

Town and Country Planning Act 1990 (as amended)

Appellant's Statement of Case

Application for a Certificate of Lawful Existing Use or
Development (CLEUD) For an Existing Residential
Property

at

Whittington Stables, Thornton Lane, Thornton, Leicestershire,
LE67 1AL

CONTENTS

1	INTRODUCTION	1
2	THE PROPOSAL	3
3	THE APPEAL SITE AND SURROUNDING AREA	4
4	PLANNING HISTORY	5
5	LEGISLATIVE BACKGROUND	7
6	THE CASE FOR THE APPELLANT	9
7	CONCLUSION	21

LIST OF APPENDICES

APPENDIX 1: Decision Notice 25/00490/CLE

APPENDIX 2: Officer's Delegated Report 25/00490/CLE

APPENDIX 3: Site Location and Block Plan

APPENDIX 4: Evidence A – Google Earth Aerial Images

APPENDIX 5: Evidence C – Lease Agreement Signed by Garrod April 2019

APPENDIX 6: Evidence D – Garrod Court Witness Statement Oct 2024

APPENDIX 7: Evidence E – County Court Case L01LE368 Claim Form Oct 2024

APPENDIX 8: Evidence F – Signed Lease Agreement Tuck Jan 2024

APPENDIX 9: Extracts of Emails and Photos submitted by Garrod/Camm

APPENDIX 10: Officer Report 18/00594/FUL August 2018

APPENDIX 11: Extracts of emails Between the Appellant and Enforcement Officer

APPENDIX 12: Revised Site Location Plan with Garden Area Shown (Rev 1)

APPENDIX 13: Natalie Gent Witness Statement July 2025

APPENDIX 14: James Hill Witness Statement Sept 2025

APPENDIX 15: Lease between Appellant and Alanna Nickols dated Nov 2017

1. INTRODUCTION

- 1.1 This appeal has been lodged by Heaton Planning Limited (Heatons) on behalf of Ms Melanie Brewster ('the appellant') against a decision by Hinckley and Bosworth Borough Council ('the Council') to refuse a Certificate of Lawful Existing Use or Development (CLEUD) relating to the partial change of use of a stable building to a single dwelling house ('The Proposal').
- 1.2 The appeal site is known as at Whittington Stables, Whittington Lane, Thornton, Leicestershire, LE67 1AL.
- 1.3 This Statement sets out the case for the appellant and is presented as follows:
- a) Section 2 provides a brief description of the proposal and lists the application documents;
 - b) Section 3 describes the appeal site and surrounding area;
 - c) Section 3 sets out the site's planning history;
 - d) Section 4 sets out a detailed description of the proposed development;
 - e) Section 5 sets out the legislative background for the determination of a CLEUD;
 - f) Section 6 sets out the case for the appellant; and
 - g) Section 7 sets out conclusions.
- 1.4 The CLEUD was submitted and validated on 15th May 2025 and given application reference number 25/00490/CLE. The application was the subject of a delegated decision with the CLEUD refused on 8th July 2025. The application was refused for the following reason:

'The Applicant has failed to provide sufficient information in this application for a Certificate of Lawful Existing Use to precisely and unambiguously on the balance of probabilities demonstrate that the side extension of the second stable block at Whittington Stables, Whittington Lane, Thornton has been utilised for a primary and permanent Use Class C3 residential use continuously for more than four years prior to 25 April 2024. On the balance of probabilities, the use of the application site is

not considered to be lawful in these site-specific circumstances, nor immune from Enforcement Action and therefore a Certificate of Lawful Existing Use is refused.'

- 1.5 The decision notice is attached as **Appendix 1**. The Officer's delegated report is attached as **Appendix 2**.

2. THE PROPOSAL

- 2.1 The proposal, as submitted to the Council, sought a Certificate of Existing Lawful Use for the following:

‘Certificate of existing lawful development relating to the partial change of use of stable building to single dwellinghouse.’

- 2.2 The application was accompanied by the following plans and documents:

Drawings

- a) Site Location and Block Plans

Documents

- a) Planning Supporting Letter (Heatons);
- b) Evidence A: Aerial Photographs;
- c) Evidence B: Interior Photographs;
- d) Evidence C: Lease Agreement with Garrod/Camm (dated 1st April 2019);
- e) Evidence D: Witness Statement Garrod (dates 30th October 2024);
- f) Evidence E: CPR Part 8 Claim Form (Leicester County Court) (dated 25th October 2024); and
- g) Evidence F: Lease Agreement with Tuck (dated 1st January 2025); and

- 2.3 During determination of the application the following additional document was submitted to the Council in response to third party representations:

Documents

- a) Additional Information: 25/00490/CLE: Comments on Third Party Submissions (dated 1st July 2025).

