

Town and Country Planning Act 1990 (as amended)

Appellant's Comments on LPA'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

Appeal Reference: APP/K2420/X/25/3373915

17 December 2025

1.0 Introduction

- 1.1 The following sets out the appellant's comments in relation to specific parts of the LPA's appeal statement received Tuesday 9th December 2024. The comment set out below refer in general to the paragraph numbers set out within the LPA's Statement of Case. Much of the LPA's case has already been addressed in the appellant's Statement of Case with supporting evidence provided. It is not therefore considered necessary to repeat that here in response to the LPA's contrary view and therefore comments below are solely based on key matters of fact and correction.

2.0 Appellant's Rebuttal

Paragraphs 5.7-5.8

- 2.1 The LPA rightly claim that the Certificate application is based on the 4 years that Mr Garrod and Ms Camm lived at the premises; November 2019 to October 2024. The information provided in respect of Ms Nichols and Mr Tuck has been provided to show the wider picture of how the site has been occupied over a long period of time on both a temporary and permanent basis, and how the LPA were aware of this during the entire duration (note reference at para 5.7 to the Delegated Officer Report for application 19/00715/FUL) yet never chose to take an enforcement action.
- 2.2 Much of the LPA's statement focuses on Ms Nicholls and Mr Tuck (paragraphs 5.30 onwards) time at the site, as has been set out clearly at all stages of the application and the appeal process, the Certificate rests on the residence of Mr Garrod and Ms Camm for over 4 years at the site prior to 25th April 2024.
- 2.3 It is clear from the aerial photography submitted, and as can be viewed on Google Earth, that after April 2016 and before April 2018, the side extension to the stables was built and the appellant's statement is clear that by October 2017, Miss Nichols had a lease for the site. It is not clear therefore what point the LPA are trying to make as the facts as set out in the appellants' statement of case are clearly evidenced.

Paragraphs 5.12-5.19

- 2.4 This section of the LPA's statement of case relates to what is precisely being applied for. The description of the development as applied for is clear:

