

Application Ref: NP/11/511 **Grid Ref:** SM75152526
Application Type: Certificate of Lawfulness
Applicant: Mr Brian Powdrill
Agent:
Proposal Certificate of Lawfulness for use as domestic dwelling house
Site Location 33, Goat Street, St Davids, Haverfordwest, Pembrokeshire, SA62 6RF
Case Officer Liam Jones

Summary

The application seeks a Lawful Development Certificate made under Section 191 of the Town and Country Planning Act 1990 (as amended) for the existing use of a property at the site known as 33 Goat Street, St Davids as a single dwellinghouse. Following consideration of the evidence submitted it is concluded that the applicant has proven on the balance of probability that the property has been used as an independent residential dwellinghouse for 4 or more years and a certificate can be issued accordingly.

This application has been reported to the Development Management Committee as the applicant is a member of the Standards Committee of the National Park Authority.

Consultee Response

Due to this being an application for a Lawful Development Certificate and the planning merits not being under consideration no formal consultations have been undertaken.

Policies considered

Due to this being an application being for a Lawful Development Certificate with the submission of evidence the policies of the Local Development Plan are not considered.

Officer's Appraisal

Background & Description

The site relates to a two storey terraced property situated within the Centre of St Davids along Goat Street. No 33 Goat Street is a Grade II Listed Building and within the St Davids Conservation Area.

History

- NP/10/305 – 33 Goat Street, St Davids – Remove forecourt surfacing, new walls, handgate and railings – Approved – 10 September 2010
- NP/10/306 – 33 Goat Street, St Davids – Remove forecourt surfacing, new walls, handgate and railings (Listed Building Consent) – Approved – 2 November 2010
- NP/00/195 – 33 Goat Street, St Davids – Painting of exterior (Listed Building Consent) – Approved – 11 August 2000

Current proposal

This is an application made under Section 191 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawful Development for the use of the property as a single dwelling house, such use alleged to have begun more than four years before the date of the application.

The applicant must therefore provide evidence to prove on the balance of probability that the use of the property as a dwellinghouse is lawful.

Evidence Submitted

The following information has been submitted by the applicant in support of the application:

- Letter from the applicant stating that although the property prior to September 1991 was used as a museum, No. 33 Goat Street has since been used continuously as a C3 Class dwellinghouse.
- Statutory declaration by Margaret Hazeltine who lived at No. 35 Goat Street between 1988 and 2011 regarding use of the property by My and Mrs Hammond.
- Letter from Pembrokeshire County Council confirming that Domestic Council Tax has been payable on this property from 1st April 1996.
- Council tax statement for the year 2011/12.

- Land Registry Transfer document dated 9th August 1991 referring to the transfer of the property 33 Goat Street.
- Title absolute Land Registry document with details of the current owner registered 23rd November 2009.
- Sales brochure of property.
- Letter from occupiers of 31 Goat Street stating that they have been resident for approximately 8 years and during that time 33 Goat Street has only been used for residential dwelling and no business activity has taken place at the address.

Consideration of the Evidence

The property appears in a terraced street frontage in the centre of St Davids alongside existing dwellinghouses and from the submitted documents it is understood is presently used as a dwellinghouse.

The evidence submitted is clear and precise in noting that the property has been used as a dwellinghouse for the past 4 years. The letter from Pembrokeshire County Council confirms that Council Tax rates have been paid since 1st April 1996. The evidence of previous neighbour at No. 35 Goat Street in the form of a sworn affidavit and a letter from the occupier of 31 Goat Street helps back up the case that this property has remained in residential use throughout a period of at least four years since the date of the application. Reference is made to the property having been used in 1988 as a ceramics museum although the current neighbour at No. 31 has no knowledge of this but has been resident at the property for approximately 8 years.

Notwithstanding the applicants own submissions the National Park Authority has dealt with planning and Listed Building applications at the property in 2000 and 2010 which raise no conflicting information. The 2000 application (NP/00/195) gave permission to paint the exterior of the Listed Building. The application was submitted by the then owner of the building an A L Hammond and question e) of the application form refers to the present use as being 'Private Dwelling'. The 2010 applications (NP/10/305 and NP/10/306) gave permission to carry out works to the front courtyard of the property and again the property was referred to as a dwellinghouse with householder application forms having been completed.

Conclusion

The relevant test in an application for a Lawful Development Certificate is whether, on the balance of probability, a material change of use took place and has occurred continuously for the relevant time period. The relevant period is, in this case, 4 years starting from 29th December 2007.

On the basis of the information submitted, the present use and the National Park's own records it is considered that the property has been used continuously as a residential dwellinghouse for a period of 4 or more years and is therefore lawful as defined under Section 191 of the Town and Country Planning Act 1990 (as amended).

Recommendation

The application be approved

Conditions / Reasons / Formatives

1. The evidence submitted in support of the application together with the Authority's own evidence is sufficient to demonstrate that, on the balance of probability, the property outlined in red on the attached plan (33 Goat Street, St Davids) has been occupied for residential accommodation on a permanent basis for the requisite 4 year period. In view of this, the relevant test is considered to have been satisfied in this instance and the use of the property for residential purposes is lawful as defined under section 191 of the Town and Country Planning Act 1990 (as amended).

H.M. LAND REGISTRY		TITLE NUMBER	
		WA 607533	
ORDNANCE SURVEY PLAN REFERENCE	SM 7525	SECTION A	Scale 1/1250 Enlarged from 1/2500
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