3. THE APPEAL SITE AND SURROUNDING AREA

- 3.1 The appeal site lies approximately 1.25km to the east of the village of Thornton and approximately 600m to the east of Thornton Reservoir. The site is accessed from Thornton Lane on the eastern side of the site via a secure, gated access.
- 3.2 The site covers an area of approximately 3.72ha and comprises stables, a 3-bedroom dwelling, menage, horse paddocks and associated outside storage of equestrian paraphernalia, horse boxes etc.
- 3.3 The stables are comprised of two buildings: Stable 1 a converted agricultural building originally built to house livestock and Stable 2, a later addition purpose-built stables block which lies to the north-west of Stable 1, between Stable 1 and the menage. The dwelling subject to this application is contained within a single storey side extension on the north-eastern side of Stable 2.
- 3.4 The site is shown in context on the ariel photo shown in Figure 1 below and in detail on the submitted Site Location and Block Plan attached as **Appendix 3** and within Evidence A attached as **Appendix 4**.

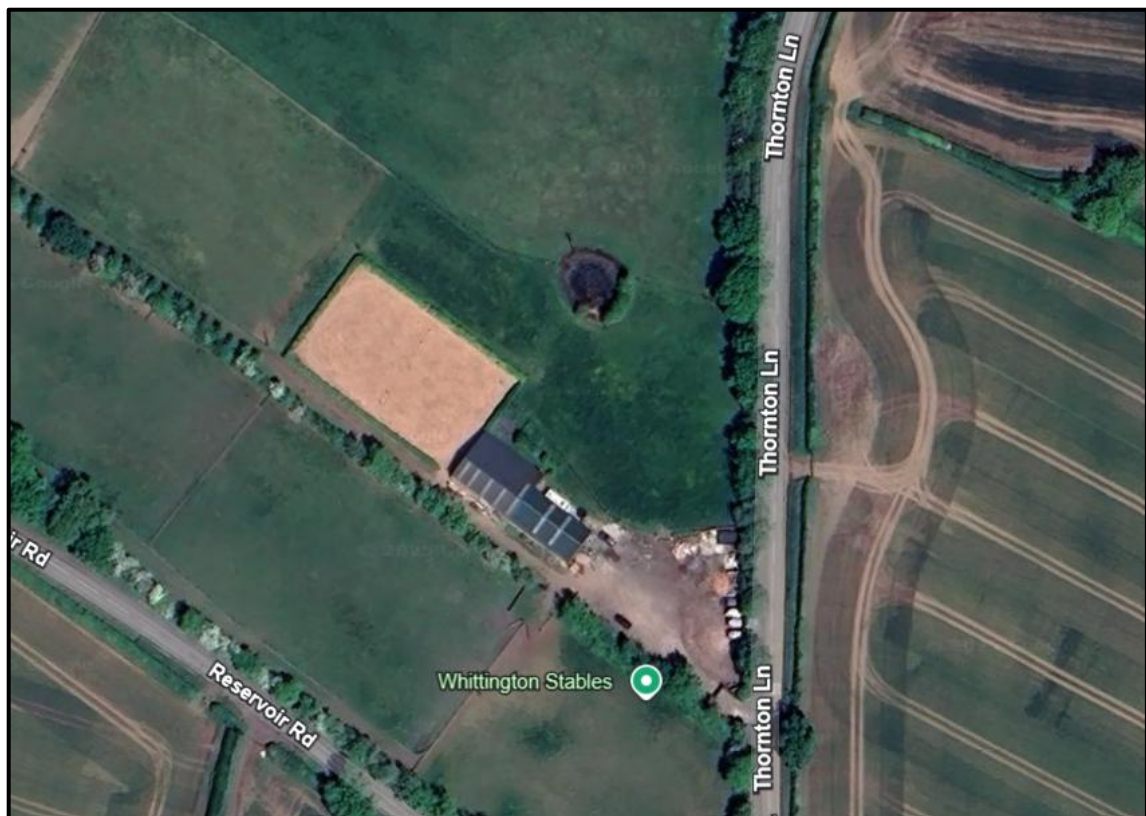


Figure 1: Site Context

4. PLANNING HISTORY

4.1 Hinckley and Bosworth Borough Council's online planning records identify the following planning history for the site.

