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TOWN PLANNERS

September 2019

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Planning Support Statement

Brookhouse Farm Cottage, Mitton Road, Whalley,
BB7 9PF

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Lawful Development Certificate for Existing Use

Job No: 17/L/115

Version: 1

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1. Introduction

- 1.1. This planning support statement has been prepared on behalf of our client, Mr Townson, in support of an application for a Certificate of Lawful Development (existing use) at the property known as Brookhouse Farm Cottage (The Cottage), Mitton Road, Whalley.
- 1.2. The Cottage was approved as a dwelling on 22 October 1991. Condition 2 of the planning permission restricts The Cottage to be used as an agricultural workers dwelling only. However, the applicants have been in breach of condition 2 for a period of over 10 years. The applicant has evidence that The Cottage has been let out since 1 June 2009 to tenants not employed in agriculture or forestry.
- 1.3. The application seeks to confirm that it is now lawful for the dwelling to be occupied without an agricultural occupancy condition.
- 1.4. The application is accompanied by evidence in the form of:
 - Tenancy Agreement Dated 1 June 2009
 - Tenancy Agreement Dated 21 September 2018
 - Statutory Declaration by Rachael Gray (resident 2009-2018)
 - Statutory Declaration by Andrew Gray (resident 2009-2018)
 - Council Tax Bill (2019-2020)
 - Letter from Graham Cleg (current occupier)
- 1.5. This statement will explain the facts of the case and set out the relevant planning law.

2. Site Characteristics and Planning History

- 2.1. The Cottage is a residential dwelling house located off Mitton Road, Whalley. The Cottage is neighboured by a collection of dwellings.



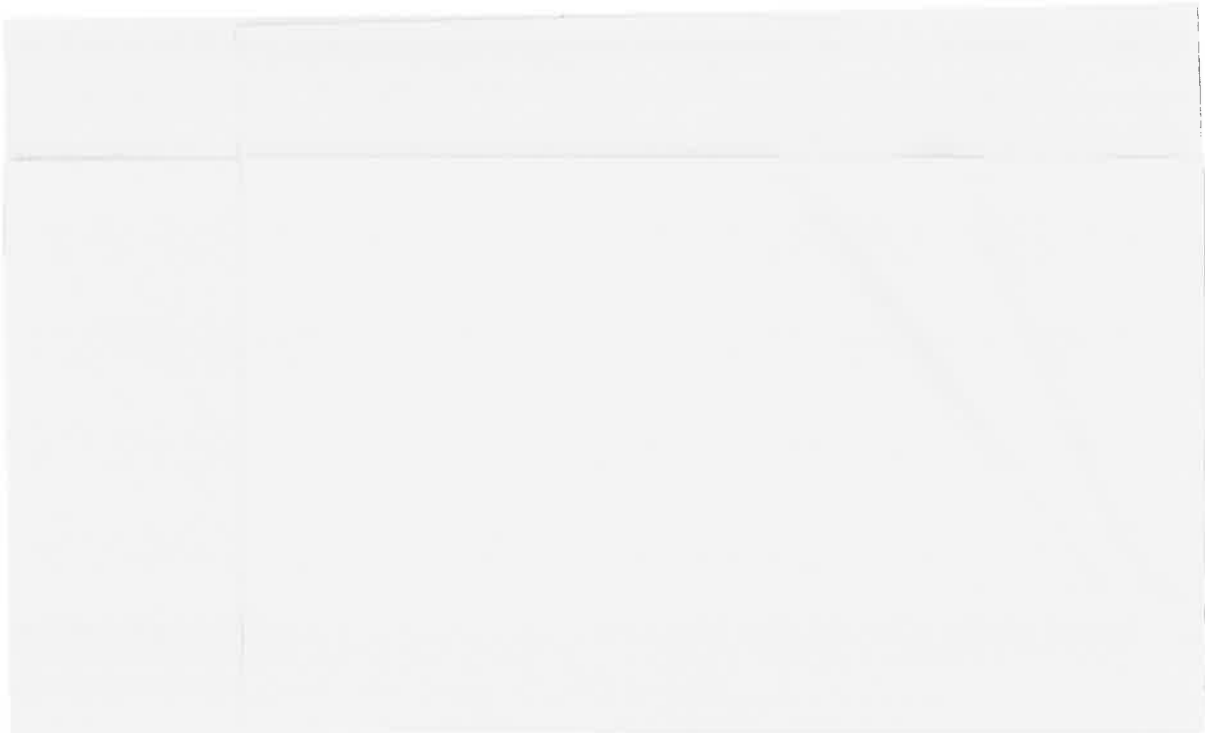
- 2.2. The Cottage was granted planning permission as a dwellinghouse on 22 October 1991 (LPA ref 3/91/0513/P). Condition 2 of the planning permission limits the occupation of the dwelling and reads:

“The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed, in the locality in agriculture as defined in section 336(A) of the Town and Country Planning Act 1990 or in forestry, or a dependent of such a person residing with him or her or a widow or widower of such a person.”

3. The Applicant's Case

- 3.1. Lawful development is development against which no enforcement action may be taken. Section 171B of the Town and Country Planning Act 1990 sets out time limits for when development becomes immune from enforcement action. In the case of a breach of planning condition, the time limit is 10 years.
- 3.2. In determining an application for a lawful development certificate, planning merits are not relevant at any stage of the application process. The local planning authority must instead consider the facts of the case and relevant planning law.
- 3.3. The cottage has been let out to occupants not employed in agriculture or forestry since March 2002.

3.4.



3.5.

- 3.6. The evidence provided as part of this application clearly demonstrates that the dwelling has been used in breach of the agricultural occupancy condition. For at least the past 10 years the dwelling has been occupied by residents not employed in agriculture or forestry.
- 3.7. As the breach of condition has been ongoing for over 10 years it is considered immune from enforcement action and it should therefore be considered as lawful development.

4. Summary

- 4.1. This statement has been prepared to support an application for a Certificate of Lawful Existing Development at Brookhouse Farm Cottage, Whalley.
- 4.2. The site was granted planning permission as an agricultural workers dwelling in 1991. Condition 2 of the permission restricted the occupation of the dwelling to those employed in agriculture or forestry.
- 4.3. This statement has set out the applicant's case to show that the agricultural occupancy condition has been breached for a continuous period of over 10 years from March 2002 to present.
- 4.4. As condition 2 of planning permission has clearly been breached for a period of over ten years and it is no longer enforceable and is therefore lawful.
- 4.5. This application seeks formal confirmation from the local authority that Brookhouse Farm Cottage as a single dwellinghouse, unfettered by any occupancy condition, is lawful.
- 4.6. Planning Practice Guidance¹ states that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

¹ Paragraph: 006 Reference ID: 17c-006-20140306



Thank you.

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