DELEGATED REPORT
Recommendation Made: 19 March 2008

Reference:- 08/00079/CLU **Parish:-** Cadeby Parish Council

Applicant:- Lynn Bailey
Amblyn Stud Farm
Ashby Road
Cadeby
Nuneaton

Location:- Amblyn Stud Farm Ashby Road Cadeby Nuneaton Leicestershire

Proposal:- CERTIFICATE OF LAWFUL EXISTING USE FOR RESIDENTIAL AND EQUESTRIAN USE

Introduction:-

This application is for Certificates of Lawful Use for Residential and Equestrian uses on site.

Relevant history:-

89/1545/4	Appeal to retain siting of residential mobile home	Dismissed	24.04.91
94/00321/TEMP	Siting of agricultural building	Refused	06.07.94
94/00321/TEMP	Appeal to retain agricultural building for storage	Allowed	16.08.95
07/00157/COU	Change of use of agricultural store to residential use	Refused	21.12 07

Consultations:-

Cadeby Parish Council has commented that the site is outside the village boundary, accessed on a busy and dangerous stretch of road, and that the caravan is out of keeping with the conservation area of the village.

Head of Corporate and Community Services (Legal Services) recommends refusal on the grounds that the evidence submitted does not establish with sufficient precision that the uses are proven.

evelopment Plan Policies:-

Not relevant in relation to applications for Certificates of Lawful Use.

Appraisal:-

That the evidence does not prove with sufficient precision that Certificates should be granted.

The decision to grant or refused a CLU application is evidence based is a legal matter and if proved, the access and visual aspects could not be taken into account.

Recommendation, Refuse

1 In the opinion of the Local Planning Authority, the evidence submitted does not establish with sufficient precision, that the land has been used for equestrian purposes continually for a period of ten years at the date of application.

2 In the opinion of the Local Planning Authority, the evidence submitted does not establish with sufficient precision, that the land has been used for residential purposes continually for ten years at the date of the application.

Contact Officer:- Mrs L Forman Ext 5682

Louise Forman

From: Emma Garnett
Sent: 19 March 2008 09:52
To: Louise Forman
Subject: FW: Format and Wording for refusal final draft.doc

From: Emma Garnett
Sent: 19 March 2008 09:36
To: Louise Forman
Subject: Format and Wording for refusal final draft.doc

Dear Louise,

please find the wording for the refusal for Amblyn Stud Farm, lawful use application.

If you have any queries, feel free to contact me,

Regards

Emma