Planning Application Ref	Description of Development	Decision
09/00986/GDO	Erection of agricultural building to keep livestock	GPDO January 2010
10/00811/FUL	Erection of Four Stables and feed/tack room	Granted January 2011
15/00820/FUL	Conversion and extension of agricultural building for stables, formation of menage, improvements to existing access, hard surfaced parking and turning area and change of use of land for the keeping of horses	Granted November 2015
15/00375/FUL	Siting of a mobile home	Refused May 2015
18/00594/FUL	Single storey side extension to existing stables building (retrospective)	Refused August 2018
19/00715/FUL	Single storey side extension to existing stables (retrospective)	Granted 21 August 2019

4.2 The first permission (09/00986/GDO) was granted via way of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and allowed the erection of the main building on the site, the barn, now stables (Stable 1) located at the front (south-eastern end) of the stable complex. A historic aerial image shows this present in site at least by April 2015 (See **Appendix 4**).

4.3 A further planning permission was granted in January 2011 (10/00811/FUL) to extend the stables, but this was never implemented and the permission subsequently lapsed.

- 4.4 In November 2015, planning permission was granted under 15/00820/FUL to convert and extend the agricultural building to create stables and for the construction of a menage along with hard surfaced car parking and turning areas and the change of use of land for the keeping of horses. It was this permission that essentially established the equestrian use of the site. A historic aerial image (**Appendix 4**) shows this present on site by at least April 2018. It is the side section on the north-eastern side of Stable 2 which was constructed for use as residential accommodation.
- 4.5 In August 2018, a retrospective planning application (18/00594/FUL) was refused for the upwards extension of the side extension to the stables which was already present on site and has remained since. In August 2019, a further retrospective planning permission for the stables (19/00715/FUL) was approved. It is this element of the building which has been used as a residential dwelling since 2019.
- 4.6 **Appendix 4** provides aerial photographs which show the site as follows:
- April 2015 – Original Building/Stable 1 present on site; and
 - April 2018 – Stables 1, 2 and Stable Side Extension (dwelling) plus menage etc present on site.

5. LEGISLATIVE BACKGROUND

5.1 Section 191 of the Town and Country Planning Act 1990 (as amended) relates to Certificates of Lawfulness in respect of an existing use or development. A Certificate of Lawfulness involves a legal evidence-based assessment based on the balance of probabilities.

5.2 Section 191 (1) states:

‘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.’

5.3 Section 191 (2) continues by stating:

‘For the purposes of this Act uses and operations are lawful at any time if –

- a) No enforcement action may be taken in respect of them whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason; and*
- b) They do not constitute a contravention of any of the requirements of any enforcement notice in force.’*

5.4 Section 171B of the Town and Country Planning Act 1990 (as amended) regarding ‘Time Limits’ sets out that:

‘(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of:

(a) In the case of a breach of planning control in England, 10 years beginning with the date of the breach.’

5.5 Prior to 25th April 2024, the above time limit as set out under Section 171B for the change of use of any building to a single dwelling house was 4 years beginning with the date of the breach rather than 10 years. As such, transitional provisions exist which mean that if the breach of planning control was already in place on 24th April 2024, then the 4-year rule still applies. It is under this transitional arrangement that this application for a CLEUD was made. It is the assertion of the applicant that the breach (change of use from a stable to a single residential dwelling) occurred from at least November 2019 meaning that by November 2023, the use of the stable as a permanent single dwelling was lawful and therefore immune from any enforcement action and thus its legal planning use.

6. THE CASE FOR THE APPELLANT

- 6.1 The Council's reason for refusal states that the appellant failed to provide sufficient information to precisely and unambiguously, on the balance of probabilities, demonstrate that the stable side extension was used as a stable block continuously for more than 4 years prior to 25th April 2024. This is contrary to the appellants view as set out below and should be considered in conjunction with the historic aerial images set out within **Appendix 4** and the planning history set out within **Section 4** of this Statement of Case.

The Evidence

- 6.2 To comply with the relevant legislation, evidence was provided in support of the CLEUD application to demonstrate that the side stable extension at the property has been used for a period of more than 4 years as a residential dwelling. The supporting evidence is outlined below.

