



16th November 2023

Planning Department
Ribbles Valley Borough Council

Dear Sir/Madam,

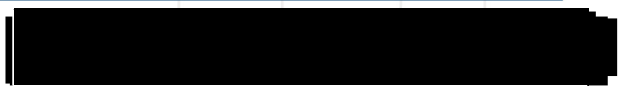
WOODFOLD PARK STUD, WOODFOLD PARK, MELLOR

This letter is written in support of a Certificate of Lawfulness for proposed development at the above property, which is submitted on behalf of the owner, Mr Shokat Dalal. The application follows a recent refusal of another Certificate of Lawfulness at the property, and after briefing with Counsel regarding the reasons for refusal, which considered that the existing dwellinghouse did not have a lawfully established domestic curtilage, and therefore the proposal did not meet the criteria for permitted development.

The new submission seeking a Certificate of Lawfulness is supported by a Legal Opinion by Counsel, signed Statutory Declarations from the applicant and the builder of the property, and amended plans in relation to a proposal for an extension under Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015.

The plans no longer relate to any form of permitted development under Class E, with the proposed outbuilding now removed from the plans. The proposals are submitted as falling wholly within Class A as '[redacted] or other alteration of a dwellinghouse'. The plans are similar to the previous [redacted] extension to the rear of the dwellinghouse, extending to the same dimensions considered as permitted development in the previous submission. The plans for Class A extensions have been amended slightly to remove the proposed balcony and remove two windows.

The main issue of the previous application related to the curtilage of the existing dwellinghouse, as permitted development is required to not extend the dwelling beyond 50% of the dwelling's existing curtilage. We consider the Council was incorrect in their assessment of the curtilage of the dwellinghouse on the previous proposal and have provided detailed supporting evidence with this new application and included a Legal Opinion from Kings Chambers regarding this evidence and the considerations of curtilage in the context of this property setting out our position that the existing dwellinghouse has an extensive curtilage within which Class A of the GPDO would apply. We respectfully request that the application for Certificate of Lawfulness is determined in consideration of this submission.



The submission includes the following plans and documents:

BB355-001_Existing Floor Plans

BB355-002_Existing Site Plan

BB355-010_Existing Elevations

BB355-100-F_Proposed Ground Floor

BB355-101-G_Proposed First Floor

BB355-104-D_Roof Plans

BB355-110-E_Proposed Elevations

Curtilage Plan

Signed Statutory Declarations from the applicant and the builder of the property

Legal Opinion of Killian Garvey – Kings Chambers

The Delegated Report to the previous application for Certificate of Lawfulness considered the proposal against the Criteria of Class A, concluding on all matters that the conditions were met (except regarding curtilage and the balcony, which have been addressed through this submission).

On the issue of curtilage, the submitted Legal Opinion sets out that whilst there is no strict definition of a curtilage, what incorporates the curtilage is inherently site specific and is a matter of planning judgement, of fact and degree. Referenced judgement considers relevant factors to dwellinghouses as:

- i) the physical layout of the buildings and the structure
- ii) their ownership, past and present
- iii) their use or function, past and present

The application is supported by a curtilage plan as considered by the applicant, which includes the dwellinghouse and rear garden, garages, stable buildings, manege, front garden area and hardstanding and driveway to the entrance gates. This represents the position of the applicant as the curtilage of the dwellinghouse.

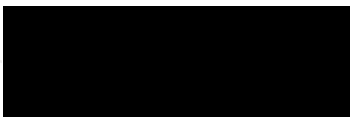
This letter includes appendices showing evidence regarding the history and use of the dwellinghouse and associated land since built in 2007 to allow a determination of the matter of fact and degree of the curtilage. This includes:

- a plan from the original planning consent showing the layout of the dwelling, stables and yard complex connecting the property;
- pages from a marketing brochure of the property with photographs and description of the property as a Manor House and stud farm including main house with rear garden, garaging and stabling; and
- dated Google maps aerial photographs of the property from 2009 to date showing the buildings and grounds built and remaining the same.

This evidence, together with the signed Statutory Declarations from the applicant and the builder of the property, confirm that the property was built and used as a home with garden and stables under the same ownership and used together as a single property. This, in conjunction with the legal opinion, provides the applicant's submission regarding the definition of curtilage of the dwellinghouse under Class A of the GPDO.

We respectfully request the application is considered and Certificate of Lawfulness issued for the proposed development.

