

BANKS

Chartered Surveyors

Agricultural | Residential | Commercial

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS
FOR AN EXISTING USE OR DEVELOPMENT UNDER S191 OF THE TOWN AND
COUNTRY PLANNING ACT 1990
TO REGULARISE THE CHANGE OF USE OF AN EXISTING BUILDING TO COMMERCIAL
USE AND ANCILLARY RESIDENTIAL STORAGE**

at

Meadow Brook Barn - Land on the east side of Saccary Lane, Mellor, Blackburn, BB1 9DW

Prepared by: Luke Banks BSc. (Hons) MRICS FAAV
Banks Chartered Surveyors
Hutton
Preston
Lancashire

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1.0 INTRODUCTION

- 1.1 This Certificate of Lawfulness of Existing Use or Development (CLEUD) application is prepared and submitted on behalf of Mr. Z. Collinge (hereafter referred to as the Applicant) who operates his construction business on the land east of Saccary Lane, Mellor, Blackburn, BB1 9DW (the Site).
- 1.2 This CLEUD application seeks to regularise a breach of planning regulation at the Site. The breach being the use of the building known as 'Meadow Brook Barn'. The Site area (shown at **Appendix 1** on the Site Location Plan) was formerly part of a working farm and used for agricultural purposes. This was until 1988, when the Applicants parents acquired the site.
- 1.3 The land east of Saccary Lane is a mixed-use site that comprises of various elements, such as commercial and residential. The business grew and diversified, which lead to alternate uses. The Applicant now seeks to regularise the site as a whole through the submission of this Certificate of Lawfulness.
- 1.4 Banks Chartered Surveyors have been instructed to advise the Applicant relating to a breach of planning regulation due to the ongoing occupation of the property.
- 1.5 The extent of the site is shown edged red on the Site Location Plan submitted along with this application.

2.0 THE BREACH

- 2.1 The Applicant and his parents have owned and operated from the site in continuation since 1988. The Applicant acquired the site from his parents on 21st September 2022.
- 2.2 Since the Applicants parents purchased the site in 1988, the use of agriculture ceased. The site and particularly the barn has been used for a number of purposes in conjunction, those being a car hire business 'Cars for all occasions', commercial storage, residential storage, workshop and commercial equestrian facilities. None of these uses cross over with agriculture and the breach has existed for in excess of 10 continuous years.
- 2.3 The Applicant has operated his construction business since 2018 directly from the site and from within 'Meadow Brook Barn'. All of the land edged red on the Site Plan on land east of Saccary Lane has been used as for the above listed uses for in excess of 10 continuous years.
- 2.4 There are seven statutory declarations that attest the above to be true
- 2.5 This Planning Statement, Appendices and application enclosures incorporating the evidence prove the Applicant has used the land subject to this application for commercial use in excess of 10 continuous years.