Use of the Premises as an Equestrian Business by Ms Nickols

- 6.3 The premises was first rented to Ms Nickols from 2015 to early 2019 and operated as a stables/livery. A formal lease was in place from October 2017. It was during the early part of this tenancy that the permission for a mobile home on the site was sought and refused. At the time of the application, the reason given for the mobile home was for the safety and security of the horses, particularly during breeding and foaling, which could only in the applicant's view, be fully provided with a permanent on-site presence. It is known that Ms Nicholls and her two children occupied the side extension (residential element) from at least 2018.

Use of the Premises as an Equestrian Business and Dwelling by Garrod and Camm

- 6.4 A lease agreement was entered into by the applicant with Mr Garrod and Ms Camm on 1st April 2019 for the site. The lease agreement was provided as part of the CLEUD application as Evidence C (attached now as **Appendix 5**). It is noted that the terms of the lease agreement was for the use of the premises for its legal use for agriculture.

- 6.5 Mr Garrod and Ms Camm began running their horse livery, training, sales, breeding and farrier business (Trilogee Stud) from the site in April 2019 in accordance with the lease. By November 2019 however, Mr Garrod and Ms Camm were using the premises as their permanent residence. This is confirmed in a Leicester County Court Witness Statement made and signed by Mr Garrod and dated 30th October 2024. This was provided as Evidence D in the CLEUD and is now attached at **Appendix 6**.
- 6.6 The premises was used as an equestrian facility and permanent dwelling by Mr Garrod and Ms Camm until they were evicted from the property by the applicant on 17th October 2024 following the issue of an eviction notice by the applicant on 1st April 2024. The eviction notice was issued due to unpaid rent and other property management and maintenance matters. Mr Garrod made a claim to Leicester County Court on 25th October 2024 against the eviction. Evidence E of the CLEUD (attached as **Appendix 7**), a CPR Part 8 Claim Form submitted to the court under court case reference L01LE368 sets out details submitted to the court by Mr Garrod which specifies that the property was their residential and business address.
- 6.7 It is clear from the above timeline and supporting evidence that Mr Garrod and Ms Camm lived at the site both as their permanent residence and ran their equestrian business from the site between November 2019 and 17th October 2024, in total for a period of 4 years and 11 months. By the 24th April 2024, they had been living at the site in the property as their residential home for 4 years and 5 months. As such, as the breach of planning control took place over a period of 4 years to prior to 25th April 2025, the use is therefore immune from enforcement action and therefore the residential element of the site constitutes a legal use of that element of the site.

Use of the Premises as an Equestrian Business and Dwelling by Mr Tuck

- 6.8 Following the eviction of Mr Garrod and Ms Camm from the site (business and residential) in October 2024, work was undertaken by the applicant to remove all of the former tenants' residential and business property from the site, which due to the nature of property and the on-going court process took a number of weeks. During this time, the applicant identified a new tenant for the site, Mr Tuck, who signed a lease to operate a livery and horse breeding business from the site and

live permanently on the site in the residential property from 1st January 2025. Mr Tuck has been in situ since that time. A copy of the lease for information was attached as Evidence F in the CLEUD application and is now attached as **Appendix 8**.

Third Party Conflicting Comments

- 6.9 During determination of the CLUED application, representations were made by two third parties; Mr Garrod and Ms Camm (the former, evicted tenants) and Bagworth and Thornton Parish Council (objecting to the application) and the Council's enforcement Officer, Mr Warren.

Mr Garrod and Ms Camm

- 6.10 The content of two emails were provided by the Case Officer during determination of the application, one from the former tenants, Mr Garrod and Ms Camm to the appellant (undated) but in response to the CLEUD application and one from the appellant to Mr Garrod/Ms Camm dated 8th November 2021. Their representations can be summarised as follows:

- They were unlawfully evicted from Whittington Stables. Following court hearings, they were granted access to the property to remove all of their belongings and animals and 'put the site back in order'.
- Photographs and videos were submitted, dated 1st November 2024 showing the dwelling cleared of their possessions and also showing the kitchen removed and a concrete floor in the kitchen/living area;
- That from late November 2019, they lived in a horse box at the site before buying a touring caravan, only moving into the dwelling in November 2021, stating that before this the dwelling was used for storage;
- They claimed that an email from the appellant dated 8th November 2021 which confirms that the stable was not being used as a dwelling; and
- They are still getting electricity bills for the property.

