



PLANNING REF: 0191/25/CLE

DESCRIPTION: Certificate of lawfulness for existing lean-to structure as an extension to the existing agricultural barn

ADDRESS: Land at SX 773 357, East Prawle

17th February 2025

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The Society has reviewed the Certificate of Lawfulness for existing lean-to structure as an extension to the agricultural barn as it currently stands.

This application follows the previous application 1543/24/FUL and 3673/24/NAU both being withdrawn.

From these it can be seen that the local planning authority has in its records evidence that is in direct conflict with the details submitted with this application.

The Application Form 0191/25/CLE.

The applicant has submitted an *'Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition - Town and Country Planning Act 1990 (as amended)'*.

The *'Description of Existing Use, Building Works or Activity'* is described as a ***'Lean-to structure as an extension to the existing agricultural barn'***.

Under the application form heading *'Please state why a Lawful Development Certificate should be granted'* it was stated by the applicant that:

'The lean-to extension has been used for continuous agricultural use (either for hay storage or cattle) since April 2020'.

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Under the application form heading ‘When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?’ it was stated by the applicant: **‘30-04-2020’**.

The applicant goes on to answer the following two questions:

‘In the case of an existing use or activity in breach of conditions has there been any interruption?’

‘No’.

‘In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?’

‘No’.

The Evidence

The Shell Barn, East Prawle - Certificate of Lawfulness application states on page 3:

*‘Tim and Milla Herniman **bought the barn and land in early 2024** and **continued the use of the lean-to and barn as agricultural storage**. It has been highlighted that planning permission was not sought for the lean-to extension however, as it has been complete and **in operation for over 4 years**, it is exempt from enforcement. This application is to regulate its status as a lawful development’.*

This comment is not founded by evidence.

HMLR records disclose that the property was **last sold on the 17th February 2023** and this illustrates the first sentence to be incorrect.

The screenshot shows the HM Government Linked Data API search results for a transaction record. The search results are displayed in a table format with various fields and their values. The search ID is 152AB734-72A2-E651-E063-4704A8C061D9. The transaction type is Transaction, and it is the current record. The transaction date is 17/02/2023, and the price paid is 455000. The estate type is Freehold. The property address is [b8df6b622f02e5efdc8e280a8b437d8ebca4972]. The location details are: county: DEVON, district: SOUTH HAMS, locality: EAST PRAWLE, paon: SHELL BARN, postcode: TQ7 2BX, town: KINGSBRIDGE.

Field	Value
transaction id	152AB734-72A2-E651-E063-4704A8C061D9
type	Transaction
has transaction record	current
current	
transaction id	152AB734-72A2-E651-E063-4704A8C061D9
new build	<input checked="" type="checkbox"/>
transaction date	17/02/2023
price paid	455000
type	TransactionRecord
estate type	Freehold
has transaction	152AB734-72A2-E651-E063-4704A8C061D9
property address	[b8df6b622f02e5efdc8e280a8b437d8ebca4972]
county	DEVON
district	SOUTH HAMS
locality	EAST PRAWLE
paon	SHELL BARN
postcode	TQ7 2BX
town	KINGSBRIDGE

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The second sentence states:

'It has been highlighted that planning permission was not sought for the lean-to extension however, as it has been complete and in operation for over 4 years, it is exempt from enforcement'.

The Society agree that the lean-to was put up sometime between 24th March 2020 and 30th May 2020 **but not that the lean-to has been in agricultural operation for over 4 years.**

The witness statement included in the application states:

'In spring 2020 we [] were grazing cattle on kale in Shell field, Prawle Point, the cattle were using Shell Barn for shelter.

