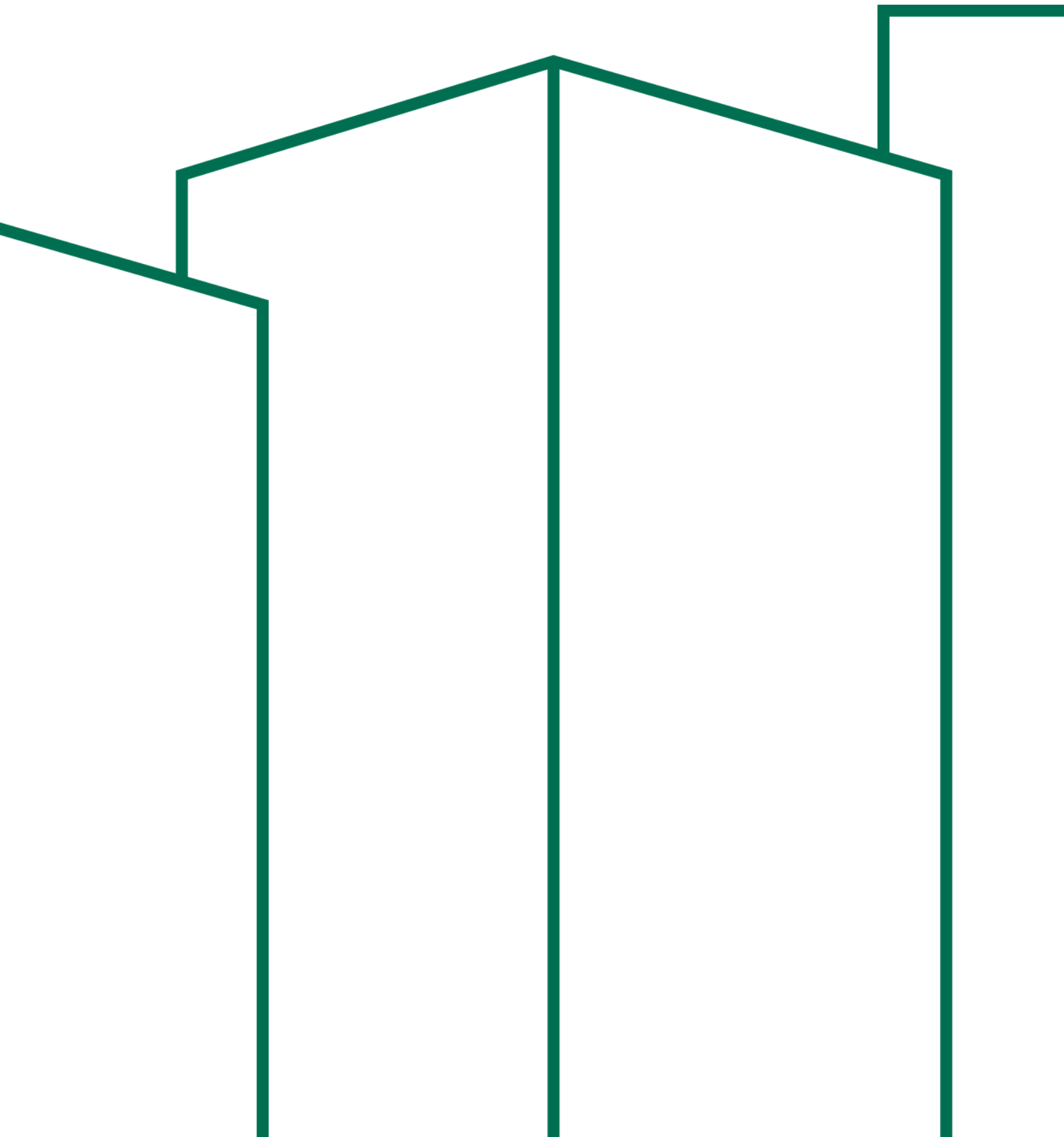


PLANNING STATEMENT

Willow Farm
Thornton Lane
Stanton under Bardon
Leicester
LE67 9TU



1.0 INTRODUCTION

- 1.1 CT Planning have been instructed by Mr and Mrs Wright to submit an application for a Certificate of Lawfulness relating to the use of former agricultural buildings as livery stabling and associated equine storage at Willow Farm, Thornton Lane, Markfield LE67 9RP for a continuous period of 10 years.
- 1.2 This application will run alongside a separate Lawful Development Application on the basis that the bungalow at Willow Farm, has been occupied without complying with the restrictive occupancy condition for a period in excess of 10 years. It is therefore the case that the occupation of the property by someone not solely or mainly employed, or last employed locally in agriculture or forestry is lawful with the former agricultural buildings associated with the livery stabling business operated by the applicants, Mr and Mrs Wright. This application will also run alongside a separate planning application submitted for the retention of the menage.
- 1.3 The owners of Willow Farm bungalow are the owners of the former agricultural buildings to the south east, which have been used in association with their equine business and livery yard providing stabling facilities on a commercial basis.
- 1.4 Mr and Mrs Wright occupied the property in 1987 which at the time, they were milking cows as part of an agricultural enterprise. Mr and Mrs Wright then ceased dairy farming in 2001 for financial reasons after the Foot and Mouth epidemic. The livery business then commenced in 2003 with 4 liveries and then grew steadily having 17 stables altogether. The farm was used as a

dairy/stock farm until 2002 with a subsequent 98 acres of the applicants' land put into the National Forest Scheme in 2003/04.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the north western side of Thornton Lane, accessed via a private track. The site is located within open countryside, outside of a defined settlement boundary.
