

DATED

26th May 2023

**STATUTORY DECLARATION CONFIRMING CONTINUED USE OF
OUTBUILDINGS**

**RELATING TO ROCK HOUSE, 24 CHURCH STREET, CLITHEROE, BB7
2DG**

I, [REDACTED] Bailey, of Rock House, 24 Church Street, Clitheroe, BB7 2DG, DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. This statement is provided to support my application for a Lawful Development Certificate for the use of an outbuilding within the curtilage of Rock House for ancillary purposes incidental to the enjoyment of the dwellinghouse
2. [REDACTED] purchased Rock House on the [REDACTED] (Appendix A). Since that time I have resided at Rock House with [REDACTED]
3. The outbuilding to which this application relates is shown hatched within the red edge block plan BS1168/02 (Appendix B)
4. When we purchased Rock House, the sales particulars by Savills, which are submitted with this application (Appendix C), described the outbuilding as a garage and store and we purchased the property on the understanding that the outbuilding was part of the domestic curtilage of Rock House. The outbuilding has a rear door at first floor level which opens directly in to the rear garden of Rock House.
5. Since we moved into the property in [REDACTED] the outbuilding has bene used solely for purposes incidental to the use of Rock House as a Class C3 Dwelling. The outbuilding has heating, light, water and power and is suitable for a range of ancillary domestic uses
6. The outbuilding has bene used for a variety of purposes by my family, including as a garage and store, as a home gymnasium, as social space and as a study. Our use of the building is explained more fully in the Supporting Statement by Smith and ,Love dated April 2023 (Appendix D)
7. I can confirm that since January 2019, the outbuilding shown hatched within the red edge block plan BS1168/02 in Appendix B, has been entirely used for purposes ancillary to the domestic use of Rock House as a Class C3 dwelling and for no other purpose whatsoever

And I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Signed.... [REDACTED]

[REDACTED]

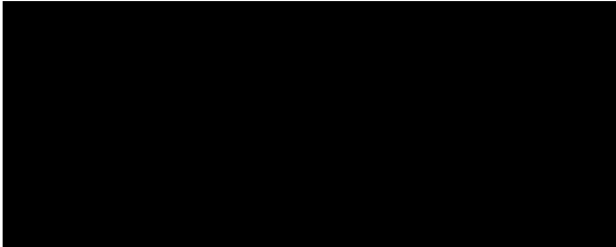
A commissioner for oaths

Vincent's Solicitors
20 St Thomas's Road
Chorley
Lancs, PR7 1HR


Appendix A

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Vincent's Solicitors
20 St Thomas's Road
Chorley
Lancs, PR7 1HR