3.0 EVIDENCE

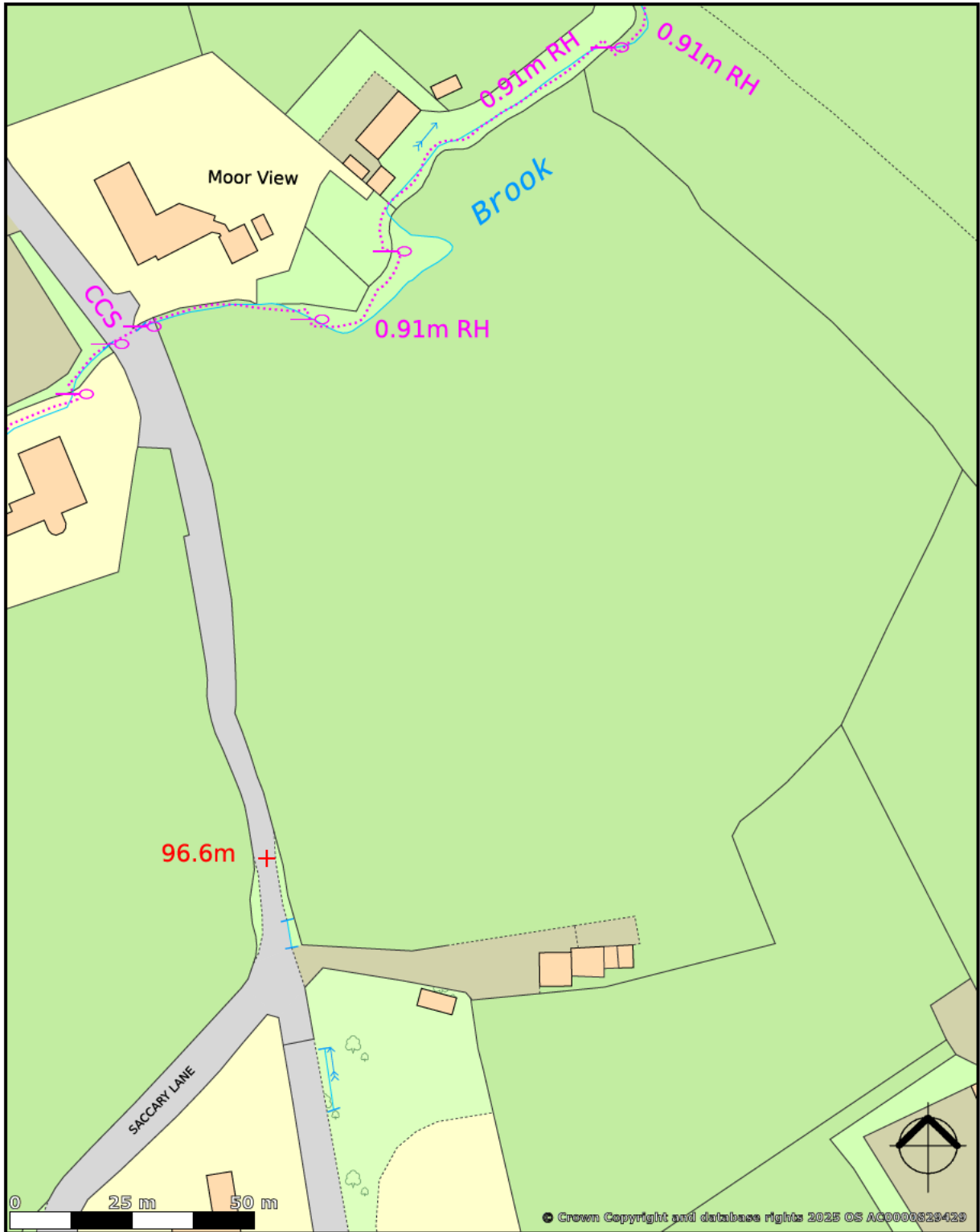
3.1 Evidence that the breach has been ongoing for its current use over a period in excess of 10 years is as follows:

- Site Location Plan showing the change of use - **(Appendix 1)**.
- Statutory Declaration from Zac Collinge – **(Appendix 2)**.
- Statutory Declaration from Jacqueline Collinge **(Appendix 3)**.
- Statutory Declaration from Andrew Shuttleworth **(Appendix 4)**.
- Statutory Declaration from Carmel Harding **(Appendix 5)**.
- Statutory Declaration from Dennis Elliot **(Appendix 6)**.
- Statutory Declaration from Sean Marsden **(Appendix 7)**.
- Statutory Declaration from David Schofield **(Appendix 8)**.

4.0 CONCLUSION

- 4.1 The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
- 4.2 The test that the Applicant must discharge is that, on the balance of probabilities, the breach has existed for a continuous period of 10 years ending on the date of this application and unless the Local Planning Authority has evidence to the contrary, the CLEUD must be granted.
- 4.3 On the evidence supplied, proving that this breach has taken place for in excess of 10 years, based on fact and degree, it is our view that a Certificate of Lawfulness for an Existing Use or Development should be issued, in respect of this breach at Beehive Woodland Lakes, to regularise its current use.

