

• **SUPREME COURT RULES AGAINST HOUSE DISGUISED AS A BARN**

...IT'S NOT LOOKING TOO GOOD FOR THE CASTLE DISGUISED AS A HAY BALE

The Supreme Court has delivered its unanimous judgment that Alan Beesley, who built a barn on green belt land, is not entitled to planning permission for the three bedroom house hidden inside of it.

Mr Beesley obtained planning permission in 2001 to build a barn on green belt land in Hertfordshire. The planning permission was granted on the condition that it was used only for the storage of hay, straw or other agricultural products.

To all external appearances the building resembled the permitted barn with walls in profiled metal sheeting, a roller-shutter door, two smaller doors and eight roof lights. There were no other windows & the barn was surrounded by farmyard machinery. Inside however, instead of there being hay, straw or agricultural products, were three bedrooms (two of which were en-suite) lounge, kitchen, study, gym and garage.

Mr Beesley moved into the barn in 2002 and remained there for four consecutive years, with the local authority remaining unaware of the building's secret use. After four years Mr Beesley applied for a certificate of lawfulness.

In England & Wales, you may apply for a certificate of lawfulness if you want to confirm that any existing use or activity in breach of a condition on planning permission that has already been granted is lawful.

To obtain a certificate of lawfulness, the applicant must be able to demonstrate that in the case of change of use, the change of use to a single dwelling took place at least 4 years ago and in the case of breach of planning condition or any other change of use that the breach or change took place more than 10 years ago.

Mr Beesley was therefore looking to rely on the first limb, that the building had changed use from agricultural barn to a dwelling house more than 4 years ago.

Welwyn Hatfield Borough Council refused the application and triggered a five year legal battle in the courts which finally came to an end in April this year with the Supreme Court ruling in the Council's favour.

Lord Brown said that "On any possible view the whole scheme was in the highest degree dishonest and any law-abiding citizen would be not merely shocked by it but astonished to suppose that, once discovered, instead of being enforced against, it would be crowned with success".

"Frankly the dishonesty involved in this case is so far removed from almost anything else that I have ever encountered in this area of the law that it appears to constitute a category all its own."

Lord Brown explained that he said "almost" because there another case waiting to be resolved. In very similar circumstances, farmer Robert Fidler is fighting to keep a castle that he built secretly and hid behind bales of hay in Salfords, Surrey.

The Supreme Court said the council could, in the Beesley's case, not only order against the continued use of the building but its destruction.

FOR MORE INFORMATION, PLEASE CONTACT:



MICHAEL MORRIS
SENIOR ASSOCIATE
t: +44 (0)1481 734263
e: michael.morris@collascrill.com

Collas Crill **Guernsey**

Gategny Court, PO Box 140,
Gategny Esplanade, St Peter Port,
Guernsey, GY1 4EW
t: +44 (0) 1481 723191
f: +44 (0) 1481 711880
e: guernsey@collascrill.com
w: www.collascrill.com