Official copy of register of title

Title number LA588608

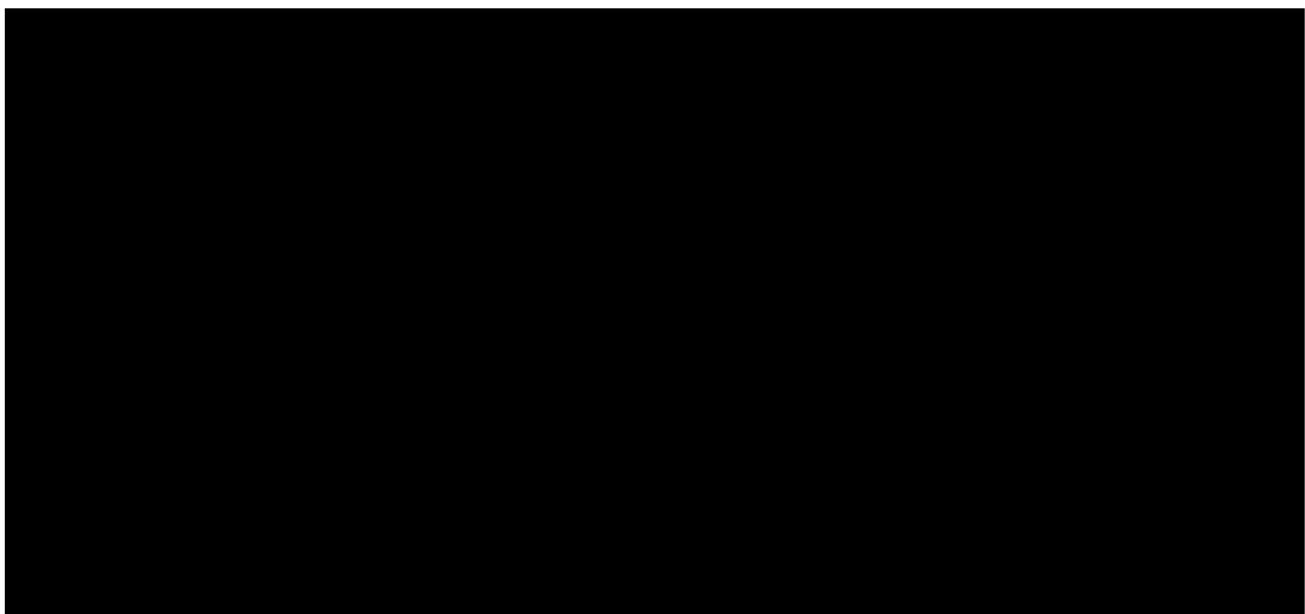
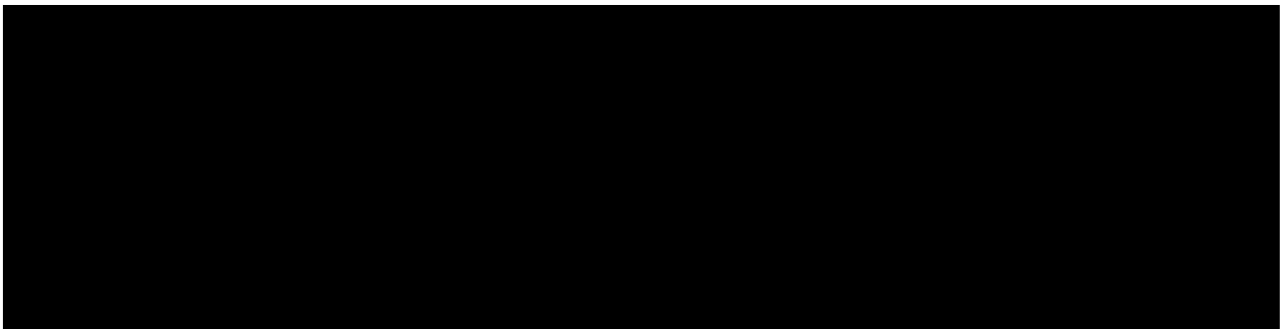
Edition date 08.02.2019

- This official copy shows the entries on the register of title on 24 MAY 2023 at 10:22:32.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 24 May 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : RIBBLE VALLEY



Title number LA588608

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute



C: Charges Register

This register contains any charges and other matters that affect the land.



Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 1 August 1988 referred to in the Charges Register:-