APPENDIX 1



APPENDIX 2

STATUTORY DECLARATION

OF

ZAC COLLINGE

I ZAC COLLINGE of 75 Roe Lee Park, Blackburn, BB1 9RZ
DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I currently reside at the above-mentioned address and have done so since November 2020. I took ownership of Meadow Brook Barn and land on the East Side of Saccary Lane, Mellor, Blackburn ("the site") on 21st September 2022.
2. Prior to my ownership, the site was owned by my parents from 1988 until I acquired the site on 21st September 2022.
3. The agricultural use of the building ceased in 1988, when my parents acquired the building, they utilised the building to operate the business 'Cars for all occasions', commercial storage, ancillary residential storage and a part workshop. Since May 2018, I have operated my construction business from the site continuously without a break. This amounts to in excess of 10 continuous years.
4. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
5. From my direct personal knowledge, I confirm that I ZAC COLLINGE have used Meadow Brook Barn in connection with my construction business, ancillary residential storage, commercial storage and for no other uses.
6. I as the Applicant intend to submit a planning application for a Certificate of Lawfulness to regularise the lawful use of "the site", the change of use having occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.

And I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act 1905

Declared by..... Zac Collinge..... [Redacted]

Declared at..... Blackburn.....

in the County of LANCASHIRE

this 7th day of November 2024

Before me [Redacted]

Commissioner for Oaths Solicitor

Forbes Solicitors LLP
2-8 Wellington St (St Johns)
Blackburn
BB1 8DD

APPENDIX 3

STATUTORY DECLARATION

OF

JACQUELINE COLLINGE

I JACQUELINE COLLINGE of 81 Ramsgreave Drive Blackburn BB1 8NA
DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I currently reside at the above-mentioned address and have done so since 1984. I transferred ownership of Meadow Brook Barn and land on the East Side of Saccary Lane, Mellor, Blackburn ("the site") on 21st September 2022 to my son, Zac Collinge.
2. Prior to his ownership, the site was owned by myself and my late husband from 1988 until I acquired the site on 21st September 2022.
3. The agricultural use of the building ceased in 1988, when myself and my late husband acquired the building, we utilised the building to operate the business 'Cars for all occasions', commercial storage, ancillary residential storage and a part workshop. Since May 2018, my son has operated his construction business from the site continuously without a break. This amounts to in excess of 10 continuous years.
4. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
5. From my direct personal knowledge, I confirm that I JACQUELINE COLLINGE have only known Meadow Brook Barn to be used in connection with my sons construction business, his fathers car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no other uses.
6. I as the Applicant intend to submit a planning application for a Certificate of Lawfulness to regularise the lawful use of "the site", the change of use having occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.

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

Declared by.....Jacqueline Colling

2.12.24

Declared at... WATSON RAMSBOTTOM LIMITED, BLACKBURN

in the County of LANCASTHIRE

this 12 day of DECEMBER 2024

Before me

Commissioner for Oaths/Solicitor

SOLICITOR
SRA ID: 7009108
TEL: 01254 921010
EMAIL: HANNAH.LAHER@WATSONRAMSBOTTOM.COM

WATSON RAMSBOTTOM LTD
SOLICITORS
25/29 VICTORIA STREET
BLACKBURN BB1 6DN
LANCS

APPENDIX 4

I ANDREW SHUTTLEWORTH of 1 Rose Cottage, Longsight Road, Clayton Le Dale, BB1 9EX

DO SOLEMNLY AND SINCERELY DECLARE as follows:

