25/00490/CLE: Comments on Third Party Submissions

Submission from Mr Garrod/Ms Camm

Within the submission made in support of the application for the CLEUD, evidence has been submitted (Court Witness Statement of Truth L01LE368 by Mr Garrod) that the site was occupied by Mr Garrod and Ms Camm between November 2019 and 17th October 2024 – this equates to a period of 4 years and 11 months in total. This is the most relevant information to the case because this is a signed, legal statement made by Mr Garrod.

By the 24th April 2024 when the legislation relating to time limits under S171 of the TCP Act changed from 4 to 10 years, Mr Garrod and Ms Camm had lived at the premises for 4 years and 5 months meaning that the use of the property as a residential dwelling had already become immune from enforcement action by the Council.

The information provided by the third party (Mr Garrod and Ms Camm) in respect of the CELUD, states that the rooms had been cleared at the property and their personal free-standing kitchen had been removed by 1st November 2024. The submitted photos and videos clearly demonstrate this, and the applicant does not dispute this. This is however irrelevant to the application because at this time, the residential use had already been present in excess of 4 years. By the date of the photos and videos, Mr Garrod and Ms Camm had been living in the property and in the final month retained their domestic goods in the property for 5 years.

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 Nichols. 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. 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. Comments relating to the floor coverings are not relevant, as with any property floor and wall coverings will change overtime and depend on personal preference.

The email from Ms Brewster to Mr Garrod/Miss Camm which you have provided 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 appear to have been taken when they were

evicted, presumably to show at that time that all of their possessions had been removed, this included their free-standing kitchen. There appears to be no other evidence from these photographs that has not been set out within the original CELUD submission.

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.

Whilst we note that the email from Ms Brewster to Mr Garrod/Ms Camm refers to the need for a certificate, she is open about this need. If we take the information contained within this email at face value (we cannot verify that this has not been doctored) 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.

<u>E-mails Between the applicant and Mr Warren of HBBC</u>

The emails from Ms Brewster to Mr Warren are 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 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.'

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 Nichols. Again, Ms Brewster is open about the premises and invites Mr Warren to visit.

<u>Bagworth and Thornton Parish Council Comments</u>

The letter from Bagworth and Thornton Parish Council, whilst in itself objecting to the principle of the use on site, is clear that in the view of the Parish Council (PC) that the building has been in use as residential accommodation since *'as far back as 2018'*. 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 incudes 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."'

This confirms that the Council knew that the extension was being used for residential accommodation by the applicant from as early as 2018 with no enforcement action taken.

This application was subsequently refused before a retrospective application later being permitted in August 2019 with Mr Garrod and Miss Camm commencing full time permanent residence at the premise in November 2019.

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

<u>Conclusion</u>

Taking into account the above, there has been no credible evidence submitted by 3rd parties which changes the fact that the premises has been used for a period of 4 consecutive years as residential accommodation before 25th April 2024. Ms Brewster has been open about this and is now seeking to regularise the permission. As such, in light of the evidence submitted by the applicant, and taking into account the comments above, on the balance of probability, there is no contrary evidence to demonstrate that the premises was not in use in accordance with the details of the certificate sought.