

PLANNING STATEMENT

Clough Farm, Catlow Road, Slaidburn, Clitheroe,
BB7 3AQ

Description: Use of former holiday cottage as a single dwelling

Applicant: Mr Russell James Thompson

Dated : 4th June 2023

John Metcalfe
Rural Futures (North West Ltd)



economic & environmental development

- 1.0 This statements in support of an application by Russell James Thompson for a Certificate of Lawfulness of Existing use ("CLEU") in relation to Clough Farm, Catlow Road, Slaidburn, Clitheroe, BB7 3AQ.
- 2.0 The application seeks confirmation that the building (edged in red on the Location Plan and Plan Exhibit SD1 attached to the application) and previously used as a holiday cottage, can continue to be lawfully used as the applicant's principle private residence.
- 3.0. In accordance with the requirements of s.191(2) of the Town and Country Planning Act 1990, uses and operations are "lawful" if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is then in force. In accordance with s.171B(2) no enforcement action may be taken after the end of the period of four years beginning with the date of the breach – in this case the change of use of the building to use as a single dwelling house.
- 4.0. Accordingly to gain immunity from enforcement it is necessary for the applicant to demonstrate that the change of use occurred at least four years prior to the date of the application and has continued uninterrupted thereafter.
- 5.0. In this case, it is claimed that the change of use of the building in question from a holiday cottage to a single dwelling had occurred by [REDACTED] and that occupation has continued uninterrupted to the present day, a period in excess of four years, and hence that it now represents the lawful use of the building and land.
- 6.0. The application is supported by way of a principal statutory declaration by Mr Russell James Thompson, as well as by corroborating declarations by the applicant's [REDACTED] and [REDACTED]. In addition letters have been provided from [REDACTED] who have personal knowledge of the property and its occupation [REDACTED]. The statutory declarations are largely self-explanatory, however in terms of the requirements of the relevant legislation it is considered that the salient points are as follows :-
 - a) [REDACTED] clearly confirms that he has occupied the building subject of the application as his principal dwelling since [REDACTED] and that his occupation has been continuous to the present day.
 - b) [REDACTED] is able to provide evidence in the form of bank statements, credit card statements, club membership details and P60 certificates showing his continuous occupation from [REDACTED] to the present day.
 - c) [REDACTED] is able to confirm that [REDACTED] has resided at the property with Mr Thompson since [REDACTED] and from that time to the present. [REDACTED] is able to corroborate that Mr Thompson has lived at the subject property and provides evidence in the form of PayPal receipts, Amazon confirmation statements and invoices for goods.
 - d) [REDACTED] have also signed a declaration that they were the [REDACTED] of the property and that the property was transferred to [REDACTED]

7.0. It is considered that the statutory declarations and other submitted evidence are sufficiently precise and unambiguous to satisfy the “balance of probability” test, as set out in paragraph 8.15 of Circular 10/97. More particularly the documentation and other evidence provided by the applicant demonstrates that a change of use of the subject building to use as a single dwelling house occurred in [REDACTED] and that this use has continued uninterrupted for a period in excess of 4 years from that date. Accordingly by November 2020, the use of the building as a single dwelling house became the lawful use.

8.0. Accordingly and as per the relevant legislation (set out at section 191 of the Town and Country Planning Act 1990), as the change of use of the building to a single dwelling house occurred in [REDACTED] and continued uninterrupted for a period in excess of four years after that date, the time for taking enforcement action in respect of the breach of planning control has now expired. On this basis, the applicant can continue to use the building as a single dwelling.

9.0. It is therefore considered that the evidence demonstrates a prima facie case for a certificate of lawfulness to be granted in the form requested.

John Metcalfe BSc Hons
Rural Futures (North West) Ltd

4th June 2023.