- 2.2 The application site consists of a range of former agricultural buildings to the east of the existing bungalow at Willow Farm. Adjacent to the bungalow is a former cattle shed measuring some 36.5 metres in length and 12 metres in depth. This now contains stabling for up to 14 horses. There is a smaller building with a further 5 stables to the east of the former cattle shed. Centrally located is a small wooden stable block and tack room that backs onto the house paddock.
- 2.3 There is an additional former cattle shed approximately 24.5 metres in length and 12 metres in width used for equipment storage which is further to the east adjacent to the riding menage. A former cubicle house is situated to the north, originally used to house 80 cows, which has been used for the storage of hay and bedding for the horses, used by tenants using the stabling livery. To the far east of the application site is a 23 metre by 45 metre all weather riding arena, which is subject to a separate application for its retention.
- 2.4 The dated aerial photographs below show the all weather riding menage, along with other evidence of the buildings being used in association with a livery yard with clear evidence of horse boxes and trailers parked within the site, along with the surrounding fields clearly separated into different sections with horses associated with the stables grazing the land. As shown on the dated

photographs below, this has been the case for a substantial continuous period of time.

2006



2011



2015



2016



2018



2020



2021



2022



2023



3.0 PLANNING CONSIDERATIONS

3.1 This application has been submitted to determine whether the existing use of the former agricultural buildings at Willow Farm have been used as a stabling livery yard for a continuous period over 10 years, and is therefore lawful.

3.2 Planning Practice Guidance states at Paragraph 006:-

"In the case of applications for existing use, 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."

