year rule" to render the sub-division immune from enforcement. This application follows the advice, recognising that the AOC originally imposed on The Barn is being satisfied by the occupier of Barn Cottage.

2.0 THE APPLICATION

2.1 In order for a CLEUD to be granted with respect to operational development, an applicant needs to provide evidence that, on the test of the balance of probability, there has been a continuous breach of planning control for more than 4 years. In her replies to the PCN the applicant referred to individual assessment to Council Tax since 2003. The documentary evidence is produced below.

2.2 Attachment A:

- (1) Council Tax demand for The Barn issued on 12 March 2002 under ADC property reference 083892 showing assessment of the dwelling as one unit within Valuation Band G.
- (2) A revised invoice relating to The Barn dated 7 October 2003 under the fresh property reference of 0870144, now assessed under lower Valuation Band F to reflect the fact that it was by then valued as a smaller residential unit.
- (3) A Council Tax demand for The Barn dated 2 December 2009 showing The Barn within the current Valuation Band of F.
- (4) A Council Tax demand dated 14 March 2013 confirming that The Barn remains with Band F.

2.3 Attachment B:

- (1) Council Tax demands for Barn Cottage dated 18 December 2009, 4 August 2010, 9 March 2012 and 14 March 2013 showing a continuous assessment of Barn Cottage as an individual dwelling under Valuation Band A.

2.4 The unequivocal evidence from the Council's own offices is that both units have been separately assessed for Council Tax since 2003.

2.5 The applicant obtained planning consent WA/50/96 during the period of her freehold ownership. On the grant of planning permission, she converted both the Barn and Barn Cottage into single dwellings, as evidenced by the individual liabilities to Council Tax. In 2005 the applicant lived and worked abroad, having sold the farm to Guy Jackson Ebben who employed a succession of farm managers. His last manager, Mike Carter, confirms in a letter (**Attachment C**) "to whom it may concern" that both The Barn and Barn Cottage were occupied as separate units with individual liability to Council Tax during his management regime.

2.6 On resuming ownership of Brookfield Farm in October 2009, the applicant let Barn Cottage on an Assured Shorthold Tenancy for one year before her son, Sam, occupied the dwelling in October 2010 in compliance with the AOC. Compliance with the AOC is confirmed in the attached letter from Sam Coates (**Attachment D**) and his employer Mr Gillbard (**Attachment E**).

2.7 The reality of the situation today is that the physical sub-division of the approved barn conversion into two units of accommodation has undoubtedly been continuous and is therefore immune from enforcement.

2.8 The CLEUD application is complicated by two further factors – the AOC and a S106 Agreement dated 29 October 1997 wherein the schedule requires that "occupation of the Barn shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined by Section 336 of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow of such a person".

2.9 From the above, it can be seen that the sub-division of The Barn and Barn Cottage has been continuous for more than 4 years. It is also clear that the AOC is being satisfied by Sam Coates' occupation of Barn Cottage which is the dwelling most commensurate with the functional requirement of the holding.

2.10 These two issues can be resolved by a follow up planning application on the grant of the CLEUD to revise the S106 Agreement regularising The Barn and Barn Cottage as two independent dwellings tied to Brookfield Farm through a non-severance clause with Barn Cottage remaining subject to the AOC.