Yours faithfully,

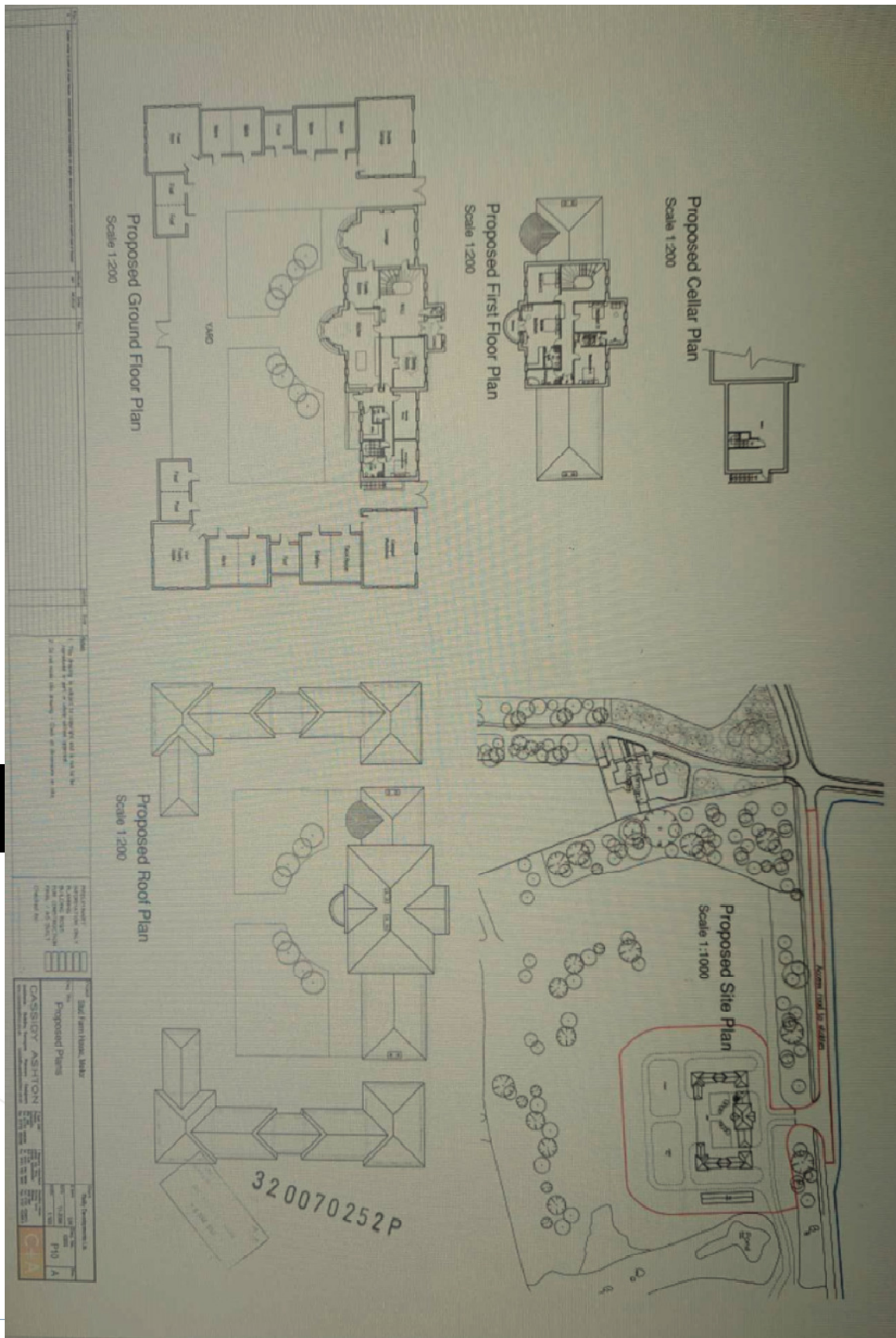


Stuart Booth MRTPI
Associate



Appendix

Approved Plan from Original Consent – 3/2007/0252 (Showing Site Plan and Ground Floor Plan)



Pages from Marketing Brochure MSW Hewetsons - prior to purchase by applicant

Marketed as a single property with pictures and referencing property including main house with rear garden, garaging and stabling.



The Stud | Woodfold Park | Mellor | BB2 7QA

MSW HEWETSONS
Surveyors • Estate Agents



WOODFOLD STUD MELLOR

A recently constructed detached Colonial style Manor House and stud farm situated in an elevated rural position in the Ribble Valley yet within close proximity of the M6 and therefore easily commutable for both Manchester and Preston. This architect designed property has been constructed using the highest quality materials and workmanship and offers exceptional accommodation and an opportunity to provide a private or commercial stud farm. The property is set in a private cul-de-sac position with gated entrance and impressive driveway. The property extends to approximately 6,300 sq feet to the main house with rear garden, garaging for six and stabling for 10 plus 2 foaling stables. The property has the benefit of hardwood double-glazing together with underfloor heating to both ground and first floor level and extensive cellar areas. The property is being offered with approximately 145 acres.