- 6.11 The email referred to from the appellant dated 8th November 2021 states the following:

- The appellant is aware that the side extension to the stables had been used for a period of coming up to 3 years and that at the 4-year point, they could apply for a CLEUD to regularise the use;
- There was at this time a fitted kitchen in storage and there was a need to provide some new flooring if this was to be re-installed; and
- There was still some shutters on the rear of the living area and these could be replaced by doors as and when it was appropriate to do so. It should be noted that the doors (since installed) open directly onto the menage rather than an garden or outdoor sitting area and therefore there was no original need to install them.

6.12 The details contained within the emails and the photos submitted by Mr Garrod and Ms Camm are attached as **Appendix 9**.

6.13 Mr Garrod and Ms Camm were lawfully evicted from the site following a legal process through the courts. It should be noted that there is now animosity between the appellant and their former tenant. At no point does it state in the appellants email to their since evicted tenant that the stable was not being used as a dwelling. It would also make no sense, that the former tenants would live in a horse box on the site when they had a fully functioning dwelling that had been vacated by the original tenant, Ms Nickols and which they were paying rent on. They are also clear in their email that they have received electricity bills associated with the property. Whether the former tenants had a somewhat ad-hoc lifestyle or not does disprove that the dwelling was their main residence that they paid rent and utilities bills on, that it provided a fully functioning kitchen and bathroom and that this information was provided in a sworn court statement.

6.14 The photos and videos submitted show the dwelling, its fitted bathroom, bedrooms and kitchen/living area cleared as of 1st November 2024. The appellant does not dispute this as this was part of the requirements following eviction. However, prior to Mr Garrod and Ms Camm moving into the property in November 2015, there had been a fitted kitchen, used by the first tenant, Ms Nickols. Mr Garrod and Ms Camm had requested to use their own free-standing kitchen (presumably to avoid needing to store it elsewhere) and therefore the applicant had removed the fitted kitchen and placed it in storage when the tenants moved in in November 2019. This kitchen was re-installed immediately after Mr Garrod and Ms Camm moved out and has been in use ever since by the subsequent tenant. The eviction, through the courts, was an acrimonious process and in

removing the kitchen, the aggrieved former tenants removed all floor coverings, temporary or otherwise as part of their 'putting the site back into order'.

- 6.15 The photo shown in Figure 2 below, dated 12th April 2024, 7 months before Mr Garrod and Ms Camm were evicted show their freestanding kitchen in situ at the premises which disproves their suggestion that there was no kitchen.