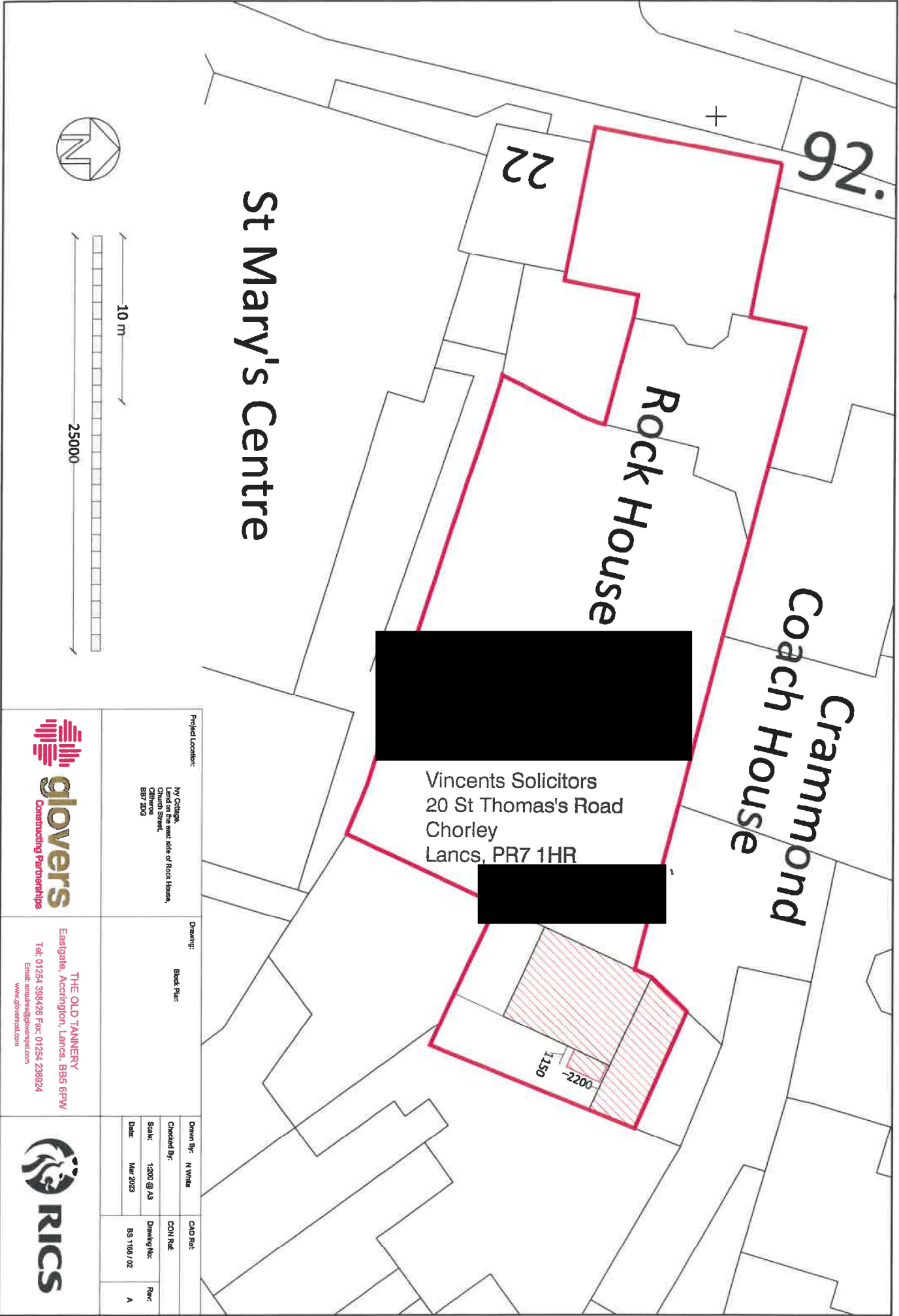
"THE Purchasers hereby jointly and severally covenant with the Council and as a separate covenant with the Authority and with the incumbent for the time being of the Benefice of St Magdalene Clitheroe and his successors and with the owners of the adjoining Sunday School and Parish Hall on the southerly side of the property hereby conveyed so as to bind (so far as practicable) the property hereby conveyed into whosoever hands the same may come and to benefit and protect the neighbouring land on the southerly side of the property hereby conveyed and occupied as a Sunday School and Parish Hall shown on the said plan and marked "Sunday School" and the Parish Church and Churchyard of Saint Mary Magdalene Clitheroe and every part thereof respectively as follows:-

(1) That neither the property hereby conveyed or any part thereof nor any existing or future building thereon or on any part thereof shall at any time hereafter be used as or for a place of amusement hotel tavern inn or public house nor shall any spirituous or fermented liquors at any time be sold in or upon the said property or any part thereof and that no act deed matter or thing shall at any time be done suffered or permitted in or upon the property hereby conveyed or any part thereof which may be or become a nuisance annoyance or disturbance to the Council or other the owners or occupiers for the time being of the said Sunday School and Parish Hall Church or Churchyard or which may tend to depreciate or lessen the value thereof.

(2) That no act deed matter or thing shall at any time be done suffered or permitted in or upon the property hereby conveyed or any part thereof which may be or become a nuisance annoyance or disturbance to the Minister for the time being conducting or the congregation attending Divine Service in the Parish Church of Saint Mary Magdalene Clitheroe or the Churchyard surrounding the same."

Title number LA588608

End of register



CENTRALLY LOCATED GRADE II LISTED GEORGIAN TOWNHOUSE.

Rock House
CLITHEROE BB7 2DG



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Lancs, PR7 1HR

savills

CENTRALLY LOCATED GRADE II LISTED TOWNHOUSE IN THE SOUGHT AFTER TOWN OF CLITHEREE.

ROCK HOUSE CLITHEREE BB7 2DG

Kitchen breakfast room ♦ Three reception rooms ♦ Five bedrooms ♦ Two bathrooms ♦ Garden ♦ Garage ♦ Outbuilding

Situation

Rock House is located in the centre of the sought after historic market town of Clitheroe, situated within the picturesque Ribbles Valley.