Contact Robert Fanshawe 020 786 11373
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PRICE ON APPLICATION 01200 42 41 42

MSW HEWETSONS

www.countyregister.com



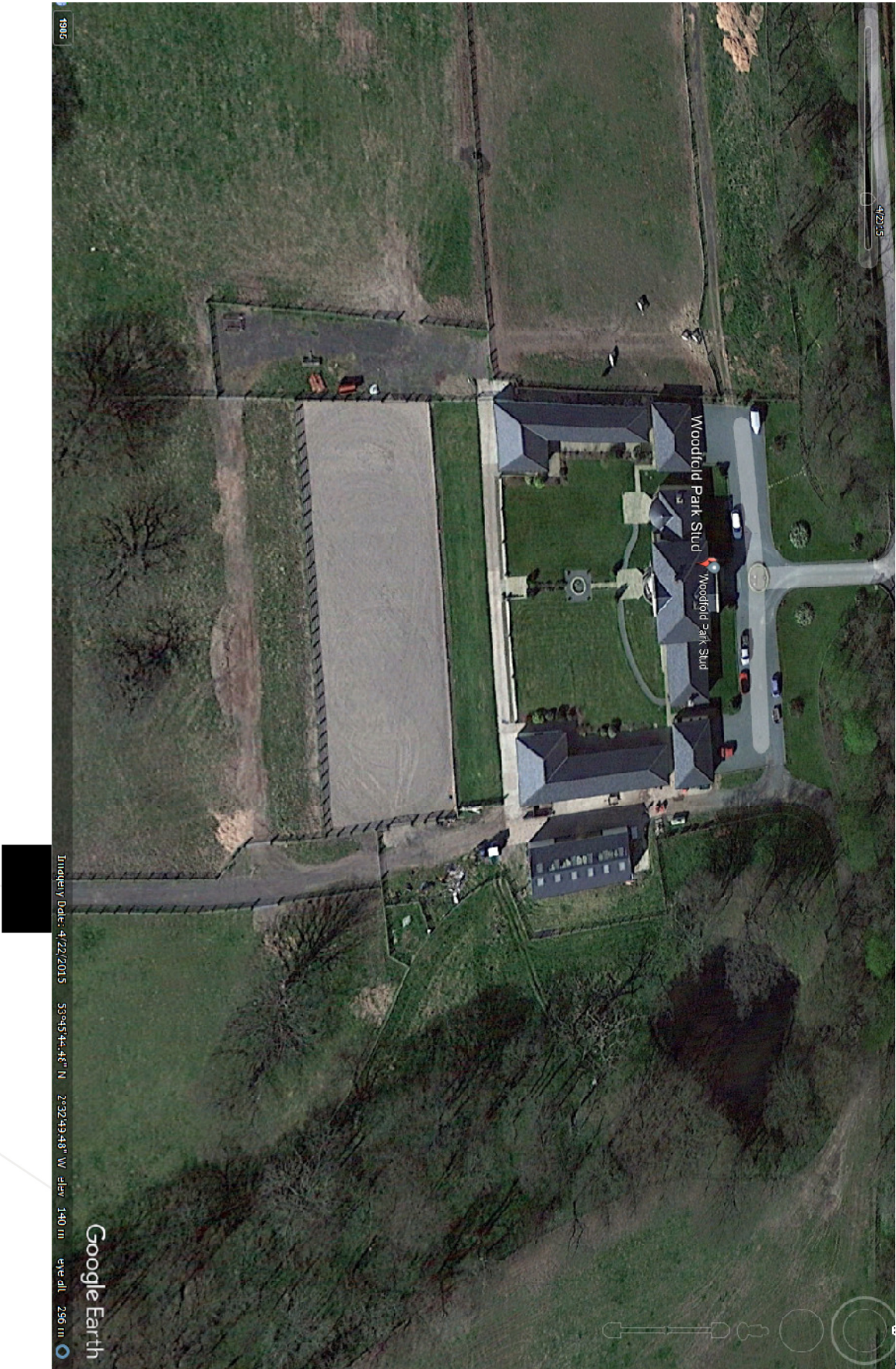
Aerial View from Google Earth (with blemish over westside of property) - May 2009



Aerial View from Google Earth – March 2013



Aerial View from Google Earth – April 2015



Aerial View from Google Earth – July 2017



Aerial View from Google Earth – April 2020



Aerial View from Google Earth – March 2021



Aerial View from Google Earth – September 2021



Aerial View from Google Earth – June 2022



Aerial View from Google Earth – June 2023