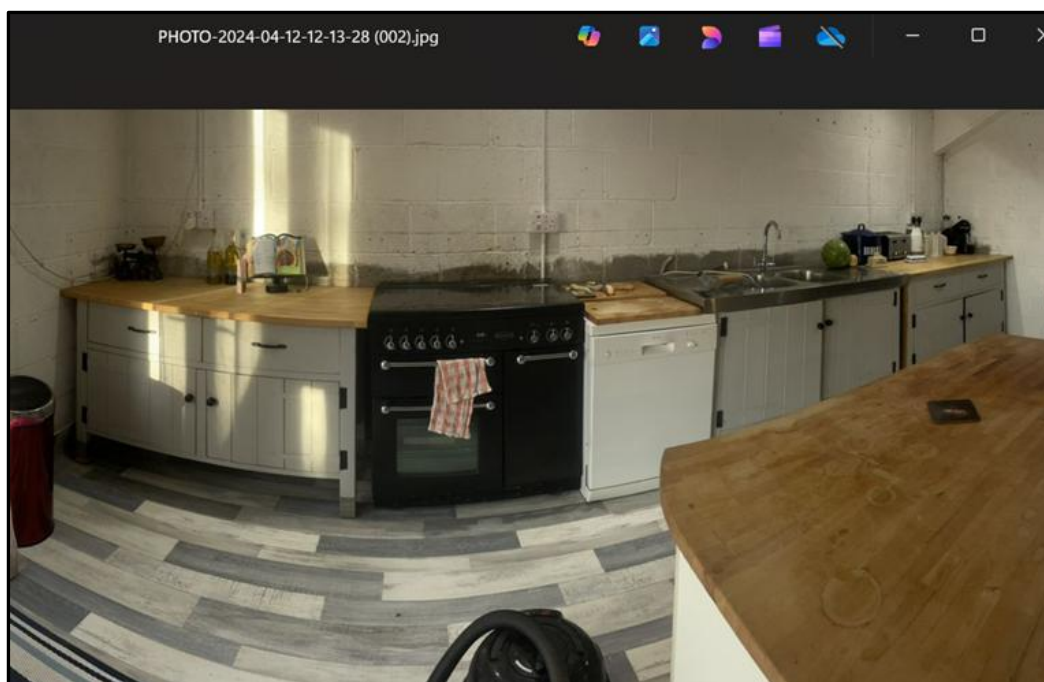


Figure 2: Freestanding Kitchen owned by Mr Garrod and Ms Camm

- 6.16 The photo shown in Figure 3 overleaf, dated May 2017 shows the original fitted kitchen used by Ms Nickols which was placed in storage so that Mr Garrod and Ms Camm could utilise their own freestanding kitchen. This is the kitchen that has been re-fitted since Mr Garrod and Ms Camm left the property and is in use by Mr Tuck since January 2025.

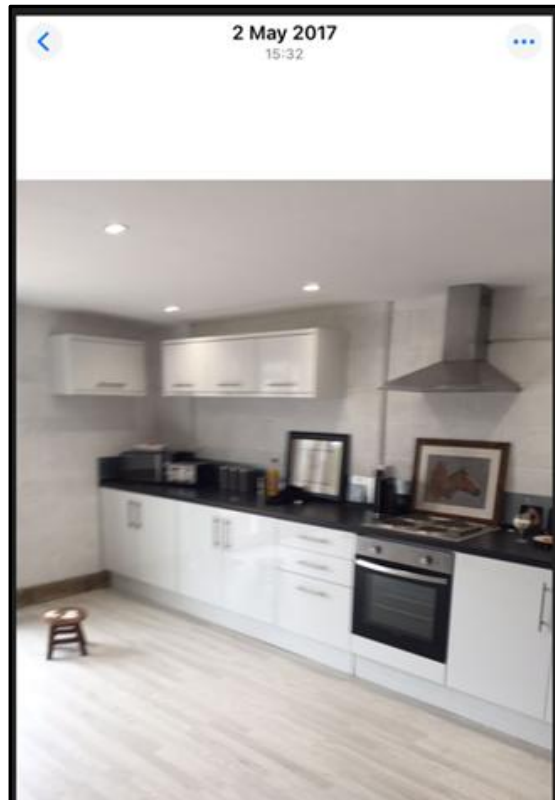


Figure 3: Fitted Kitchen in use from 2015 to 2019 by Ms Nickols and by Mr Tuck since January 2025.

- 6.17 The email from the appellant to Mr Garrod/Miss Camm dated 8th November 2021 related to potential changes to the kitchen and wider living area that would be required if the free-standing kitchen was to be removed and the original fitted kitchen (which required less space and thus freed up a wider living area) was to be installed. The photos and videos which Mr Garrod/Ms Camm have provided do not dispute any of the above.
- 6.18 Comments relating to the floor coverings are not considered relevant, as with any property floor and wall coverings will change overtime and depend on personal preference and the replacement of one type of kitchen for another along with associated changes to the living area would also necessitate this from time to time. It is important to note that all three tenants who have/are currently using the premises as residential accommodation have done so in association with their roles looking after and breeding horses. Much like some people engaged in farming activities, their residential accommodation does not necessarily take on the same form of a typical family home on an urban estate and as such home comforts, flooring and furnishings are often much more basic, fit for purpose and appropriate for heavy use by dirty boots etc.

- 6.19 It is acknowledged that the email from the appellant to Mr Garrod/Ms Camm dated 8th November refers to the need for a CLEUD to regularise the use of the extension as a dwelling after a 4-year period. The appellant is open about this need. If the information contained within this email is taken at face value, it is also clear that at the date of 8th November 2021 when timescales were discussed with Mr Garrod and Ms Camm, they would have been residing at the premises for at least 3 years in April 2022. That would mean 4 years by April 2023 and therefore that 4 years would have taken place in any case between the change to the legislation in April 2024.

Bagworth and Thornton Parish Council

- 6.20 The letter of objection from Bagworth and Thornton Parish Council in response to the CLEUD, whilst in itself objecting to the principle of the use on site, is clear that in the view of the Parish Council (PC) the stable extension has been in use as residential accommodation since ‘as far back as 2018’.

