Supporting Statement

Certificate of Lawfulness for an Existing Use or Development (CLEUD)

At Stable Cottage, Cheadle Equestrian Centre, Eaves Lane, Cheadle, Staffordshire, ST10 1RB

For the continuous and uninterrupted breach of condition number 2:

"the occupation of the dwelling shall be restricted to a person employed full-time in connection with the riding school and the dependants of any such person"

on application reference 85/14412, for a period in excess of 10 years.

Background

Two temporary permissions allowed the conversion of the first floor over an existing stable block into a flat to provide accommodation for a Riding Instructor "in association with the riding school", the first for 2 years and the second for 5 years.

Subsequently planning permission was approved 18th November 1985 for "Conversion of stables (Ground Floor) to provide lounge and dining room as an extension to existing first floor flat at the Cheadle Equestrian Centre, Eaves Lane, Cheadle, for Mr. J. H. Clark".

Application reference SM/14412 (85/14412/OLDDC) or [SMD/1985/0143]

The decision notice with conditions is attached as a supporting document.

The permission allowed the conversion of an existing stable block into permanent accommodation for a person employed as a Riding Instructor in the riding school business. However the condition is very specific in relation to the type of business that can operate from the site; condition 2 of the 1985 permission reads as follows:

> "The occupation of the dwelling, the subject of this application, shall be restricted to a person employed full-time in connection with the Riding School and the dependants of any such person".
>
> **Reason:-** As permission in this instance has been granted in the particular circumstances relating to the Riding School.

Although the reasons for the wording of these conditions are understandable in relation to the restrictive nature of planning policy at the time, and it allowed the Riding Instructor at the time to live in the building and run the business from the premises, it is now proving overly restrictive for the current owners who need to sell the premises due to ill health and so that they can retire.

The permission was implemented prior to the current owners purchasing the property.

The present owners, Claire and Peter Cook, purchased Cheadle Equestrian Centre and moved in to the property known as Stable Cottage in December 1999. However the owners have **never** operated the business as a "Riding School" as described in the conditions, but only ever as a private Livery Yard for paying customers, from the day they owned it until the present time. Indisputable evidence in the form of annual accounts is attached separately.

Furthermore the main income that supported the family in the property throughout this entire period was Peter Cook's business: "Peter Cook Control Systems Ltd." which finally ceased trading last year due to ill health. http://www.petecookcontrolsystems.co.uk/

Therefore in two respects, the condition that ties the occupation of the dwelling to the "Riding School" has not been complied with for a period in well in excess of 10 years.

Lawful Situation

This application seeks to establish that condition 2 has been breached continuously and without interruption for period in excess of 10 years and therefore it no longer applies. The result of this is that the house can now legally be occupied without complying with that condition and with immunity from enforcement.

The result, for the owners, is that the house and Cheadle Equestrian Centre can finally be sold without putting off potential buyers.

Main Issue

The only issue to consider in this application is whether sufficient evidence has been provided to demonstrate a continuous breach of the condition for a period in excess of 10 years.

Financial Evidence

Included with the application documents are two sets of accounts, one from Cheadle Equestrian Centre, and the other from Peter Cook's business "Peter Cook Control Systems Ltd.", which together make up clear evidence that the main income for the Cook family whilst living in the property was actually "Peter Cook Control Systems Ltd".
Furthermore, there are no invoices, charges or receipts in the Cheadle Equestrian Centre Accounts that show any link to a "Riding School".

Supporting Letters

Letters are included from customers of the Livery Business confirming the facts.

Website

The website for Cheadle Equestrian Centre www.cheadleeqcentre.co.uk shows the facilities on offer to livery customers, which can also be hired for private use by non-livery customers. There is no mention of a "Riding School" or any resident horses/ponies owned by CEC that are used to give lessons to paying customers (as would be the usual situation for a Riding School).

Relevant Planning Policy

In the consideration of a Certificate of Lawfulness, relevant planning policy does not apply. Only the evidence can be considered – whether the condition has been breached, and whether that Breach has continued uninterrupted for a period in excess of 10 years.

The decision is a legal decision, based on the facts and evidence presented. If the evidence demonstrates beyond reasonable doubt that the condition has been breached, then it becomes lawful and in effect the condition is null.

Conclusion

Paragraph 186 of the NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state in paragraph 187 that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

It is clear that the proposed removal of the restrictive condition is acceptable having regard to the following conclusions:

- The applicant has demonstrated that the condition has been breached on 2 counts, for a continuous and uninterrupted period in excess of 10 years.

I therefore respectfully request that a Certificate of Lawfulness be granted for the removal of condition 2 which restricts the residential use of Stable Cottage to a full-time employee of the "Riding School" and the dependants of any such person.

This will enable the present owners to find a purchaser for the house and Equestrian Centre and retire peacefully.

Summary of accounts information submitted as evidence:

Year	Cheadle Equestrian Centre	Peter Cook Control Systems
2005	Net Loss of £10,100	Net Profit of £49,523
2006	Net Loss of £13,059	Net Profit of £19,826
2007	Net Loss of £10,826	Net Profit of £44,447
2008	Net Loss of £13,615	Net Profit of £19,116
2009	Net Loss of £8,681	Net Profit of £4,027
2010	Net Loss of £5,139	Net Profit of £7,563
2011	Net Loss of £6,901	Net Profit of £26,399
2012	Net Loss of £2,449	Net Profit of £35,389
2013	Net Loss of £3,024	Net Profit of £23,303
2014	Net Loss of £8,623	Net Profit of £28,735
2015	Net Loss of £6,010	Net Profit of £7,726

If any further information is required, or to discuss the matter in more detail, please contact:

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