Clitheroe is located near to the Forest of Bowland, which is acknowledged as an Area of Outstanding Natural Beauty. As such, the town is ideally located for those who enjoy the great outdoors being perfect for walking, cycling and a host of leisure pursuits.

The town offers all major amenities including a range of supermarkets, doctor's surgeries, dentists and boutique shopping opportunities, restaurants and coffee houses and also has a good selection of independent shops. As you would expect from such a sought after area, this stunning setting is home to several private and public schools, covering all ages, many of which are rated as 'Outstanding' by Ofsted. Additionally, excellent opportunities exist for further education including Clitheroe Royal Grammar School, Bowland High School and Stonyhurst College.

Clitheroe offers road links to the A59, M65, M66 and M6. It is also within walking distance the local train station with direct rail links to Manchester on an hourly basis.

M65 8 miles, M6 12 miles, Skipton 20 miles, Manchester 29 miles, Lake District 60 miles

Description

Rock House is a Georgian Grade II listed townhouse spread over four floors, oozing charm and elegance, with an abundance of period features. The entrance porch with oak boarded flooring and original stained glass side panels to the timber door opens into the reception hallway with original archway and coved ceilings. To the left of the reception hallway a spacious sitting room with traditional sash window and original timber shutters and a large open fire with stone surround to the opposite side of the hallway a study room with traditional cast iron fire surround. Adjacent to the sitting room a light



and bright drawing room with large bay window encompassing views towards Pendle Hill, a traditional wrought iron fire place with original tiled surround. Across the hallway is a useful utility/cloakroom.

To the lower ground floor is the kitchen with a selection of fitted units, stone flagged flooring and AGA set in the original stone hearth, a step leads up to the dining area with arched ceiling and stone flagged floor making this a sociable entertaining space with French doors leading out to the terrace and lawn garden beyond.

To the first floor approached by a staircase with half landing and a full height Georgian style window with stain glassed edge panels, the main landing leads to the bedroom accommodation comprising of four bedrooms and family bathroom with free standing roll top bath. To the second floor a return staircase leads to the master suite with contemporary shower room with his & hers sinks and a separate dressing room.

Externally

There is a large south facing garden to the rear of the property mainly laid to lawn with a large timber decked terrace.

Outbuildings

A cottage with garage below is located at the end of the garden, ideal for conversion to an annexe subject to relevant permissions and benefits from both electricity and a water supply.

Services

Mains water, electricity, gas and sewerage.

Local Authority

Ribble Valley Borough Council Tax Band G

Directions

From the A59 traveling towards Skipton take a left turn onto Pendle Road into Clitheroe, at the roundabout take the second exit to stay on Pendle Road, at the second roundabout take the second exit on to Waterloo Road (A671) at the next roundabout continue straight onto Well Terrace, taking the first exit off the roundabout onto Church Brow and proceed along to where Rock House is on the left hand side.

Tenure:

Freehold

Local Authority:

Ribble Valley Borough Council

Viewing:

Strictly by appointment with Savills



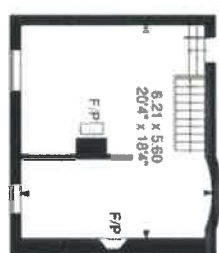
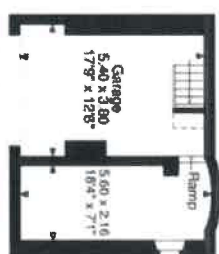
Rock House, Clitheroe

Main House gross internal area = 2,813 sq ft / 261 sq m

Garage gross internal area = 718 sq ft / 67 sq m

Store gross internal area = 57 sq ft / 5 sq m

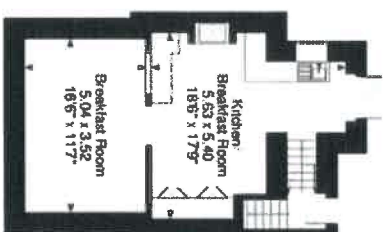
Total gross internal area = 3,588 sq ft / 333 sq m



