

From: [REDACTED]@eastcambs.gov.uk>
Sent: 23 July 2026 14:56
To: [REDACTED]@eastcambs.gov.uk>
Subject: 26/00632/CLE - Possenhofen, 21D Cannon Street

Hi [REDACTED]

I noticed that you have Possenhofen in your diary to look at. I've taken a look at it and written some notes in the file as I suspect we may discuss this at mentoring.

They are applying for the lawful development certificate on the basis that the use began within the last 10 years and that it was a change of use not requiring planning permission. It is my view that the red line boundary clearly shows what the planning permission related to (and they have pretty much said this in their planning statement!). Therefore, it would fail on the ground they have applied under as to use agricultural land as garden land would require pp.

Even if they have been using it as garden land this only started in March 2022, so they cannot evidence 10 years.

They have said that the outbuildings are permitted development because the land is curtilage but if we don't think it is then PD doesn't exist.

I think it might be a good idea to run this one past legal once you have had a chance to look at this.

Thanks,
[REDACTED]

From: Planning Portal <notifications@planningportal.co.uk>
Sent: 08 June 2026 15:16
To: East Cambridgeshire District Council <planningportal@eastcambs.gov.uk>
Subject: Submission Ready for Download: PP-14886769 - Lawful development: Existing use 14

A Lawful development: Existing use application with the reference number PP-14886769 has been submitted to your Local Planning Authority.

Application details:

- Applicant: Anthony Thompson-Starkey
- Agent:
- Version: 1
- Application site address: Possenhofen, 21d, Cannon Street, Little Downham, CB6 2SR
- Submission date: 08/06/2026 15:15:43
- Payment Method: Stripe
- Total Fees: £272.00

It is your responsibility to ensure the application fee is correct. If a fee has been calculated, you will receive a payment for this amount from the Planning Portal.

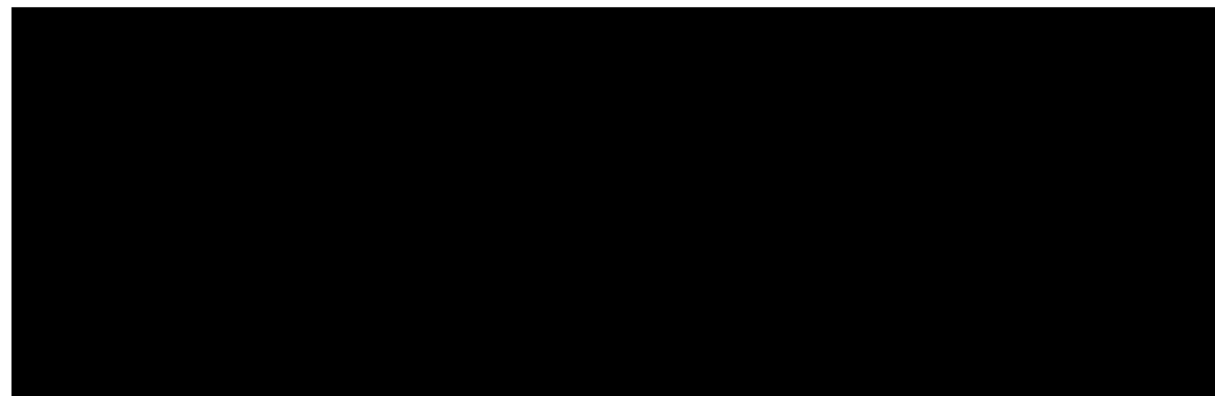
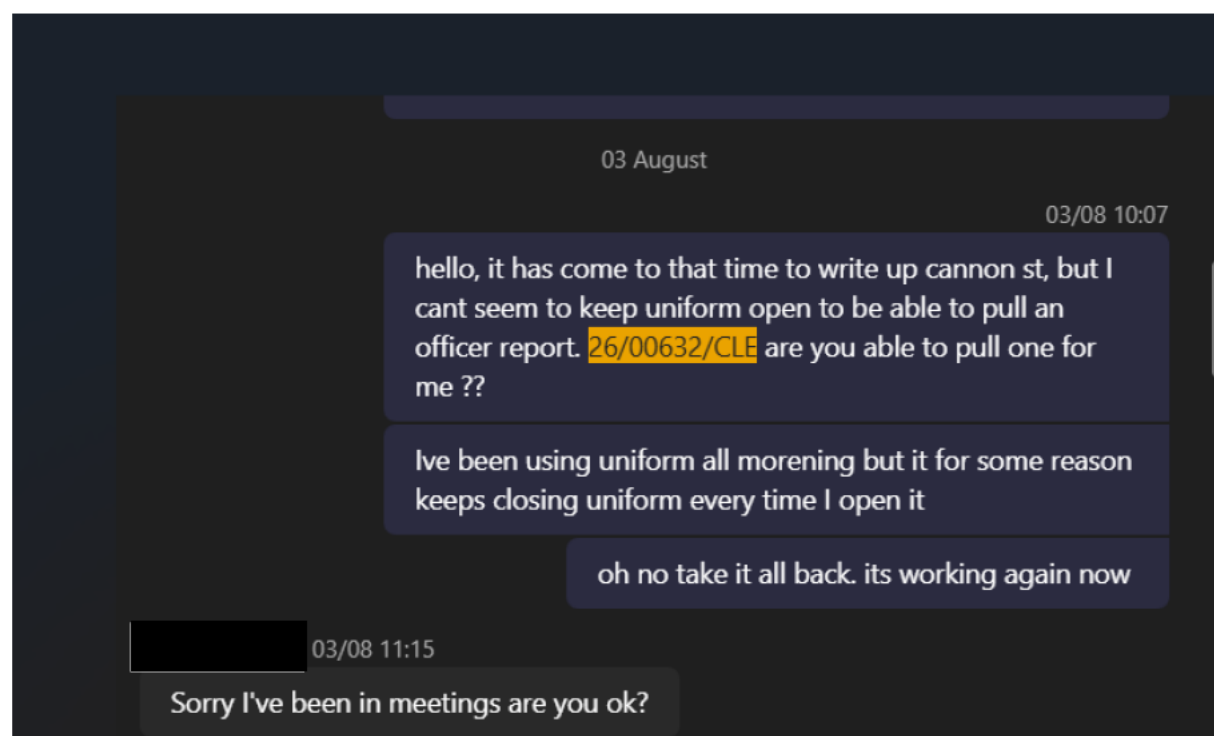
You will need to collect this proposal from the Planning portal within the next 10 days and contact the applicant within 10 working days.