- 6.21 The PC quotes the Officer report (dated 24th August 2018) for planning application 18/00594/FUL for a single storey extension which states at para 2.3:

‘Following an Officer visit inside the building, and in accordance with the submitted details, it is apparent that the development proposed is completely separate (internally) from the existing stables and includes a bathroom, fully equipped kitchen and living area.

The submitted design and access statement states that: “Foaling is a core element of the business and takes place annually. The essential welfare requirements with regards to this business are at their greatest when a mare is foaling down. It is more common for horses to foal at night, and the horses must be constantly monitored when it is looking likely that they will foal. For this reason, it is essential that the applicant can be onsite night and day during these periods.”

- 6.22 This confirms that the Council knew that the extension was being used for residential accommodation (with a fully fitted kitchen and bathroom) by the applicant from as early as 2018 with no enforcement action taken. This application was subsequently refused before a retrospective application was later permitted in August 2019 with Mr Garrod and Miss Camm commencing full time permanent residence at the premise in November 2019. A copy of the

18/00594/FUL Officer Report is attached as **Appendix 10** alongside the objection letter from the PC.

- 6.23 The other points made by the PC are not relevant to the application as it is not a planning application but a CLEUD application.

Mr Warren, Enforcement Officer (Hinckley and Bosworth Borough Council)

- 6.24 The content of the email exchanges provided by the Case Officer during determination of the application between the appellant and the Council's Enforcement Officer (see attached as **Appendix 11**) relate to the use of the site.
- 6.25 The appellant is clear that the use of the premises has not changed since 2015 and that following the 2015 consent for the extension to the stables, the extension has been in use as a dwelling with a kitchen and bathroom fitted.

'Since then, the building has been in use. There is a kitchen which was installed immediately after the construction along with a bathroom. There has also been a caravan on site for sleeping.'

- 6.26 The email does not say that the premises is not being used for stables and associated residential accommodation, but that the use has been unchanged since 2015 which when the extension was built, fitted out for residential use and tenanted by Ms Nickols. Again, the appellant is open about the premises and invites Mr Warren to visit. This offer was never however taken up.

The Case Officer's Delegated Report (25/00490/CLE)

- 6.27 Paragraph 8.9 of the Case Officer's Delegated Report states that the application relates to *'the change of use to a single dwelling house'* then goes onto say that as the red line boundary includes the entire Whittington Stables site, including both stables and the menage and that none of the submitted evidence documents include a site location plan which confirm where the residential property is sited, nor its size or scale or outdoor areas. This is incorrect.
- 6.28 The application description is:

'Certificate of Existing Lawful Development relating to the partial change of use of a stable building to a single dwellinghouse'

The description of development is clear.

- 6.29 Under the heading 'The Application Site', paragraph 3, page 3 of the supporting letter submitted with the application clearly describes and numbers the buildings on site. On page 4 under the heading 'Planning History' there is a further clear description of the evolution of the site, along with a reference to Evidence A (see **Appendix 4**) which provides clear annotated photographs of the site, and in particular, the dwelling. This combined with a site visit and from reading the supporting documents, it is quite clear what is sought in terms of the precise use and what building on site. There is only one single storey side extension on the north-eastern side of Stable 2 and can only ever be one whilst the current extension/dwelling is in place.
- 6.30 In terms of the outdoor area, no questions were raised during the determination of the application despite liaison on other matters with the Case Officer. It is clear from the site block plan, the site description and a site visit that there can be no garden land to the north-west, north-east or south of the dwelling as this comprises the menage, horse paddocks and stable buildings respectively. The only area of land used (informally) at present for outdoor space is the small area (circa 3.5m by 3.6m) located immediately to the south-east of the dwelling immediately outside its front entrance and shown in the plan attached as **Appendix 12**.
- 6.31 Paragraph 8.12 makes the bizarre assertion that *'it cannot be determined through the undated images within Evidence B whether these images were undertaken within the side extension of the stable block. The ambiguity of the use is also apparent from public views of the site'*. The photos clearly show small scale, self-contained residential development at the site and match those submitted by a third party. Any Officer (case or enforcement) visiting the site would be in no doubt that the only residential accommodation at the site is the self-contained dwelling within the small side extension. There is a very clear difference between the large-scale stables in which the horses live and the small-scale dwelling in which humans live. As there is a photographic record of the residential living accommodation, then it would be clear to anyone visiting the site in the future if any further stables had been converted. In the interests of clarity, the horse stabling is shown in Figure 4 overleaf.