3.3 To support this claim, the application is supported by several pieces of evidence, including:-

- NFU Certificates of Public and Product Liability Insurance (2013 – 2023) (Appendix 1),
- NFU Mutual Correspondence (2013 – 2023) (Appendix 2),
- Receipt for outdoor riding menage (Appendix 3),
- Receipt for internal stabling (Appendix 4)
- Statutory Declarations from tenants renting stables (Appendix 5)
- Photographs (Appendix 6)

- 3.4 Appendix 1 of this Planning Statement demonstrates that Public Liability Insurance has been taken out for the previous 10 years continuously associated with the livery stable business and the applicants. Appendix 2 ties the Public Liability Insurance associated with the livery stable business of the applicants and the property address as it is clear from the NFU Mutual correspondence that the letters are addressed to the applicants at the application site, and has been for the previous 10 years continuously as is evident on the dates of the letters.
- 3.5 Appendix 3 and 4 of this Planning Statement contains receipts from Fibresand UK Limited dated 19 January 2004 for the outdoor riding menage and Loddon Limited dated 18 May 2005, 15 July 2005, 3 July 2012 and 7 August 2012 for the provision of stabling equipment within the former agricultural buildings.
- 3.6 The photographs attached in Appendix 6 demonstrate that the former agricultural buildings associated with Willow Farm have been used by Mr and Mrs Wright's livery business as is evident by the attached appendices. The former agricultural buildings have been used to provide stabling of horses on a commercial basis, which the applicants will be able to demonstrate confidential tenancy agreements for under separate cover should the Local Planning Authority wish. Other former agricultural buildings relating to the application site are used for the storage of equine equipment and feed associated with the livery stabling business. Further to the south of the former agricultural buildings is a menage used for equine purposes as a riding school.
- 3.7 It is material to note that the documents attached as appendices demonstrate the former agricultural buildings at the application site have been used as a

commercial stabling livery enterprise by the applicants Mr and Mrs Wright, in excess of 10 years and alone could constitute unambiguous evidence to demonstrate that, on the balance of probabilities, the use of the land is lawful by the passage of time.

- 3.8 It is, however, the case that other unambiguous evidence exists and has been presented to demonstrate that, on the balance of probability, Willow Farm has been used as a commercial stabling livery enterprise continuously in excess of 10 years by Mr and Mrs Wright.

4.0 CONCLUSIONS

4.1 Evidence has been presented that demonstrates that the existing use of the former agricultural buildings as livery stabling and associated equine storage at Willow Farm, Thornton Lane, Markfield LE67 9RP for a continuous period of 10 years.

4.2 Planning Practice Guidance states at Paragraph 006:-

"In the case of applications for existing use, 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."

4.3 It is submitted that the evidence presented is precise and unambiguous such that, on the balance of probability, the continued use of the former agricultural buildings as livery stabling and associated equine storage is now lawful for planning purposes. Consequently, a Lawful Development Certificate should be issued for the house and associated curtilage.

5.0 APPENDICES

Appendix 1	:	NFU Certificates of Public and Product Liability Insurance 2013 – 2023 (Confidential)
Appendix 2	:	NFU Mutual Correspondence 2013 – 2023 (Confidential)
Appendix 3	:	Receipt for outdoor riding menage (Confidential)
Appendix 4	:	Receipt for internal stabling (Confidential)
Appendix 5	:	Statutory Declarations (Confidential)
Appendix 6	:	Site Photographs

JRL/TD/6401

09 August 2023

**NFU Certificates of Public and Product Liability
Insurance 2013 – 2023**

A

P

P

E

N

D

I

X

1

Confidential Information provided under separate cover

NFU Mutual Correspondence 2013 – 2023

A

P

P

E

N

D

I

X

2

Confidential Information provided under separate cover

Receipt for outdoor riding menage

A

P

P

E

N

D

I

X

3

Receipt for internal stabling

A

P

P

E

N

D

I

X

4

Confidential Information provided under separate cover

Statutory Declarations from tenants renting stables

A
P
P
E
N
D
I
X

5

Confidential Information provided under separate cover

Site Photographs

A
P
P
E
N
D
I
X

6















































PLANNING STATEMENT

Willow Farm
Thornton Lane
Stanton under Bardon
Leicester
LE67 9TU

Our Reference: JRL/TD/6401

Date: 09 August 2023

CT Planning Limited

Three Spires House, Station Road,
Lichfield, Staffordshire
WS13 6HX