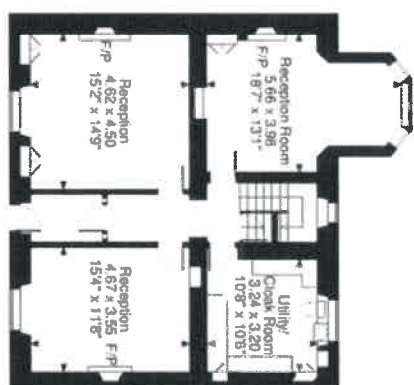
Garage

Floor Above Garage

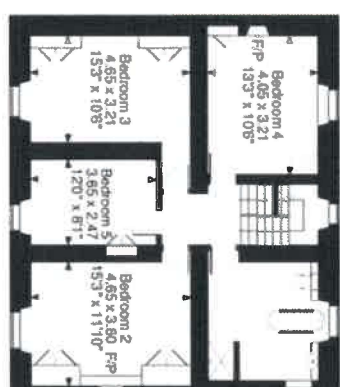
Dressing Room
6.45 x 2.77
21'5' x 9'1"



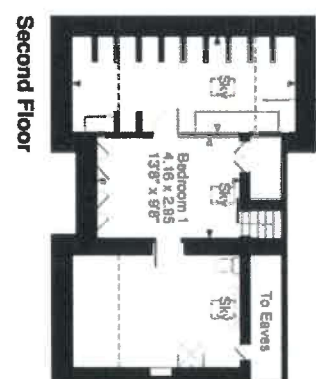
Lower Ground Floor



Ground Floor



First Floor



Second Floor

FOR ILLUSTRATIVE PURPOSES ONLY - NOT TO SCALE

The position & size of doors, windows, appliances and other features are approximate only.

--- Denotes restricted head height

Ⓔ ehouse. Unauthorised reproduction prohibited. Drawing ref. dig/835234/RDg

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Application for a Certificate of Lawfulness (CLEUD)
for the use of an outbuilding within the curtilage of a
dwellinghouse for ancillary purposes incidental to
the enjoyment of the dwellinghouse (Class C3).

Rock House, 24 Church Street, Clitheroe.

Supporting Statement

April 2023

Vincent's Solicitors
20 St Thomas's Road
Chorley
Lancs, PR7 1HR

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smith&love
PLANNING CONSULTANTS

1 Introduction

- 1.1 This Statement has been prepared by Smith & Love Planning Consultants Ltd on behalf of our clients, Mr. and Mrs. Bailey in support of their application for a Certificate of Lawful Existing Use (CLEUD) for use of an outbuilding for Class C3 purposes incidental to the dwelling at Rock House, Church Street, Clitheroe. The application is described as follows:
- *Application for a Certificate of Lawfulness (CLEUD) for the use of an outbuilding within the curtilage of a dwellinghouse for ancillary purposes incidental to the enjoyment of the dwellinghouse (Class C3).*
- 1.2 This application seeks confirmation that the continued use of the outbuilding, shown edged red on the submitted Location Plan, for ancillary purposes incidental to the use and occupation of Rock House as a private dwellinghouse (Class C3), is lawful.
- 1.3 The Town and Country Planning Act (TCPA) 1990, as amended by The Planning and Compensation Act 1991, under Section 191(2), states that any use or operation for which planning permission has not been granted is lawful if the time for enforcement action in respect of the breach of planning control has expired. Section 191(4) states that if the local planning authority is provided with information satisfying it of the lawfulness of such a breach, the Authority must issue a certificate to that effect.
- 1.4 Section 171B of TCPA 1990 provides relevant immunity periods for when development becomes lawful. In this circumstance the relevant section is 171B(3):
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- 1.5 In accordance with the legislation, the purpose of this statement is to expand upon the information provided to demonstrate that the outbuilding which is the subject of this application has been used for a variety of ancillary purposes incidental to the use and occupation of Rock House as a Class C3 dwellinghouse, for in excess of ten years before the date of this application, and therefore its use for such purposes is immune from enforcement action and is lawful.

Supporting information

- 1.6 This Statement should be read in conjunction with the following supporting documents submitted with this application;
- Completed application form
 - Location Plan
 - Block Plan
 - Existing Floor Plans
 - Statutory Declaration by Stacey Bailey
 - Statutory Declaration by Vicky Carter

2 Site and surroundings

- 2.1 The application site is located within the historic core of Clitheroe, close to the junction with York Street and Church Street. Whilst Rock House fronts onto Church Street, the outbuilding is accessed from York Street. To the south west of the outbuilding lies St Mary's Centre, to the south and east lie residential properties on York Street, to the north is a former Coach House which is now occupied as a Class C3 dwelling and to the west lies Rock House and its domestic garden. The outbuilding which is the subject of this application constitutes a 2-storey stone building. Rock House is a Grade II Listed Building and it is understood that the outbuilding is considered to be curtilage listed.



