

**Delegated Report**  
**CLD EPF/2131/24**  
**15, Stradbroke Drive, Chigwell, IG7 5QU**

**Description of site:**

The site comprises a detached dwelling and adjacent annex building. The street scene of Stradbroke Drive is characterised by large, detached dwellings set within spacious curtilages.

**Description of proposal:**

The description of the proposal states that it is for a Certificate of lawful development for a proposed annex. However, it is clear from the supporting information that the scheme seeks to confirm the existence of the annex building/property known as Drovers Cottage as a self-contained 1 bedroom property utilised independently from the main dwelling for a period in excess of the time required for enforcement action.

**Relevant history:**

EPF/0026/22 - Application for a Lawful Development certificate for a proposed construction of the remaining two of the three detached houses. (Ref: EPF/835/86) – Lawful  
EPF/2503/20 - Demolition of existing dwellings at 15 and 15A Stradbroke Drive and construction of 3 replacement dwellings with associated landscaping and parking – Refused  
EPF/0423/20 - Demolition of existing dwellings at 15 and 15A Stradbroke Drive and construction of 2 replacement dwellings & 2 new dwellings with associated landscaping and parking - Refused  
EPF/3409/17 - Demolition of existing dwelling house and formation of 4 storey 14 unit apartment building over basement parking – Withdrawn  
EPF/0835A/86 - 3 detached houses and garages - Approved

**Consultation Carried Out and Summary of Representations Received:**

Chigwell Parish Council - The Council note that the proposal cannot be considered incidental to the main dwelling and could be considered primary living accommodation. As such planning permission should be applied for.

Neighbour comment – One response received - We strongly believe that the outbuilding should not be used as a separate dwelling, as it does not meet the necessary requirements and should remain ancillary to the main residence.

**Submitted evidence:**

- Letter by Louise Jensen dated 16/10/2024
- Electoral registration document
- Supporting information previously submitted under EPF/0026/22
- Application form with accompanying written details
- Site location plan

**Assessment of claim:**

In this instance, the scheme is to be assessed as seeking to confirm the lawful existing use of the building as set out in the application form as opposed to the proposed use as an annex. Section 191 of the Town and Country Planning Act 1990 allows the applicant to ascertain whether any existing use of buildings or other land is lawful.

The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control.

In this case the applicant would need to prove that either the development does not require planning permission or that the breach of planning control has continued non-stop for a period of over four years prior to March 2024.

The information submitted clearly confirms that the building has been in use for family members for well over 15 years prior to the submission. In addition, historic plans from previous submissions clearly indicate that the building has been in place for a similar number years. As such there is no dispute that the building currently on site is now lawful.

However, the issue currently being considered is whether the building has been used as separate self-contained accommodation. In this regard the applicant's statement that the facilities are self-contained is not sufficient. In addition, the fact that the property has been in use by family members would indicate that it could well be classified as an annex to the main property rather than a separate unit. The inclusion of a recent electoral register letter is not sufficient to prove that the building has been in continuous self-contained use for the preceding years.

Furthermore, no plans of the subject building have been provided with the submission confirming the extent of facilities within the building which draws further doubt on the submission.

Overall, whilst it is clear that a building has been erected and would now be regarded as lawful the evidence and explanations pertaining to its use provided with the submission are confusing and lacking in sufficient detail and it is not set out clearly as to what is being applied for.

**Conclusion:**

The Council is not satisfied that on the balance of probabilities, that there is sufficient clear and unambiguous evidence that the building outlined in red in 'Existing Location plan (ref: 1:1250 at A4) submitted to the Council on 21/10/2024' has been in separate residential use for a continuous period of over four years. Planning permission is therefore required.