

Planning Statement

**The Barn at
Pen y Bontbren,
Rhos,
Pontardawe,
Swansea,
SA8 3JT**

August 2020



Summary

Proposal:

Application for a Lawful Development Certificate for an Existing Use as a residential dwelling.

Location:

The barn at Pen y Bontbren, Rhos, Pontardawe, SA8 3JT

Date:

August 2020

Project Reference:

20.223

Client:

Mair Jones

Product of:

Asbri Planning Limited
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Introduction

- 1.1 This planning supporting statement accompanies an application for a certificate of lawful development for the existing use of a dwelling known as The Barn at Pen y Bontbren Farm, Rhos, Pontardawe, Swansea, SA8 3JT as a residential dwelling.
- 1.2 This document will demonstrate that The Barn has been occupied as a residential dwelling for a continuous period of more than 4 years and is therefore immune from enforcement action by virtue of Section 171B of the Planning and Compensation Act 1991. This application seeks formal confirmation of the above by conferring lawfulness of the existing use and confirming the dwelling as “lawful”.
- 1.3 The application is accompanied by the following information:
 - Site Location Plan;
 - Planning Supporting Statement prepared by Asbri Planning Ltd;
 - Completed application forms; and
 - Evidence to demonstrate that The Barn has been continuously occupied as a residential dwelling in excess of 4 years.
- 1.4 This Planning Statement includes a description of the site context and planning history at Section 2, while Section 3 provides an appraisal and Section 4 outlines the conclusions reached.

Site Context

Location

- 2.1 The application building is a converted barn located within the grounds of Pen y Bontbren Farm, Rhos, Pontardawe, SA8 3JT. The property is located approximately 0.9 miles to the east of Rhos and is located within open countryside. The Barn is accessed via a farm track off Plas Road which is a single-track road which runs southwards towards Rhos. The barn is located within the Pen y Bontbren Farm complex.
- 2.2 The plan provided in support of the application confirms the exact location of the barn.
- 2.3 It is noted that there is no relevant planning history for the barn or the Farm complex as a whole.

Appraisal

- 3.1 Section 171B of the Town and Country Planning Act 1990 states:
- 1) *Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*
 - 2) *Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.*
 - 3) *In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*
- 3.2 Section 171B(2) above sets out that in respect of the breach of planning control, immunity from enforcement action is achieved after 4 years from the date of the breach.
- 3.3 The application is supported by the following evidence provided at the attached appendices.

Affidavits.

- 3.4 The three affidavits provided by Gareth Jones, Colin Sheppard and Jessica Morgan confirm that the barn has been utilised continuously by the applicant as a residential dwelling in excess of four years. The statements are in form of sworn affidavits and are provided at Appendix A.

Invoices relating to the conversion of the barn

- 3.5 The applicant has provided a number of invoices from December 2014 to July 2015 which evidence the purchase of materials that were used as part of the barn conversion works ahead of the applicant's occupation of the barn on the 1st September 2015. The invoices include the following:

Invoice from Lliw Builders dated 6th December 2014 – piping
Invoice from Lliw Builders dated 10th December 2014 – cement
Invoice from Lliw Builders dated 22nd May 2015 – cement, sand, plasterboard etc
Invoice from Lliw Builders dated 17th June 2015 – roof tiles
HETAs Sign off certificate for Log Burner – 19th June 2015

Invoice from Lliw Builders dated 1st July 2015 – dry wall, plasterboard, insulation etc

Invoice from Fforest Timber Engineering Ltd dated 27 January 2015 – roof trusses

HETAS Certificate October 2016

Copies of the invoices are provided at Appendix B.

Electrical Evidence

- 3.6 The applicant has also provided evidence of the electrical usage of the barn following its conversion to residential use. The evidence is provided at Appendix C.

Other Witness Statements

- 3.7 The applicant has also provided three other statements which confirm that the barn has been occupied as a residential dwelling over the last five years. The statements are provided at Appendix D.

Photo Album Evidence

- 3.8 The applicant has provided a photo album which provides visual evidence of the barn being used as a residential dwelling for the last five years. The photos are of the applicant's family and show some key moments over the last five years. The evidence is provided at Appendix E.

Conclusions

- 4.1 This planning supporting statement accompanies an application for a certificate of lawful development for the existing use of a dwelling known as The Barn at Pen y Bontbren Farm, Rhos, Pontardawe, Swansea, SA8 3JT as a residential dwelling.
- 4.2 This document has demonstrated that the property has been occupied as a residential property for a continuous period in excess of 4 years. It is therefore considered that the property is therefore immune from enforcement action by virtue of Section 171B(2) of the Planning and Compensation Act 1991. This application seeks formal confirmation of the above by conferring lawfulness of the existing use and confirming the dwelling as 'lawful'.
- 4.3 In light of the above, it is respectfully requested that the certificate be granted.