Figure 1 – Aerial photograph of site layout. The circle indicates the position of the coach house.

- 2.2 It is assumed that the outbuilding was originally erected as a coach house for Rock House. Rock House does not have vehicular access from Church Street but vehicular access is provided to the outbuilding from York Street. The building shows evidence of substantial openings on the ground floor with accommodation above. Historic maps have been consulted and the building is evident on the Ordnance Survey Plan from 1844, so is likely to have been built contemporaneously with Rock House or soon after.



Figure 2 – Extract from 1844 Ordnance Survey Plan. Source: www.oldmapsonline.org

- 2.3 It is unclear whether the property has previously been occupied as a separate dwelling from Rock House. It has previously been described on the property's sales particulars as a cottage with garage below. Nevertheless, since acquiring Rock House in [REDACTED] the current owners have used the outbuilding for a variety of domestic purposes incidental to the enjoyment of their dwelling. Evidence from nearby residents has been obtained to confirm that the outbuilding has been used for over 10 years consistently for Class C3 purposes incidental to the use of Rock House.

Relevant planning history

- 2.4 The following table provides a brief summary of the planning history for the site.

| Application reference | Description of Development | Decision |
|-----------------------|---|---------------------------------|
| 3/2018/0775 | Rebuilding of collapsed garden wall to rear | Listed Building Consent granted |
| 3/2020/0266 | Application for tree works within a Conservation Area | Approved no conditions |
| 3/2022/0433 | Listed Building Consent for proposed repairs and alterations to convert existing outbuilding to a 2 bedroom dwelling with new front porch addition. | Refused |

- 2.5 It is noteworthy that application 3/2018/0775, submitted by the former owners of Rock House included the outbuilding within the red edge denoting the application site. Similarly application 3/2020/0266, submitted by our clients showed the outbuilding within the red edge denoting the curtilage of Rock House.
- 2.6 Application 3/2022/0433 sought Listed Building Consent for renovations to the outbuilding to convert it to a 2 bedroom dwelling. At the time of the application our clients were under the impression that the outbuilding had previously been used as a dwelling at some point in the past, and were unaware that planning permission would be required to reinstate such a use. Therefore the application was submitted for Listed Building Consent only.
- 2.7 It is noteworthy that the case officer's report describes the existing building and associated attached lean-to garage as within the curtilage of Rock House, Clitheroe. The report also identifies that at the time of the officer's site visit the building was primarily utilised for domestic storage in association with Rock House with the garage also being utilised as such albeit, it had previously been used for the parking of vehicles.

3 Relevant legislation

3.1 Section 191 of the TCPA 1990 states that :-

(1) If any person wishes to ascertain whether

- a) Any existing use of buildings or land is lawful;
- b) any operations which have been carried out in, on, over or under land are lawful;
or
- c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted 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.

(2) 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 notice then in force.

(3) For the purposes of this Act uses and operations are lawful at any time if:-

- a) the time for taking enforcement action in respect of the failure has then expired;
and
- b) it does not constitute a contravention of any of the requirements of any enforcement or breach of condition notice in force.

(4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall:

- a) specify the land to which it relates;
- b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
- c) give the reasons for determining the use, operations or other matter to be lawful; and
- d) specify the date of the application for the certificate.

3.2 In relation to the time for taking enforcement action, Section 171B of the Act specifies that:

- 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 four years beginning with the date on which the operations were substantially completed.**
- 2. Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.**
- 3. In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.**

- 3.3 In accordance with the legislation, the application submission seeks to provide the information required by Part 5 a-d and to demonstrate that the use of the outbuilding at Rock House for domestic purposes in association with the main dwelling is lawful through the passage of time as it has been an uninterrupted use for in excess of 10 years.**
- 3.4 The relevant test is the “balance of probability” and the Local Planning Authority is advised that if it has no evidence to contradict or undermine the applicant’s claim, the Certificate must be granted, provided that the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a Certificate.**