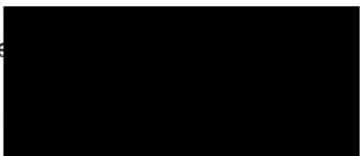
1. I currently reside at the above-mentioned address and have done so since 2007.
2. Since May 2018, I am aware that Mr Zac Collinge has operated his construction business from the site continuously without a break. Prior to this, Zacs father operated his commercial business from the site, which was called 'Cars For All Occasions', the building was also used for equestrian lettings and commercial/residential storage. This amounts to in excess of 10 continuous years.
3. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
4. From my direct personal knowledge, I confirm that I ANDREW SHUTTLEWORTH have only ever known Meadow Brook Barn to be used in connection with Zacs construction business, his fathers car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no agricultural uses.
5. I am aware that the purpose of this statutory declaration is to submit a Planning Application for a Certificate of Lawfulness to regularise the lawful use of the land at Meadow Brook Barn and surrounding land. The change of use having occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.

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

Declared by.....Andrew Shuttleworth...

Declared at *Farleys solicitors LLP, Charnley House*
13 Winckley Sq, Preston, PR1 3JJ
in the County of *Lancashire*

this *10* day of *December* 2024

Before me 

Commissioner for Oaths/Solicitor

FARLEYS SOLICITORS LLP
CHARNLEY HOUSE
13 WINCKLEY SQUARE
PRESTON
PR1 3JJ

APPENDIX 5

STATUTORY DECLARATION

OF

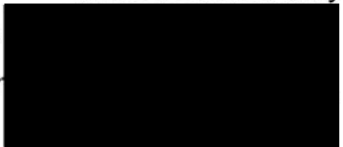
CARMEL HARDING

I CARMEL HARDING of Hillfield House, Lancaster Road, Preesall, Poulton Le Fylde, FY6 0HN DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I currently reside at the above-mentioned address and have done so since 2004. I personally drove the horse and carriages for Zacs fathers business, 'Cars For All Occasions'.
2. Since May 2018, I am aware that Mr Zac Collinge has operated his construction business from the site continuously without a break. Prior to this, Zacs father operated his commercial business from the site, which was called 'Cars For All Occasions', the building was also used for equestrian lettings and commercial/residential storage. This amounts to in excess of 10 continuous years.
3. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
4. From my direct personal knowledge, I confirm that I CARMEL HARDING have only ever known Meadow Brook Barn to be used in connection with Zacs construction business, his fathers car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no agricultural uses.
5. I am aware that the purpose of this statutory declaration is to submit a Planning Application for a Certificate of Lawfulness to regularise the lawful use of the land at Meadow Brook Barn and surrounding land. The change of use having occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.

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

Declared by.....Carmel Harding.....



Declared at... Fleetwood

in the County of Lancashire.

this 22nd day of November 2024

Before me



~~Commissioner for Oaths/Solicitor~~

Solicitor
Addies Solicitors
58-62 Adelaide Street
Fleetwood, FY7 6EE

APPENDIX 6

STATUTORY DECLARATION

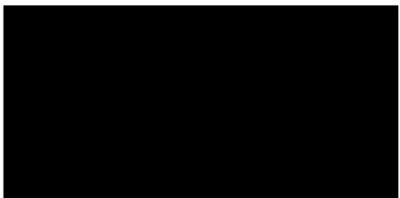
OF

DENNIS ELLIOT

I DENNIS ELLIOT of 518 Whalley New Road, Blackburn, BB1 9AU
DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I currently reside at the above-mentioned address and have done so since 1978. I personally stabled a horse for Dorian House from 1990-1998. I also drove wedding cars for Zacs father until 2001.
2. Since May 2018, I am aware that Mr Zac Collinge has operated his construction business from the site continuously without a break. Prior to this, Zacs father operated his commercial business from the site, which was called 'Cars For All Occasions', the building was also used for equestrian lettings and commercial/residential storage. This amounts to in excess of 10 continuous years.
3. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
4. From my direct personal knowledge, I confirm that I DENNIS ELLIOT have only ever known Meadow Brook Barn to be used in connection with Zacs construction business, his fathers car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no agricultural uses.
5. I am aware that the purpose of this statutory declaration is to submit a Planning Application for a Certificate of Lawfulness to regularise the lawful use of the land at Meadow Brook Barn and surrounding land. The change of use having

occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.