Figure 4 – Horse Stabling

- 6.32 The site is not readily visible from public viewpoints due to the mature tree and hedgerow boundaries along Reservoir Road and Thornton Lane/Whittington Lane. Footpath R781 runs to the north-east and west of the site. Where there is a line of sight to the barns complex, this is at a distance of between approximately 150-250m. Due to the nature of the barn complex and the fact that the residential element is a small side extension, the barns are read as one in the context of a wider stables site with associated equipment, menage, horse boxes, vehicles etc. It is not clear to any user of the footpath that a dwelling exists on the site. Furthermore, a lack of a significant or formal garden further reduces any urbanising impact. As such, it is not considered that the dwelling has any urbanising effects on the character and location of the site or changes the view of the site as a rural, but commercial, stables complex from any public viewpoints.

6.33 Paragraph 8.15 states that the legal agreement within Evidence F contradicts the appellant's email to the enforcement officer stating that the due to horses being bred on the site, residential accommodation was needed for on-site supervision especially during foaling. All three tenants have run horse breeding businesses from the site whilst living on site since 2019 and the evidence submitted does not contradict this. Whether the existing rental agreement with Mr Garrod and Ms Camm was originally for running a business is not relevant, as that business required the tenants to live on site with the horses and sworn court documents signed by Mr Garrod confirm that he and Ms Camm lived on site.

6.34 Since the refusal of the Certificate, further information has come to light in the form of a signed statement from Natalie Gent which confirms the appellant's evidence about the domestic residency of Mr Garrod and Ms Camm at premises during the periods stated. This is attached as **Appendix 13**. It corroborates the appellant's case confirming, amongst other matters, the following:

- Steven Garrod and Theresa Camm lived at the premises as their residential home from April 2019 until October 2024 until they were legally evicted; and
- All tenancies relied upon the tenants living at the property for the purpose of foaling and other equestrian matters.

6.35 Further evidence has also come to light in the form of a signed statement from James Hill. This is attached as **Appendix 14** and corroborates the appellant's case confirming, amongst other matters, the following:

- Both Alanna Nickols and Stephen Garrod/Theresa Camm used the stables known as Whittington Stables for both their equestrian businesses and residences since at least 2018 as set out by the appellant;
- Mr Hill regularly attended the premises for business and social purposes. He socialised with Stephen Garrod/Theresa Camm and along with his partner went for meals and other social events at the dwelling; and
- Alanna Nickols used the fitted kitchen installed by the appellant during her tenancy whilst Stephen Garrod and Theresa Camm used their own free-standing kitchen during their tenancy. The original fitted kitchen was re-installed after Stephen Garrod and Theresa Camm were evicted and is used by the current tenant.

6.36 For completeness, a copy of a lease between the appellant and Alanna Nickols is attached as **Appendix 15**.

7. CONCLUSION

- 7.1 In light of the submitted evidence submitted as part of the CLEUD application and set out and discussed within this Statement of Case, it is clear that on the balance of probability that the stable as described in the application and this appeal statement was in use as a residential property at Whittington Stables, Thornton Road, Thornton, Leicestershire, LE67 1AR for a period of at least 4 years prior to 25th April 2024. The use continues today.
- 7.2 The evidence submitted with the application and as discussed in detail within this appeal statement provides sufficient and precise information to demonstrate the use as cited. The evidence is not ambiguous, despite vague evidence to the contrary provided by a disgruntled, evicted former tenant.
- 7.3 Court papers, submitted to Leicester County Court, signed by the since evicted tenant clearly demonstrate that the premises was their main residential property during the cited 4-year period. Furthermore, evidence has been provided which demonstrates that the Local Authority and the Parish Council knew that the stable had been converted and was being used for residential purposes from as early as 2018 but no enforcement action was taken. There was no direct concealment of this use by the appellant, with evidence in emails between the appellant and the Council's Enforcement Officer (as provided by the Case Officer) demonstrating that the appellant was clear that the residential use was still on-going.
- 7.4 Overall, the appellant has provided both sufficient and precise, unambiguous evidence which sets out a clear description of the use of the site and the building in which that use has and continues to take place, over a specified period of time. Both the Council and Parish Council have been aware of this use for many years, with references made in Officer Reports as far back as 2018 with the Council failing to take any enforcement action during this time.
- 7.5 We therefore respectfully request that the application **be allowed** and a Certificate of Existing Lawful Use be granted.



H e a t o n s
Planning Environment Design