4 Statement of Case

- 4.1 [REDACTED] Bailey purchased the site edged red. Since that time they have resided on site in the dwelling known as Rock House.
- 4.2 At the time of purchase, our clients acquired both Rock House and the outbuilding which is the subject of this application. They were advised by the previous owners, [REDACTED] that the outbuilding had been used for various domestic purposes during their ownership of the property. The lower floor had been used for domestic storage and car parking and the upper floors for a hobbies room / pottery studio.
- 4.3 The sales particulars from Savills, which are submitted as part of this application, indicate that at the time the site was purchased by our clients, the property was marketed as a 5 bedroom Georgian Townhouse with an outbuilding. The outbuilding is clearly shown on the submitted floorplans as a garage and store on the ground floor with two rooms above.
- 4.4 Part of the ground floor of the outbuilding has historically been used for car parking in association with Rock House, as there is no off street car parking available on Church Street. Residents of Rock House are able to park their vehicles in the garage on the ground floor of the outbuilding, use an internal staircase within the building and exit at first floor level into the rear garden of the property. The relationship between this curtilage building and Rock House is made clear by the presence of the rear door.
- 4.5 The outbuilding has power, light and water and is fitted with a wood burning stove at ground floor level. The upper floor has windows to both front and rear and is well lit and ventilated. Whilst the outbuilding may have formerly been used as a coach house or cottage, during the last 10 years it has been used for incidental domestic purposes in association with Rock House.
- 4.6 Whilst our clients have only been resident in the property since [REDACTED], they have nevertheless used the outbuilding for a variety of purposes. During lockdown, the first floor of the premises was used as a home gymnasium and hobbies room. The owners' [REDACTED] have also used the upper floor for quiet study space, "camping out " and sleepovers. More recently, the first floor has been used for storage of furniture during renovations to the main house.
- 4.7 The ground floor is currently used for storage of vehicles and bicycles and there is a fridge and freezer in the garage as the space is often used by the owners [REDACTED] for socializing with friends. The photographs in Appendix A demonstrate the building's current use for domestic storage. Our clients have provided a statutory declaration to explain how the outbuilding has been used by their family since they purchased the property.
- 4.8 As it is a requirement to demonstrate that the outbuilding has been used for domestic purposes for a period in excess of 10 years, a statutory declaration is also provided by [REDACTED] lives in very close proximity to the outbuilding, has been well acquainted with the previous residents of Rock House and is well placed to confirm the use of the outbuilding over the

required period. The statutory declaration provides the required evidence that the outbuilding has been in continuous use over the last 10 year period for a variety of incidental domestic purposes in association with Rock House.

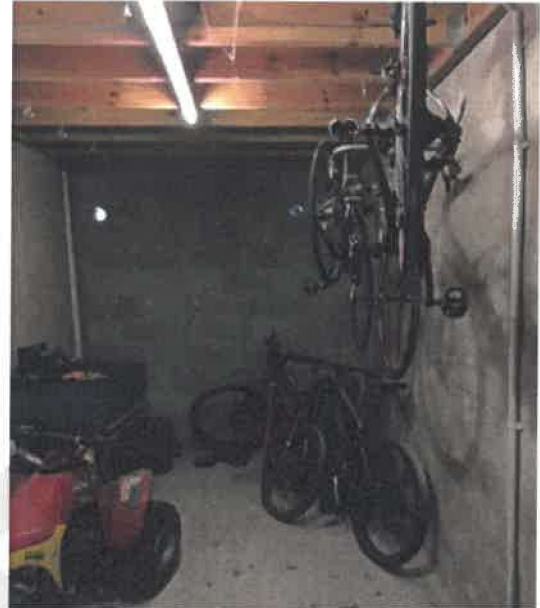
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5 Summary and Conclusion

- 5.1 This application seeks a Certificate of Lawfulness for the use of an outbuilding within the curtilage of Rock House for ancillary purposes incidental to the occupation and enjoyment of the dwellinghouse (Class C3).
- 5.2 The submission is precise and unambiguous. Our clients and their neighbour confirm that the outbuilding identified on the submitted site plan has been used for no other purposes during the last 10 years, other than for incidental domestic purposes associated with the use of Rock House.
- 5.3 National Planning Practice Guidance (reference Paragraph: 006 Reference ID: 17c-006-20140306) indicates, that in the case of applications for an existing use, if a local planning authority has no evidence itself, nor any from other third parties, 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.
- 5.4 Therefore our client respectfully requests that a Certificate of Lawfulness be issued.

Appendix A – Photographs taken December 2022

Ground floor



First Floor



Photographs showing use of outbuilding for domestic storage in association with Rock House.



Prepared by

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