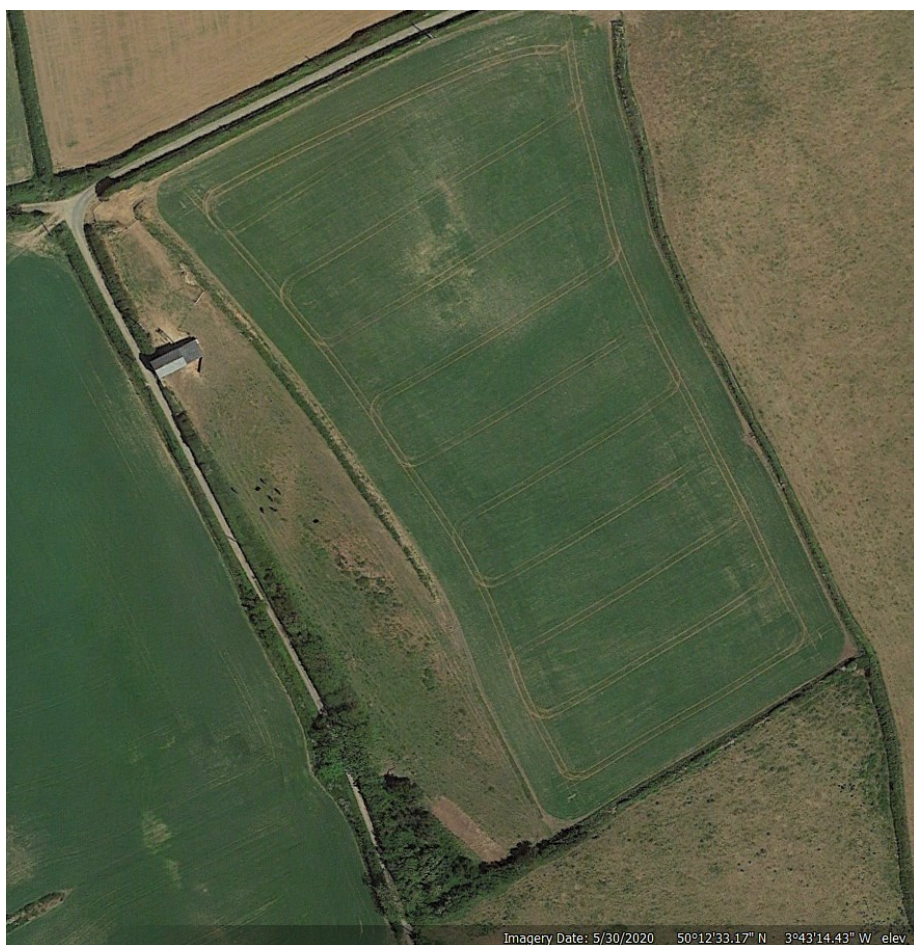
*I [] constructed a lean-to roof and sides on the East side of Shell Barn to provide a cattle and sheep handling area for giving medication to sick animals without taking them to the main farmyard, also shearing etc when required, **two sides of the lean-to were covered in and the North side open and gated with a cattle crush**, the lean-to was constructed with recycled materials from our farm and took me three weeks to complete by the end of April 2020'.*

Google Earth 24th March 2020



The Society note that the witness statement makes no reference to the new bank being constructed.

Google Earth 30th May 2020



Or that by May 2020, the largest part of Shell field was in use for cropping.

The previous application 1543/24/FUL for this site included these images within the '*Design and Access Statement - rev B March 2024*'.



This view is looking southwest. The image shows the north side is open with a swing gate. The east side is fitted with a swing gate that is open (inwards).

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What is obvious from evidence is that only two years after the lean-to shelter was constructed, there was no longer any agricultural requirement for the described need in the witness statement, as the site had been divided off from the main field and was for sale.

The site was advertised in July 2022 with the following details:

'SHELL BARN, EAST PRAWLE Detached stone barn (with potential for change of use to residential, subject to planning) and Shepherd's Hut, standing in a total of approximately 1.07 acres of amenity/recreational land with magnificent sea views'.

Sale | July 2022



SHELL BARN, EAST PRAWLE

Detached stone barn (with potential for change of use to residential, subject to planning) and Shepherd's Hut, standing in a total of approximately 1.07 acres of amenity/recreational land with magnificent sea views.

