SAMMONS Architectural LIMITED

Chartered Institute of Architectural Technologists

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PLANNING STATEMENT



PROPOSAL : **CERTIFICATE OF LAWFULNESS FOR USE OF BUILDING FOR EQUESTRIAN PURPOSES INCLUDING HORSE EXERCISE AND TRAINING**

ADDRESS : **ROUND MEADOWS FARM, ROWNALL ROAD, WETLEY ROCKS, STAFFORDSHIRE, ST9 0BP**

APPLICANT : **MRS G SMITH**

DATE : **DECEMBER 2016** **JOB No. : 2016-2199**

Registered in England No 3775545 V.A.T. Reg. No. 646 9246 05

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1.0 INTRODUCTION

1.1 Sammons Architectural Ltd have been appointed by Mrs G Smith to prepare and submit an application for a Lawful Development Certificate to Staffordshire Moorlands District Council to confirm use of land as domestic garden. This statement has been prepared to accompany the application under s191 (1)(a) of the Town and Country Planning Act 1990 (As Amended).

1.2 The building, subject of this application is identified of the submitted plans. The building is a large portal framed structure set back some 55m from Rownall Road. There are residential properties opposite and a racing stable complex to the north. There is a large parking and turning area between the building and the road. The site lies 800m to the north of Werrington and approximately 1.5km to the south west of Wetley Rocks.

1.3 This Planning Statement and the associated documents seek to demonstrate beyond reasonable doubt, evidence that supports the case and that the area of domestic garden is lawful and therefore immune from enforcement action by the Local Authority.

2.0 SITE

2.1 The application site comprises a large portal framed building that is located within Round Meadows Farm. The property is itself located in the open countryside on land designated as Green belt. The front elevation of the property faces towards the east and the highway and the rear of the property faces to the west.

3.0 PROPOSAL

3.1 This Lawful Development Certificate seeks confirmation that:

- The land and buildings identified in the site edge red has been used continuously for the exercise and training of horses in a commercial capacity for a period in excess of 10 years and as such is lawful by virtue of time.

4.0 SUMMARY

4.1 Section 191(2) of the Act says that the use will be lawful if no enforcement action can be taken against it, and provided it does not contravene the requirements of any enforcement notice that is in force. Where an LDC is sought, the burden of proving relevant facts rests with the applicant.

4.2 Section 191(4) of the Town and Country Planning Act 1990 (1990 Act) indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application was lawful at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

4.3 For the avoidance of doubt, this means that the planning merits of the proposed development are not relevant to this application. Accordingly, it is necessary to consider whether, on the balance of probability, the building has been used for commercial equestrian purposes and as such continuous period of ten years or more prior to the date of the application. In order to justify the certificate sought by Mrs Smith, this application aims to prove that the continued use of the building started over ten years ago before the date of

the certificate application and continued during that period. The standard of proof required is the balance of probability.

4.4 It is also an accepted legal principle that if the Council have no evidence of their own, or from others, to contradict or otherwise make the appellant's version of events less than probable that lawfulness should be presumed provided the appellant's evidence alone is sufficiently precise and unambiguous to demonstrate this is the case on the balance of probability.

4.5 This submission seeks to demonstrate that the land identified on the site edged red were substantially completed more than 10 years ago and therefore are now lawful in the context of paragraph 171B of the Town and Country Planning Act 1990 (As Amended). The application is accompanied by the following evidence:

1. 4x General Affidavit's
2. Extracts from planning application 08/01225/FUL

4.6 The facts surrounding the application are that building has now been continuously used in for equestrian purposes including horse exercise and training. This statement by extracts from two historic planning applications and 4no. affadavit's from the applicant and people who used to work on the farm / stables

4.7 The scanned image in Fig.1 is of a letter from Sammons Architectural Ltd dated 20th June 2008 was to support a planning to regularise the existing equestrian use. Planning application 08/01225/FUL was submitted on 20th June 2008 that was described as *'Continued use of building at Round Meadows Farm, Rownall, for horse excercise and training'.*

Figure 1.



