



Supporting Statement

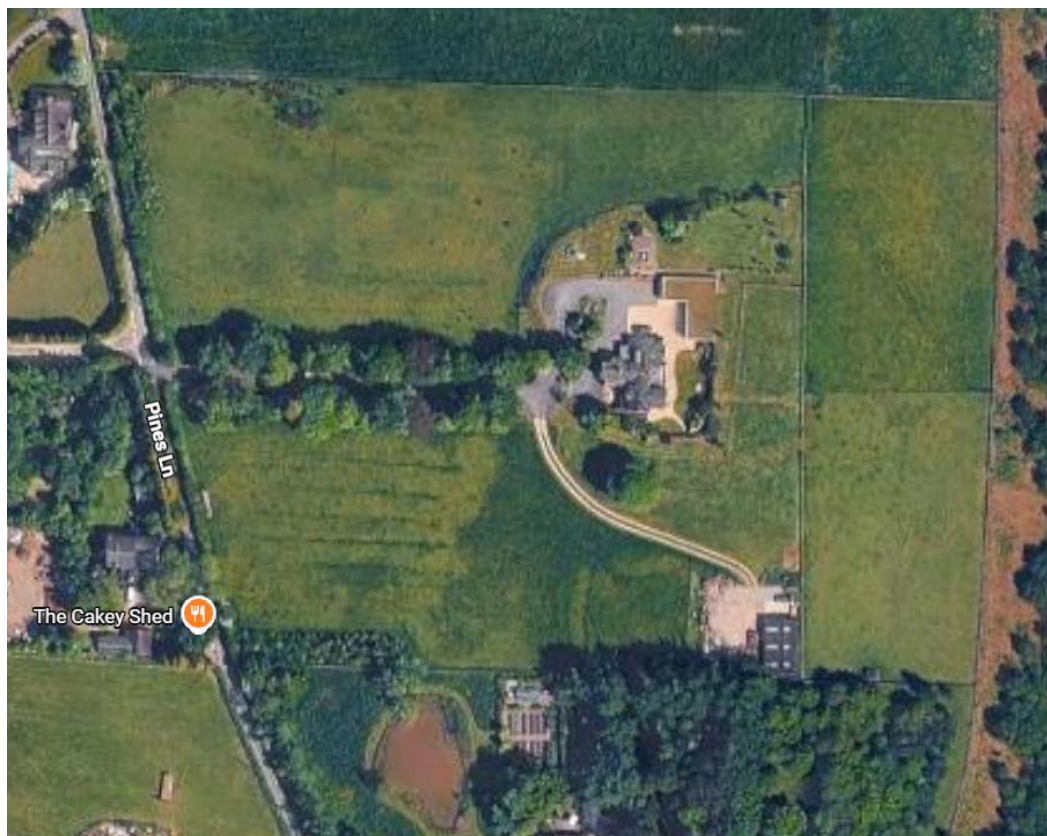
*Application for a Certificate of Lawful
Existing Development (CLEUD)
For Incidental Outbuilding
at
Sunny Bank Farm
Pines Lane,
Biddulph*

1.0 Introduction and Proposal

1.1 This statement has been prepared to accompany an application for a certificate of lawful existing development (CLEUD) relating to the existing incidental outbuilding at Sunny Bank Farm, Pines Lane, Biddulph. This statement will provide the evidence required to demonstrate that the existing building was constructed in excess of four years ago and is therefore immune from any enforcement action in line with Section 191 of the Town and Country Planning Act 1990.

2.0 Application Site, Context and Background

2.1 The site of Sunny Bank Farm lies to the east of Pines Lane to the north of Biddulph. The building subject of this application lies to the north east of the dwelling house and forms a single storey brick-built building which is built into the landscape with a green roof. The building has been continuously used for the purposes of an incidental building to the main dwelling for use as a gym, garaging and storage.



Aerial View of Application Site © Google Earth



Photographs of Existing Building

3.0 Site and Relevant Planning History

3.1 The building subject to this application was constructed by the owner of the site immediately to the north east of the dwellinghouse in place of a previous much larger extension to the existing property which was demolished.



Aerial View April 2010

3.2 No planning permission was granted for the construction of the building subject of this application and this application therefore seeks confirmation that the building is lawful by virtue of the expiry of the applicable enforcement period. It is also noted that the building as constructed would fall within the parameters of permitted development rights.