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

Declared by.....Dennis Elliot.....

Declared at 756 WHALLEY NEW RD, BROWNHILL, BLACKBURN

in the County of LANCASHIRE

this 30th day of November 2024

Before me

Commissioner for Oaths/Solicitor



SOLICITOR

LISA-MARIE MCNULTY
SOLICITOR
756 WHALLEY NEW ROAD
BROWNHILL, BLACKBURN BB1 9BA

APPENDIX 7

STATUTORY DECLARATION

OF

SEAN MARSDEN

I SEAN MARSDEN of 71 Ramsgreave Drive, Blackburn, BB1 8QT
DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I currently reside at the above-mentioned address and have done so since the year 2000. I used to drive the wedding cars for Zacs father and stable a horse at Meadow Brook Barn. This all occurred at the "the site" and occurred from 1996 to 1999.
2. Since May 2018, I am aware that Mr Zac Collinge has operated his construction business from the site continuously without a break. Prior to this, Zacs father operated his commercial business from the site, which was called 'Cars For All Occasions', the building was also used for equestrian lettings and commercial/residential storage. This amounts to in excess of 10 continuous years.
3. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
4. From my direct personal knowledge, I confirm that I SEAN MARSDEN have only ever known Meadow Brook Barn to be used in connection with Zacs construction business, his fathers car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no agricultural uses.
5. I am aware that the purpose of this statutory declaration is to submit a Planning Application for a Certificate of Lawfulness to regularise the lawful use of the land

at Meadow Brook Barn and surrounding land. The change of use having occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.

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

Declared by.....Sean Marsden.....

Declared at 756 WHALLEY NEW RD, BROWN HILL, BLACKBURN

in the County of LANCASHIRE

this 26 day of NOVEMBER 2024

Before me

Commissioner for Oaths/Solicitor

LISA-MARIE MCNULTY
SOLICITOR
756 WHALLEY NEW ROAD
BROWN HILL, BLACKBURN BB1 9BA

APPENDIX 8

STATUTORY DECLARATION

OF

DAVID SCHOFIELD

I DAVID SCHOFIELD of Deercroft Farm, Saccary Lane, Blackburn, BB1 9DW
DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I currently reside at the above-mentioned address and have done so since 1999.
2. Since May 2018, I am aware that Mr Zac Collinge has operated his construction business from the site continuously without a break. Prior to this, Zacs father operated his commercial business from the site, which was called 'Cars For All Occasions', the building was also used for equestrian lettings and commercial/residential storage. This amounts to in excess of 10 continuous years.
3. The development undertaken is considered to be a material change of use. The Town & Country Planning (Use Classes) Order 1987 states that the judgment of what constitutes a material change of use is a matter of fact and degree, and to be determined in each case.
4. From my direct personal knowledge, I confirm that I DAVID SCHOFIELD have only ever known Meadow Brook Barn to be used in connection with Zacs construction business, his fathers car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no agricultural uses.
5. I am aware that the purpose of this statutory declaration is to submit a Planning Application for a Certificate of Lawfulness to regularise the lawful use of the land at Meadow Brook Barn and surrounding land. The change of use having occurred in excess of 10 years from the present date and is therefore immune from enforcement action. The application seeks to regularise this fact.

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

Declared by.....David Schofield.....

Declared at.....*Blackburn Lancashire*.....

in the County of *Lancashire*

this *12th* day of *December* 2024

Before me

Commissioner for Oaths/Solicitor

John Bennett
Solicitor
Forbes Solicitors LLP
Rutherford House
4 Wellington St (St Johns)
Blackburn
BB1 8DD