27 JUN 2008

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Tel + Fax 01538 386002

Development Control Manager
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire Moorlands
ST13 6HQ

Your ref
Our ref 2008.1574
Date 20 June 2008

Dear Rob,

Proposed continuation of use of building at Round Meadows Farm, Rowsall for horse exercise and training

I enclose a planning application relating to the above. The building was first erected about 20 years ago for the exercise of race horses owned by John Pointon. A temporary planning permission granted for the use of the building for the storage of meat and bone meal which was granted in 2004 (04/00662/FUL) has now expired. Since then the building has essentially returned to its original purpose, other than the horses exercised inside the building are no longer race horses.

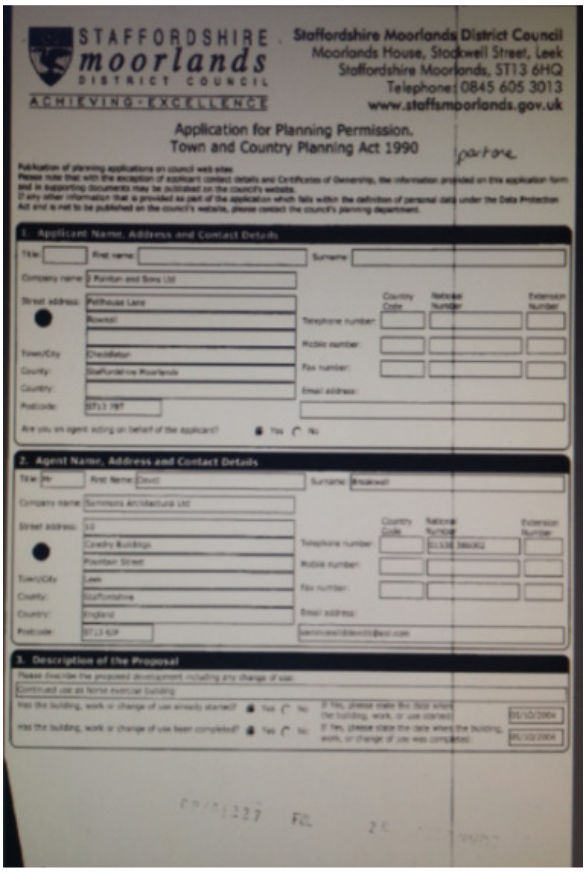
It is acknowledged that the current use of the building is operating without the benefit of planning permission. This application has been submitted to regularise the matter.

Yours sincerely,

David J. Breakwell Dip. T.P.
For and on behalf of Sammons Architectural Ltd.

4.5 The image in Figure 2 is of the front page of planning application 08/01225/FUL that shows the use starting at 5th October 2004. It is believed that this is incorrect and a typo as it should read 5th October 2005. Unfortunately, due to the passage of time this can 't be corroborated. However, the supporting letter refers to planning application 04/00662/FUL and the equestrian use commencing after it expired, which was on 30th September 2005 as per condition no.1. Furthermore, it is known that the temporary permission wasd implemented and as this permission was only approved on 4th October 2004, it clearly indicates that the date of commencement was 2005 and not 2004. In any event, the submission of these documents to the Council point to the use occurring over 10 years ago.

Figure 2.


STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING EXCELLENCE

Staffordshire Moorlands District Council
Moorlands House, Stockwell Street, Leek
Staffordshire Moorlands, ST13 6HQ
Telephone: 0845 605 3013
www.staffsmoorlands.gov.uk

Application for Planning Permission.
Town and Country Planning Act 1990

1. Applicant Name, Address and Contact Details

2. Agent Name, Address and Contact Details

3. Description of the Proposal

5.0 CONCLUSION

5.1 Section 171B(3) of the Act provides that in the case of any breach of planning control other than those specified in sections 171B(1) and (2), no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. It is considered that all of the evidence provided currently demonstrates that on the balance of probability, the breach of planning control in using the building for commercial equestrian purposes has continued uninterrupted for more than ten years, such that enforcement action may no longer be taken. Furthermore, it should be noted that no enforcement notice is currently in force. The lawfulness of the use can therefore be established by reference to the provisions of section 191(2) of the Act, set out previously.

5.2 The evidence provided to support this application is consistent and it is therefore with due respect that the Local Planning Authority is politely requested to grant a Lawful Development Certificate for Existing Development in this regard.