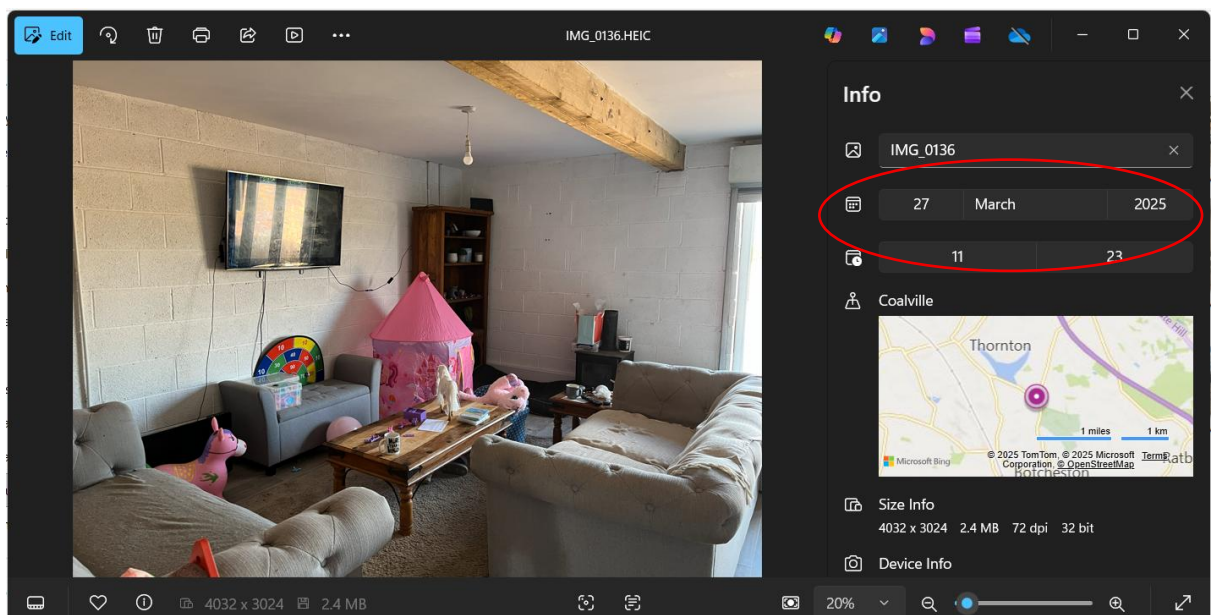
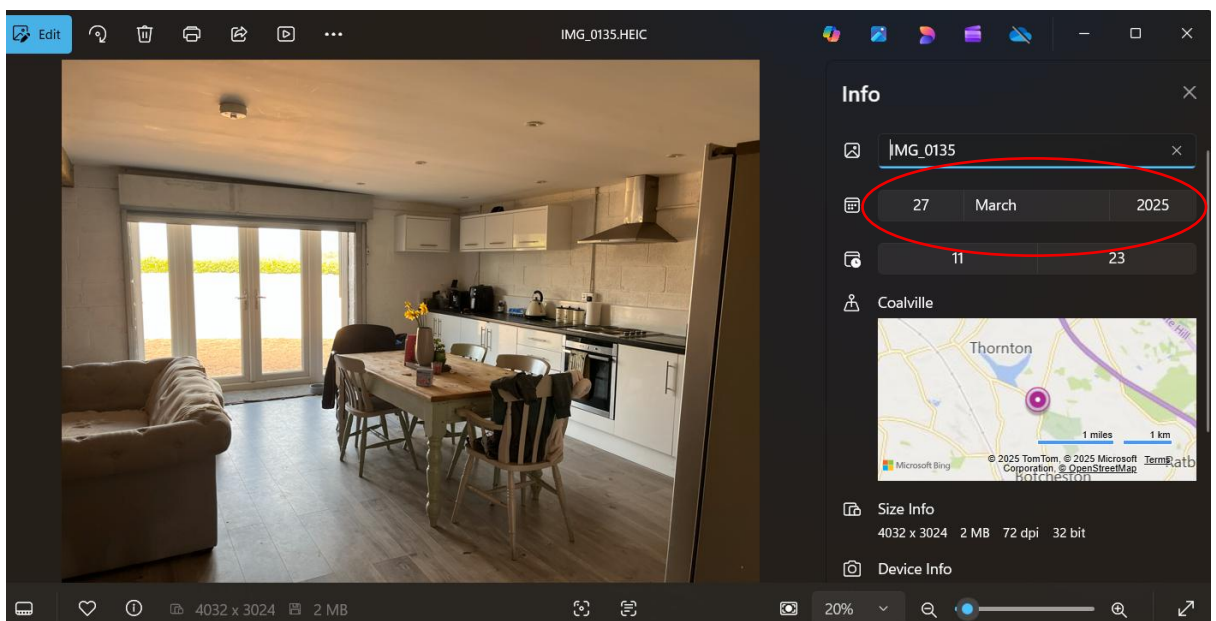
'Certificate of existing lawful development relating to the partial change of use of stable building to single dwellinghouse.'

- 2.5 When read along with the supporting documents, including the description of development as set out within the planning statement which clearly describes the use, and taken along with the application plans and when viewed on site, there is no ambiguity as to what is proposed and which building on site it relates to. The appellant finds it entirely unbelievable that either a planning officer or a interested member of the public would not be able to distinguish between a large agricultural building used as a horse stable and numbered and labelled as such and a single storey side extension specifically noted as 'on the north-eastern side of Stable 2'.
- 2.6 The comments made about parking and amenity space and the ability of the entire 3.72ha equestrian site being able to be converted for equestrian use if the Certificate were to be granted would appear to be very much an exaggerated 'clutching at straws' approach. The dwelling is only used in connection with the equestrian business and the certificate only relates to that dwelling: the single storey extension on the north-eastern side of stable 2 and not the wider buildings on the site. This has been very clearly stated throughout the application and appeal and annotated as such on all plans. A plan has been submitted which shows the amenity area as it is at present. There is significant hard surfaced, parking provision within the site on the south-eastern side of the buildings which has itself been established since at least 2010 and therefore is in itself lawful.
- 2.7 As noted in the appellant's statement of case, the case officer did not visit site during the determination of the application. Had the officer done so, and as the Inspector will see when they do so, there is no ambiguity as to the precise nature of what is being proposed when taking into account the information contained within the documentation submitted in support of the Certificate application as a whole.
- 2.8 Whilst the LPA state that it is for the applicant to provide the required detail within the certificate application and that it is not for the LPA to request further detail or