This email is for information only, please do not reply as the mailbox is not monitored. If you do need to contact us at Planning Portal, you can email support@planningportal.co.uk.

Regards

The Planning Portal Team

The Planning Portal is an online application service provided by PortalPlanQuest and supports the submission of planning application information to Local Planning Authorities in accordance with statutory regulations.



VALIDATION CHECKS

REFERENCE NO: 26/00632/CLE

PROPOSAL: Three outbuilding to rear of property

SITE ADDRESS: Possenhofen 21D Cannon Street Little Downham Ely
Cambridgeshire

APPLICANT:
Dr Anthony Thompson-Starkey
Possenhofen 21D Cannon Street Little Downham Ely Cambridgeshire

INITIALS OF VALIDATING OFFICER:

JF

DATE: 10/06/2026

DATE:

<u>CHECK</u>	<u>INITIAL VALIDATION</u> (TICK IF OK OR STATE REASON FOR INVALIDITY)	<u>CHECK AFTER</u> <u>RETURN (IF</u> <u>INVALID)</u>
1. Check plotting in Uniform (If VAR redline needs to be the same as original)	Is plotted according to provided Location Plan. I don't think the red line is all classed as "dwelling" see approved Location Plans in 20/01155/FUL & 20/01155/DISA	
2. Check proposal wording is reflective to what is shown on the plans & spelling is correct.	Correct	
3. Has Pre app been provided? Check all information requested by officer for validation has been supplied (to be completed at first screening)	Yes ☐ No ☒ Had preliminary discussion with Rachel Gordon regarding the application. Details on app form	
4. Does the plotting cross boundary of a Listed Building or Buffer? If Yes what Grade is LB? Save Historic England listing wording in R drive case file	N/A	
5. FORMAL CHECKLIST COMPLETED WHEN REVISED OR NEW INFORMATION IS RECEIVED TO MAKE APPLICATION VALID PLEASE ENSURE PLAN TAB IS UPDATED AND CORRECTLY SHOWING IN EDRMS	-Environmental Health letters -Appeal decisions - Location Plan -Decisions Letters -Officer reports -Additional Documents in support -Left 2x unredacted noise complaint letters as sensitive	

6. FEE If a free go or difficult calculation please add workings out on the Notepad in Uniform for future reference	£272	
7. If RM application –check Cond 2 of outline to see which matters were reserved. Check redline is the same or smaller (If different check with officer)		
8. ELEVATIONS MATCH FLOOR PLANS Please enter where the discrepancies are.	No elevations provided	
9. Fire Safety Statement App needs to be for 2 or more dwellings AND over 18m or 7 storey in height	N/A	
10. CIL a. IS THE PROPOSED DEVELOPMENT: New dwelling Over 100M ² Retail b. If yes to any of the above please indicate CIL is Liable. Has CIL FORM 0 been received? (Please add to tray for collection)	N/A	
11. Plans added to Plan Tab in Uniform PLEASE CHECK REF NUMBERS ETC	Correct	
12. Check sensitivity of folder and drawing number info is correct and complete on all documents in EDRMS	Correct	
13. Select additional Consultees Check constraints and consultee manual	ENF	
14. Publications tab – Select SITEQR & reason if required	N/A	
15. Neighbours picked & added to record & snipping tool map printed	N/A	
16. If application is not Q21 – Q28 please print EIANEG document and hand to Officer if invalid	Q26	

Possenhofen Notes:

The description is 'three outbuildings to the rear of the property' – I don't think this is precise as what he is actually seeking is confirmation that the use of the land is lawful and by virtue of that, the buildings being lawful.

