

Application for a Certificate of Existing Lawful Use to establish the lawful use of a building for mixed use and associated land as domestic curtilage at New Barn Farm, Alston Lane, Longridge PR3 3BN.

Applicant: Mrs Stephanie Ethell

Prepared and submitted by
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Introduction

ML Planning Consultancy have been instructed by Mrs Stephanie Ethell of New Barn Farm, Alston Lane, Longridge PR3 3BN to apply for a certificate of existing lawful use to establish the lawful use of a mixed use building and associated land as domestic curtilage.

Background

The Applicant and her husband, [REDACTED], purchased New Barn Farm on 5th August 2011.

The property at New Barn Farm consists of a 5 bedroomed house, a derelict triple garage which is made of breezeblock and needs demolishing, a large mixed-use barn (the subject of this application), a stable block and 7 acres of land. Previously land has been used by the applicant to keep sheep and horses and make hay. Currently there are no animals but the applicant continues to take hay from the land.

The barn has always been used for storage. During the Ethells' ownership the barn has contained, at one time or another:-

- Domestic and agricultural trailers
- garden equipment such as mowers
- bee keeping equipment
- equestrian equipment ranging from saddles and rugs to jumps
- a variety of tools
- spare timber
- a Land Rover and quad used for work on the fields
- amplifiers, TVs
- DIY and wood working equipment
- old toys
- old beds
- tennis nets
- push bikes
- canoes
- garden furniture
- ladders
- ménage equipment
- fencing equipment
- large quantities of square baled grass and bedding
- ongoing garaging of family cars

In addition to their own storage, the Ethells have often stored items for friends, family and neighbours which have included:-

- family cars as and when they have required to be garaged
- a neighbour's motorbike
- another neighbour's speedboat and water-ski equipment (until moved about 4 years ago),

Prior to the Ethells' ownership, [REDACTED] (the previous owners) used the barn for a similar mix of domestic and equestrian contents including a room full of old medical records. When the Ethells purchased the property in 2011 the barn still contained a large amount of these medical records and business paperwork which remained in the building for some time.

The areas of land to the north and west of the building have always been used for domestic parking. There is direct pedestrian access from this area into the Applicant's domestic garden which is often utilised as it is closer than going around to the front of the house. Photographs of this access are included within the evidence. The building is served by electricity, which is connected to the domestic supply to New Barn Farm, and shares a drainage system with the domestic property.

To apply for a Certificate of Lawfulness, we have to show permanent and continuous use of the site for an excess of ten years.

Given the nature of the use of the barn and the surrounding land, there is no paper evidence which can be provided to corroborate this statement and the Applicant's Statement of Truth.

A selection of photographs is provided to demonstrate storage of many of the items referred to above together with five Statements of Truth from friends and neighbours describing their own use of the building.

Relevant Planning Policy and Planning Guidance:

Section 191 of the Town and Country Planning Act 1990 sets out the principles for applying for a certificate of lawfulness of existing use or development:-

(1) If any person wishes to ascertain whether—

- a. any existing use of buildings or other 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.

Planning Policy Guidance sets out that the applicant is responsible for providing sufficient information to support an application. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

The relevant test to be applied to the evidence is that of the 'balance of probability' which is the lesser test to the criminal burden of proof. 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.

Conclusion

A certificate of existing lawful use to establish the lawful use of a building and associated land as domestic curtilage is applied for. The evidence provided is the only available evidence given the nature of the use of the building and unless the Council have any counter evidence, a Certificate should be granted.

Evidence

	Evidence Name		Date	Reason for submission
1	Statement of Truth		04.11.2024	To evidence use of the building
2	Statement of Truth		09.11.2024	To evidence use of the building
3	Statement of Truth		09.11.2024	To evidence use of the building
4	Statement of Truth		03.11.2024	To evidence use of the building
5	Statement of Truth		24.11.2024	To evidence use of the building
6	Photographs		N/A	To evidence use of the building