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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

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 barn on land east of Saccary Lane is in storage use (Use Class B8). The Applicant now seeks to regularise the site as a whole through the submission of this Certificate of Lawfulness due to the continued breach of planning regulation for the required 10 year period.

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.

1.6 This application is a re-submission of 3/2025/0016 that was refused due to the planning officer concluding that a B8 (storage and distribution) use was not met for 10 continuous years. The previous application actually stated a 'commercial' use and not B8, however, we seek to address this in this application. We acknowledge that there was some ambiguity on the timeline of events, this application seeks to address that.

1.7 Mellor Parish Council were consulted as part of the application and were fully in support of the application, stating:

The businesses have greatly assisted residents of this Parish and were an asset. It feels the current owner and applicant should not have any resistance in being afforded the ability to conduct his business and welcomes this. PC urge LPA to grant the above application without further delay.

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 Council acknowledge the previous uses in breach of the previous authorised use. There is however some ambiguity surrounding the uses. It was implied that there has been a mixture of use changes within the last 10 years. This application clearly sets out the evidence to show that the building subject of the application is and has been B8 (Storage and Distribution) for the last 10 years continuously.

2.4 The Applicant has stored his machinery, tools and equipment associated with his construction business since 2018 directly from the site and from within 'Meadow Brook Barn'. Prior to this, the building was used for the storage of wedding cars, carriages and associated equipment.

2.5 There are seven statutory declarations that attest the above to be true.

2.6 This Planning Statement, Appendices and application enclosures incorporating the evidence prove the Applicant has used the land subject to this application for Storage and Distribution (B8) Use for 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 TIMELINE OF EVENTS

- 1988 to 2002 – commercial equestrian use – some wedding car storage.
- 2002 – 2018 – storage of wedding cars, carriages.
- 2018 – present day – storage of machinery, tools and equipment alongside some storage for the remaining wedding cars and carriages.

  **There has been no break in the use class (B8), many of the wedding cars have remained in there and are still in there today, along with the Applicants machinery/tools.

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 It is acknowledged that the previous application may be unclear as to which planning breach occurred at which point in time, this application seeks to establish the chain of events at the Application Site. Proving beyond reasonable doubt that Meadow Brook Barn has been used for Storage and Distribution (Use Class B8) for at least the last 10 years continuously.

4.4 National Planning Practice states that:

‘The applicant is responsible for providing sufficient information to support an application…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.’

4.5 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 Meadow Brook Barn – Land east of Saccary Lane, to regularise its current use.

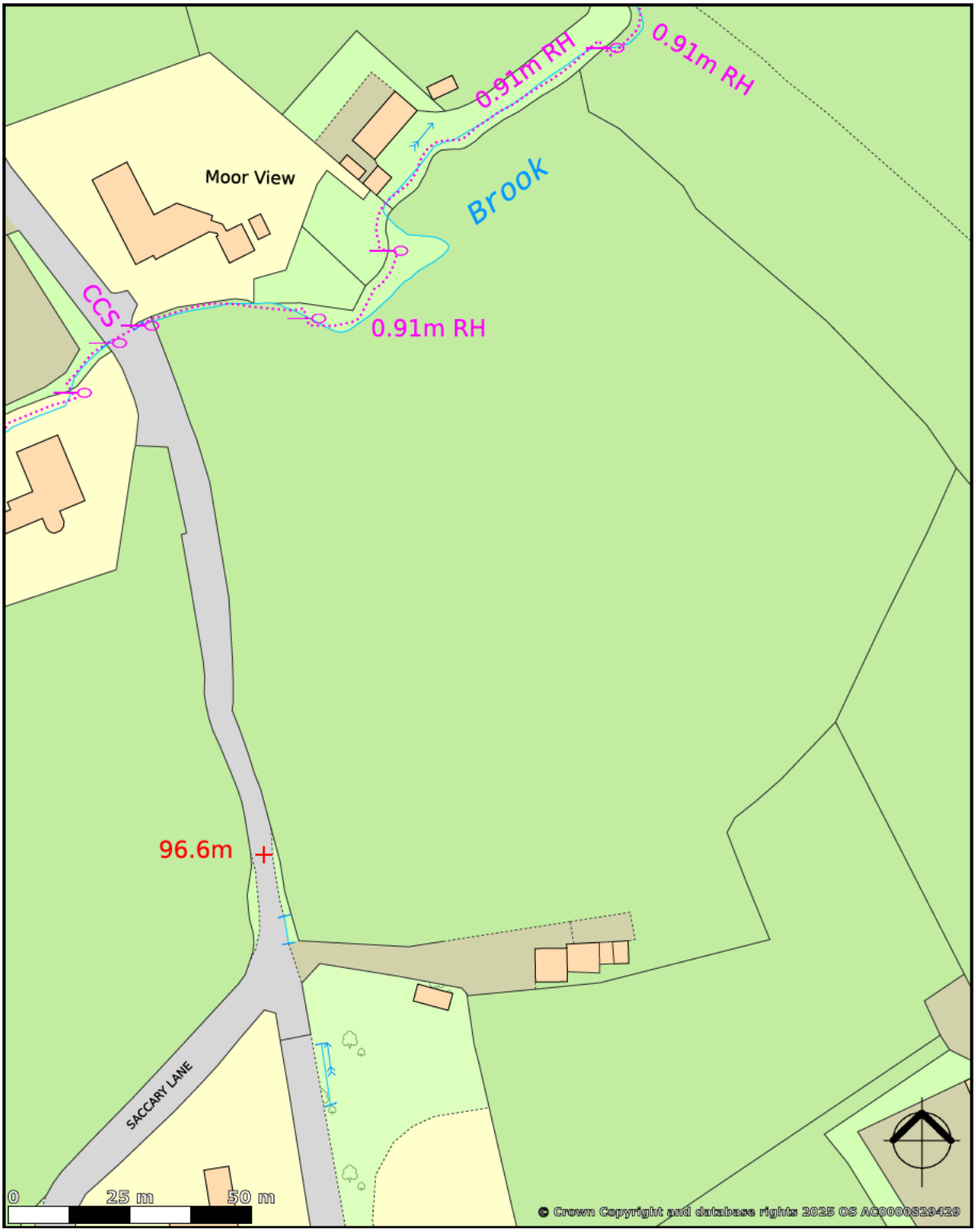
4.6 The Council have acknowledged that the site has been in mixed use for in excess of 10 continuous years, whether the use class be B8 or Suis Generis, the change of use has been established. Further clarity has been provided to demonstrate the B8 (Storage and Distribution) use class. Mr Zac Collinge and Miss Jaqueline Collinge attest to this in their updated statutory declarations.