clarity, the LPA were happy to request further detail and clarity on other matters (as per Appendix 11 of the appellant's Statement of Case.

Paragraph 5.25 and 5.27

- 2.9 Evidence B relates to Evidence B which was submitted with the original Certificate application and submitted as part of the appeal under the application documents. These are a set of photos were taken by Heaton Planning at their site visit on 27th March 2025. See image below which is time stamped and were provided as part of the application for context of how the side extension was being used at the time of the submission as it had been for a number of years prior.



Paragraph 5.28

- 2.10 The reference to the information set out within Paragraph 6.32 of the appellant's Statement of Case has been taken completely out of context by the LPA. This refers to the impacts of the residential use on the open countryside and surrounding area. The point that paragraph 6.32 makes is that the single storey dwelling is viewed in the context of the equestrian centre and the equestrian character of the site and that to anyone viewing the site from either the footpath or elsewhere in the surrounding area, there is no urbanising effect in terms of the use of the single storey extension as a dwelling or the use of the outdoor space for parking etc. Again, a visit to the site by either the case officer or the enforcement officer would have ensured that this paragraph was read in correct context. It also does in no way imply as suggested rather erroneously by the LPA at paragraph 5.71.

Paragraphs 5.67-5.80

- 2.11 The appellant has not tried to conceal the use of the site. There is a great deal of planning history of the past 10 years and it has been known to the LPA and the Parish Council that the site has been used for equestrian purposes with workers living on site in various ways since at 2015, with this becoming formal and permanent after the construction of the single storey side extension around 2017. This is evidenced in committee reports and parish council consultee responses to planning applications during this time dating to as far back as 2018.
- 2.12 At paragraph 5.77, the LPA notes the number of planning applications over the years including for residential use. How can the appellant be concealing the use if they have actively been trying to obtain consent for an on-site residential unit during this time? At no point has the Council taken any enforcement action against the appellant and at no point has the appellant denied or hidden this use. The open enforcement case was only raised earlier this year, after a complaint by a third party, and it was following discussions with the Enforcement Officer at this time that the certificate application subject to this appeal was invited and subsequently submitted.

