



10 July 2019

Our Ref: Wil/150/2435/GH

Planning & Development Control
Ribble Valley Borough Council
Church Walk
Clitheroe
BB7 2RA

Dear Sirs

Re: Our Client – Mr J Wilkinson, Hacking Boathouse, Stonyhurst, Hurst Green, Clitheroe, BB7 9PN. Planning application for a Lawful Development Certificate for the use of a building, The Shoot Lodge, as a permanent dwelling at Foxfields Farm.

We have been instructed to submit a planning application for a certificate of lawfulness in respect of the occupation of a permanent building known as the shoot lodge as a permanent dwelling. The construction of the shoot lodge was granted planning permission under application number 3/2012/0026 on 6 March 2012. The application has been submitted on the basis that the building was occupied as a private dwelling for a continuous period exceeding four years from 18 May 2013 to 22 December 2018 and since then it has been let as a holiday cottage.

The application has been submitted via the Planning Portal and has been given the Portal reference PP-07997301, a copy of this letter has been lodged online and we are sending this copy with the original copies of the statutory declarations referred to below.

My client has informed me that following the erection of the building in 2012/2013 it was used by the shoot on two occasions in May 2013. However, following reorganisation taking place within Stonyhurst Estate, which ultimately culminated in the sale of a number of the estate's farms to sitting tenants, the shoot meetings were moved to another building at Winckley Piggeries and on 18 May 2013 John Wilkinson's daughter, Kate Livesley, moved into the Shoot Lodge and lived there with her then boyfriend, now husband, Richard Livesley, until 31 January 2016 when they moved into the farmhouse at Foxfields Farm.

When Mr & Mrs Livesley vacated the shoot lodge, they swapped properties with, John Wilkinson, who at that time was occupying the farmhouse and between 31 January 2016 and 22 December 2018 he resided in the shoot lodge as his principal dwelling. I am advised that there was no break in occupation of the shoot lodge when John Wilkinson swapped properties with his daughter.

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The Shoot Lodge is now promoted as a holiday cottage, however this use is consistent with the lodge being an unrestricted dwelling and therefore has no negative bearing on the application which is to be considered.

My client and his daughter between them have therefore lived in the shoot lodge as their principal dwelling for a combined period of in excess of 4 years without any break and as such this entitles them, unless a change of use occurred after 22 December 2018, which it hasn't, to be granted a certificate of lawful use for the shoot lodge as a single dwelling.

The evidence that we are submitting on behalf of our client to support his application is in the form of eight statutory declarations, these are from the applicant and his daughter along with six other individuals who have detailed knowledge of our client's occupation and use of the shoot lodge as a dwelling. We consider that we have enclosed with the planning application sufficient evidence to establish on the balance of probabilities that the building known as the shoot lodge was occupied continuously for in excess of four years as a private dwelling and it continues to be occupied as a dwelling albeit by holiday makers.

As a consequence, the use of the building erected under application number 3/2012/0026 as a dwelling is now immune from enforcement action and therefore my client is entitled to be granted a Certificate of Lawful Development for this use of the property and we trust that the Council will agree with this assessment. If, however, the Council considers that further evidence and information is required no doubt you will let us know without delay.

We look forward to receiving confirmation of receipt of the application and details of the officer appointed to deal with it in due course.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G. Hoerty', written in a cursive style.

Gary Hoerty
Encl'

CC Mr J Wilkinson