APPENDIX 1

C120-1

Land East of Saccary Lane, Mellor, Blackburn, BB1 9DW

[redacted]



created on edozo

Plotted Scale - 1:1,250

APPENDIX 2

STATUTORY DECLARATION

OF

ZAC COLLINGE

I ZAC COLLINGE of [redacted]

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. From 2002 to 2018 the building was used for the storage of wedding cars and carriages associated with the 'Cars for all occasions' business. Since May 2018, I have operated my construction business from the site continuously without a break, storing equipment and materials. This amounts to in excess of 10 continuous years of B8 (Storage and Distribution) Use.

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 for storage and distribution and my fathers 'Cars for all occasions' business, which was commercial storage and for no other uses. All of which would be considered B8 (Storage and Distribution).

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 1835

Declared by.....Zac Collinge... [redacted]

Declared at...Blackburn.....

in the County of Lancashire

this 8th day of April 2025

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 [redacted]

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 transferred the site to my son 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. From 2002 to 2018 the building was used for the storage of wedding cars and carriages associated with the 'Cars for all occasions' business. Since May 2018, my son has operated his construction business from the site continuously without a break, storing equipment and materials. This amounts to in excess of 10 continuous years of B8 (Storage and Distribution) Use.

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 for storage and distribution and his fathers 'Cars for all occasions' business, which was commercial storage and for no other uses. All of which would be considered B8 (Storage and Distribution).

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 [redacted]

Declared by.....Jacqueline Colling[redacted]

Declared at....BLACKBURN.....[redacted]

in the County of LANCASHIRE

this 01 day of April 2025

Before me

[redacted]

~~Commissioner for Oaths~~/Solicitor

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

APPENDIX 4

I ANDREW SHUTTLEWORTH of [redacted]
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 183[redacted]

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 [redacted] ~~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 [redacted]

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 [redacted]

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

Declared at...fleetwood.....

in the County of Lancashire.

this 22nd day of November 2024

Before me [redacted] ~~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 [redacted]
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.

[redacted]

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 8th day of November 2024

Before me [redacted] ssioner for Oaths/Solicitor

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

APPENDIX 7

STATUTORY DECLARATION

OF

SEAN MARSDEN

I SEAN MARSDEN of [redacted]
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. [redacted]

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

Declared at 756 WHALLEY NEW RD, BROWNHILL, BLACKBURN

in the County of LANCASHIRE

this 26 day of NOVEMBER 2024

Before me [redacted] Oaths/Solicitor

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

APPENDIX 8

STATUTORY DECLARATION

OF

DAVID SCHOFIELD

I DAVID SCHOFIELD of [redacted]

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..... [redacted]

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

in the County of Lancashire

this 12th day of December 2024

Before me [redacted] ~~Commissioner for Oaths~~/Solicitor

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