3.0 Third Party Comments

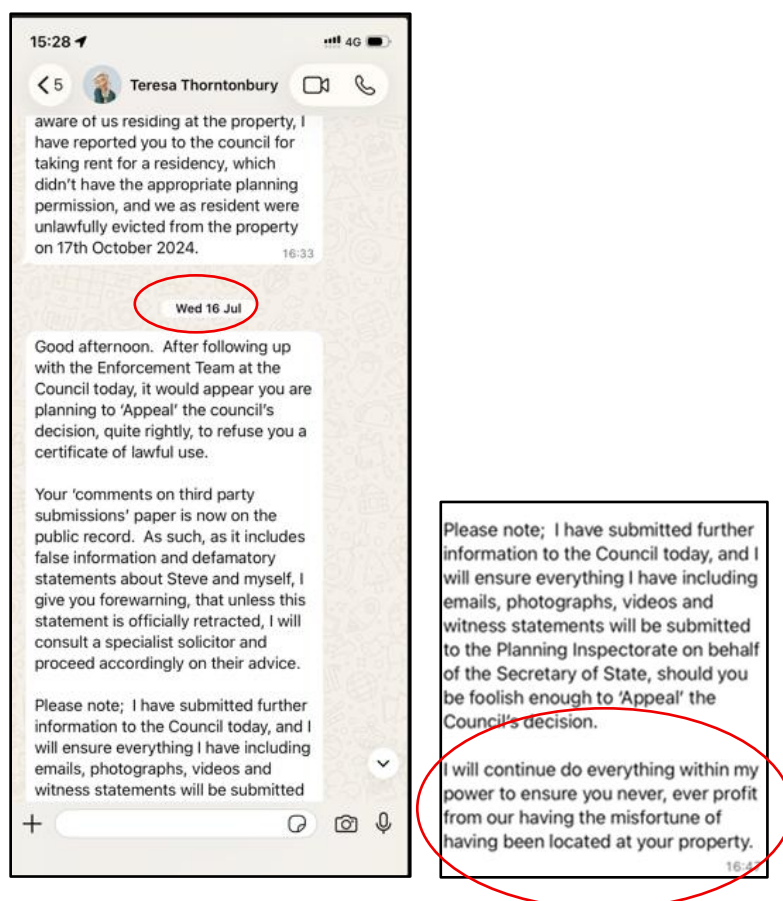
- 3.1 The appellant does not see it necessary to labour on the third-party comments which have become personal and borne from the acrimonious, but legal, eviction

of Mr Garrod and Ms Camm from the premises by the appellant due to unpaid rent and other property management and maintenance matters. The facts, as evidenced, are as follows:

- Mr Garrod and Ms Camm were evicted from the premises, legally and through due process at Leicester County Court;
- Court papers/evidence, signed by Mr Garrod, clearly state his residence at the property during the time set out in the appellant's statement; and
- The courts have found no wrongdoing from the appellant in the eviction process.

3.2 It should be noted that despite the judge in the eviction case directing that following eviction, the appellant and Mr Garrod/Ms Camm should allow each other a future, peaceful existence, the former tenants have been vociferous in seeking to prevent the Certificate from being granted. Below is a screenshot of a message sent post refusal (July 2025) of the Certificate application subject of this appeal from Ms Camm to the appellant. The final paragraph of which states:

'I will continue to do everything within my power to ensure you never, ever profit from our ever having the misfortune of having been located at your property.'



- 3.3 Given the eviction background and the subsequent bad feeling, the appellant believes that the weight given to any third-party comments from Mr Garrod/Miss Camm should therefore be nil.

4.0 Conclusion

- 4.1 There is nothing set out within the LPA's Statement of Case that disputes the overriding facts of the case, that Mr Garrod and Ms Camm were permanent residents in the single storey extension on the northeastern side of stable 2 for a period of more than 4 consecutive years prior to 25th April 2024. They were evicted legally from the premises due to unpaid rent and other property and maintenance matters. This is clearly documented in formal Leicester County Court documents which include a statement to the court from Mr Garrod which states he was resident at the premises during the period stated.
- 4.2 The appellant does not deny that they have sought to obtain permission for residential accommodation on the site over a number of years, this is on public record. They have also been clear with the LPA that tenants/stable managers have been living on the site in one way or another since 2015 to be able to care for the horses in their care, this has been acutely necessary during foaling for the health and safety of the horses and foals and due to security risks. This is not an unusual situation for an equestrian business, especially one where horses are bred.
- 4.3 Therefore, the appellant has not sought to conceal the use of the site and the need for that use. Conversely, until earlier this year, despite the long-term use and known planning history, the Council have not sought to investigate or take any enforcement action. The enforcement investigation, which resulted in the Certificate application only came about following a series of events, which included a lawful eviction and a subsequent, likely related third-party complaint.
- 4.4 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. As such, the appellant believes that on the balance of probabilities, evidence demonstrates that the appeal should be allowed. There is nothing set out within the Council's statement of case or the third part representations that changes this position.



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