Grounds of application:

The use began **within** the last 10 years as a result of a change of use not requiring planning permission and there has not been a change of use requiring planning permission in the last 10 years

Used since March 2022. If we find that a change of use did require planning permission they would need to evidence it has been used for 10 years which they can't.

10 years prior to date of application is: 9th June 2016

Other

(1) The rear land at Possenhofen constitutes residential curtilage of the dwellinghouse as a matter of law and fact, applying the three-part test in Attorney General ex rel Sutcliffe v Calderdale BC (1982). The land being residential curtilage, its use for purposes incidental to the enjoyment of the dwellinghouse is not "development" for the purposes of section 55 of the Town and Country Planning Act 1990 and requires no planning permission;

The location plan for the approved application 20/0115/FUL clearly shows that not all of the land is in the red line boundary. Only that land would have been considered as part of that application and only that land would have been granted planning permission. The remainder of the land would have been agricultural and remain such unless a change of use to garden land was approved – this has not happened. The purchase of all of the land does not change the lawful status of the land.

The location plan for 23/00740/VAR does show all of the land in the red line, however this is not an approved plan and you cannot change the red line via a variation.

(2) In the further alternative, the construction of outbuildings within the residential curtilage of the dwellinghouse constitutes permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015), by virtue of which planning permission is granted by the GPDO and no separate application for planning permission is required. The land is not residential curtilage and therefore this doesn't apply.

The use of the land as residential curtilage is not a "change of use" in the conventional sense — it is the lawful status of the land, which came into existence when planning permission 20/01155/FUL was granted in December 2020 and the dwelling was completed in March 2022. There has been no change of use requiring planning permission at any time since.

The certificate is therefore sought on Ground 1 (the use is not 'development' within s.55 TCPA 1990) and Ground 3 (the structures are permitted development under GPDO 2015 Class E within the residential curtilage)

Why should an LDC be granted? (application form)

Essentially that it complies with the three limb test in Sutcliffe v Calderdale (physical layout, ownership, function), council evidence and that the sheds are permitted development.

Document	Comments
Location Plan	N/a

Planning Statement	2.2.2 – no agricultural use at site for 16 years prior to purchase I don't think this has any bearing 2.3 use of rear land – this isn't relevant as the use required planning permission, so they require 10 years evidence. The legal test – I think we would use this if they were claiming 10+ years of use? Historic records confirm the entire site has been unified since at least the 1800s – does this still matter once part of the site has changed use? 3.3.4 The property comprising Possenhofen and the rear land was sold as a single plot in the June 2021 transaction. The national Planning Portal registers the entire site — the dwelling plot and the rear land — as a single property, consistent with its status as purchased and recorded on the Land Registry. This treatment of the land as a single plot by the planning system itself is further evidence that the property is and is recognised by the Land Registry as by the relevant authority, a unified domestic whole - does this matter? 3.4.2 – the applicants caravan was situated on the dwelling plot and the rear land was used as garden – the caravan would need to have been in the red line boundary or COU would have been required, and they should not have been using the land outside the red line as garden. 4.1.3 - it specifically says, 'a small portion' and 'a minor amount of development' which we did accept but wouldn't have done if it was bigger! 4.2.2 – this may be the case but the red line location plan for this application was never approved as you cannot vary a red line. A planning application is not determined on the balance of probabilities. 4.3 – 16/01346/PDR has nothing to do with curtilage...? 4.4 – irrelevant because that caravan was sited within the curtilage, this is not curtilage 4.5 – the officer report actually says: The application site comprises a parcel of land located between Nos. 23 and 21C Cannon Street. The land appears to have formed part of the garden to 23 Cannon Street, as approved under application reference 80/00666/FUL. Following review of available historic and aerial images, the land does however not appear to have been used as garden land and has been retained as a separate parcel. At the time of site visit the land was overgrown, comprising some areas of dense vegetation. Land levels decrease gradually moving south within the site. A number of mature trees are located within close proximity to the site, located within the rear garden to 23 Cannon Street. 4.6 – the Council's Environmental Health Officer would not necessarily know the planning use class. Also, they obviously have been using this land as garden BUT NOT for the 10 years required to be lawful. EHO would not have known this. 5.3.2 – this position is not agreed – our statement of case clearly says that we don't think it complies with Class E. Also there is no statement of
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	common ground – that is where you agree matters prior to a hearing – no agreed SOCG exists. 6.3.2 – all we mean is that if you want to prove that it has been used as garden land, you need to evidence 10 years. 6.3.3 – there are different time limits for different types of development 3. Notes on material applications: 3.1 The dwellinghouse known as Possenhofen was constructed under planning permission 20/01155/FUL, granted in December 2020. The application red-line plan covered the dwelling plot only; the rear land — the subject of this LDC application — lay outside the red line and was not the subject of the permission. 3.3 this is a complete misunderstanding – the red line goes beyond the development envelope, and this is what is being referred to. 3.6 this is categorically untrue – it wasn't refused because we didn't think the land was agricultural, it was refused because it didn't comply with the requirements! The land parcel was too small for the Class they had applied under.
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