Guide £475,000 (KB)

By November 2022 the site was advertised as 'Sale Agreed'.

Sale | November 2022



Guide £475,000 (KB)

SHELL BARN, EAST PRAWLE

Detached stone barn | potential for change of use to residential, stp | Shepherd's Hut | standing in a total of approx 1.07 acres | amenity/recreational land | magnificent sea views.

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There is no indication of any agricultural use during the time that the barn and site were for sale. As previously stated the site was sold on the 17th February 2023.

There is also no actual evidence of any agricultural activity provided with the application. After the land and barn sale, the documents previously submitted for the recent planning applications confirm that any agricultural use that may have existed had ceased.

In the previously submitted **Ecology Report**, dated the 22nd April 2024, on page 2 it was stated:

'1 Summary

A bat, barn owl and nesting bird survey of the barn was carried out on the 15th March 2023 by Nic Butler (Butler Ecology) as part of a planning application for conversion of the detached barn into a dwelling'.

On page 4 under the heading **'2 Survey aims and methods'** it was stated:

'The day-time survey was carried out on the morning of 15th March 2023 by Nic Butler of Butler Ecology (NE Bat Licence no. 2015-17505-CLS) the Ecology site visit was on 15th March 2023'.

The Ecology report does not record any other visit in 2023 or 2024.

A description was recorded:

'3.2 Description

Detached full height (with no upper floor) stone-built barn with earth floor and new pitched slate roof lined with breathable membrane. There is a small 'undercroft' at the SW corner of the barn (plumbed for a toilet); and a modern single-storey semi-enclosed lean-to extension at the east end of the barn, with a monopitch unlined roof of profile metal sheeting'.

'There is a small 'undercroft' at the SW corner of the barn (plumbed for a toilet)' is an interesting description of a barn in agricultural use.

The ecology document includes images, presumably taken at the time of the visit, 15th March 2023.

3.3.1 Main barn



These images do not show or give an impression of agricultural use for the barn.

3.3.2 Undercroft



3.3.3 Lean-to



The pictures illustrate a barn with a water pipe laid across the ground to a raised wooden platform, presumably to supply the toilet. There are no visual signs of any animal activity or agricultural use with the ground very clean. **The lean-to is also clean and empty with no sign of use.**

There is only one small door access to the stone barn with no other access. A somewhat unconventional arrangement for a cattle shelter.



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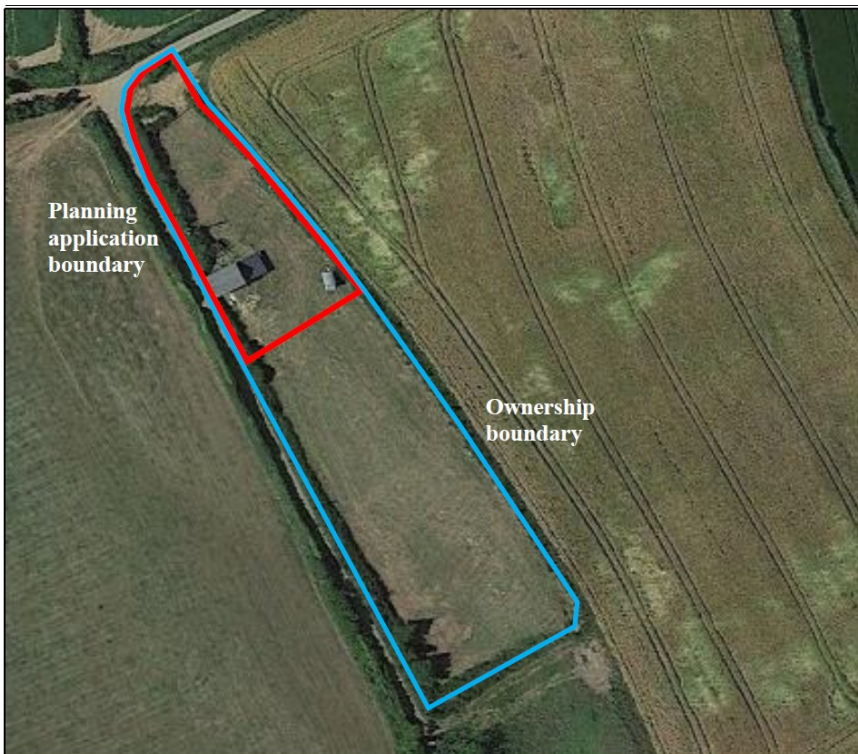
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3.3.4 Curtilage