4.0 Relevant Planning Legislation

4.1 The current application is being submitted under Section 191 of the Town and Country Planning Act 1990 (TCPA 1990) which under Section 191(1) sets out the rights for any person to ascertain whether

‘any existing use of buildings or other land is lawful; he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter’.

4.2 Section 191(2) goes on to state that

‘For the purposes of this Act uses and operations are lawful at any time if
a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
b) they do not constitute a contravention of any of the requirements of any enforcement action then in force’

4.3 Section 191(3A) refers to Section 171B for determining the expiry time period for taking enforcement action in relation to the matter. Amended Section 171B of the latest revised version of

the TCPA 1990 sets out the time limits for enforcement action as follows:

'(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of-
(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed.

4.4 The Levelling-up and Regeneration Act 2023 (LURA) amended Section 171B of the TCPA 1990 including the enforcement time limit for breaches of planning control in England from four year to ten years but also included a transitional provision to preserve the former four year period where operations were substantially completed prior to 25th April 2024 as follows:

'5. The amendments made to the 1990 Act by Section 115 of the 2023 Act (time limits for enforcement) do not apply where-
(a) in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act (time limits), the operations were substantially completed, or
(b) in respect of a breach of planning control referred to in section 171B(2) of the 1990 Act (time limits), the breach occurred,
before the day on which that section comes into force'.

4.5 The evidence submitted demonstrates that, on balance, the building subject to this application was substantially completed before 24th April 2024 and in excess of four years ago in accordance with TCPA 1990 Section 171B and the transitional provisions under the LURA as evidenced below. No enforcement action by the local authority has been taken in relation to this building.

5.0 Evidence to Support the CLEUD application

5.1 This application for a certificate of lawful development is supported by the following documentary evidence to confirm that the building was substantially complete in excess of four years ago.

Historical Aerial Views

5.2 Historical aerial imagery taken from Google Earth shows the building was substantially complete by April 2021.



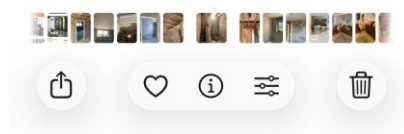
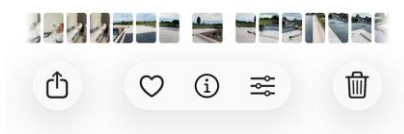
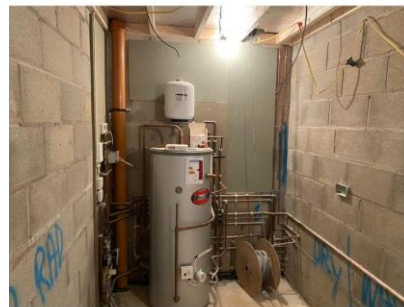
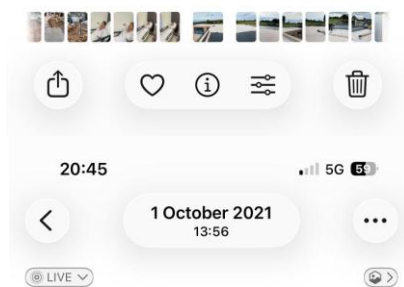
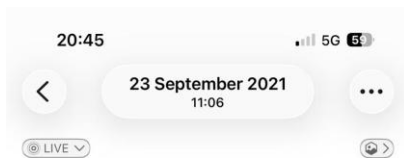
Aerial Image 2021 © Google Earth (Imagery date: 22/04/2021)



Aerial Image 2025 © Google Earth (Imagery date: 29/04/2025)

Dated Photographs of Construction of Building

5.3 The following dated photographs were taken during construction of the building in 2021.



6.0 Summary and Conclusion

6.1 Although it is noted that the development would be compliant with permitted development rights, as the demolition of the previous extension may not have been covered under these rights, the applicant is applying for a certificate of lawful existing development that the building is immune from enforcement due to the passage of time.

6.2 This statement has provided sufficient evidence in the form of historical aerial imagery and dated photographs to demonstrate that the building as it stands on site was substantially completed prior to 24th April 2024 and in excess of four years ago. The building is therefore lawful in its definition and, in accordance with Section 191 of the Town and Country Planning Act and the transitional provisions of the LURA, is immune from enforcement action. As such, a positive certificate of existing lawful development should be issued.

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