Again, no impression of any agricultural use surrounding the barn and lean-to.

The ecology document used a Google Earth image (22nd June 2022) that shows a well-manicured site (cut grass) to illustrate the site boundary, and is shown to have a fully enclosed earth bank on the east side.



Page 4 of the Design and Access Statement (1543/24/FUL) contained this commentary:

The barn is compact (63m² over 3 floors) meeting the minimum space standards for the proposed one-bedroom unit. The layout makes use of the existing space and openings. The entrance level is open plan accommodating the kitchen, dining, and living area with a stairwell leading up to the bedroom and bathroom. The new first floor construction will allow the stone walls to be tied together which currently need attention as noted in the structural assessment. From the entrance level the stair leads down to the existing lower ground floor providing a WC and utility area.

Various options on changes to the existing apertures were proposed in the initial pre-app however, following feedback, the revised scheme now only shows minimal alterations to two openings. On these two windows the proposal is to undertake limited building works by retaining the lintel and drop the cill level. The layout is largely dictated by the existing openings - rooms which require least the natural light – the utility, WC and snug are located to the west end where there are no windows with the kitchen and dining area to the east where the largest apertures are located. Conservation rooflights, set level with the slate, are introduced to the north side, facing away from coast. The roof structure and slate finishes are retained.



Strangely, there are not the three 3 floors (confirmed in the ecology report), and the image fails to present any evidence that the barn was in agricultural use, showing only a rocking chair, small table, a broom, boxes, and a shoulder bag visible.

At the top of page 2 of the Design and Access Statement (1543/24/FUL) it was stated:

*'Tim and Milla Herniman bought the barn and ground early last year as they fell for the beauty and simplicity of the building, location, and surroundings. **The stone barn has no obvious use** and although it is in a reasonable state of repair, there are cracks in the corners between the gable end and long wall that need attention. Tim and Milla are used to undertaking sensitive works to historical buildings. They live in a Grade II* listed property in mid-Devon, Hayne, which they have sensitively restored and converted over the last 10 years, in consultation with English Heritage. I worked as their Architect on this, and they have approached me to continue this successful relationship. They also have a long-standing connection to East Prawle and have spent many summer months over the last 30 years in or near Prawle. They would like to be custodians of the building whilst converting the barn to living accommodation without compromising its qualities and character.*

(Emphasis added)

This commentary confirms that the current owners of the barn did not have a use for the barn let alone an agricultural use for the barn.

The answer in the application form **'The lean-to extension has been used for continuous agricultural use (either for hay storage or cattle) since April 2020'** is simply not supported by evidence.

Conversely the 31st July 2024 Google image illustrates that the site was in instead being used for domestic purposes with a Yurt, Shepherds Hut, boat and trailer with vehicles.



Together the pre-app 2244/23/PR4, the application 1543/24/FUL and conversion application 3673/24/NAU all tell the story that the current owners did not obtain the site for farming operations in February 2023, and the previous sales evidence and planning application documents that have been submitted all illustrate that the site was not in use for agricultural purposes for the four years, contrary to the declaration in the application form.

If there was agricultural use, that use ended in July 2022 when the site was put up for sale.

We firmly are of the opinion that the local planning authority should refuse this request for a Certificate of Lawfulness for existing lean-to structure as an extension to the existing agricultural barn, given that the application declarations are incorrect.

For and on behalf of the South Hams Society,
Richard Howell
Chairman.