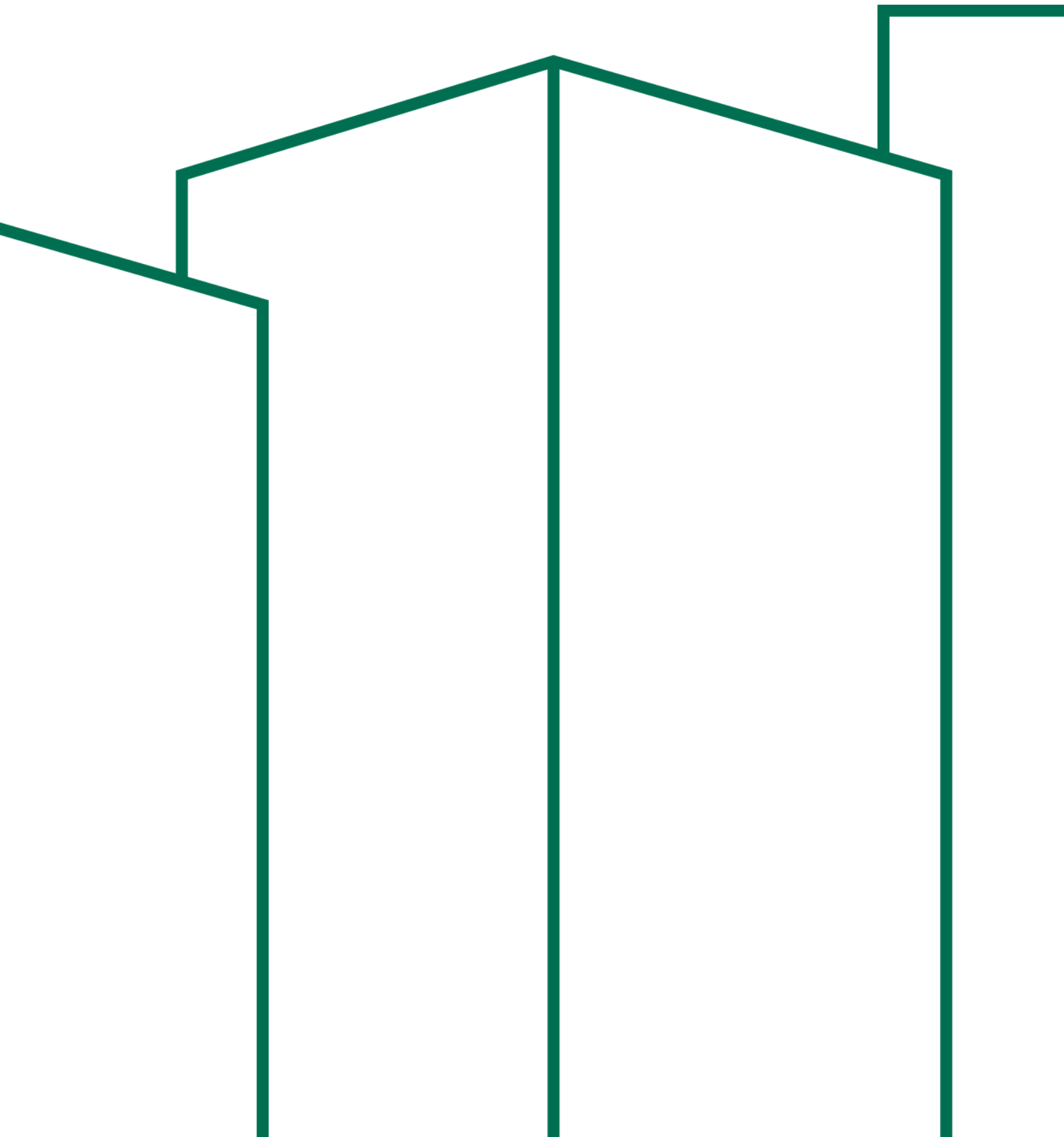


PLANNING STATEMENT

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 occupation of Willow Farm, Thornton Lane, Markfield LE67 9RP in breach of the agricultural occupancy condition imposed on the original planning permission issued 25 March 1986.
- 1.2 Planning permission at Willow Farm, Thornton Lane was granted under reference 86/0100/4 (Appendix 1) on 25 March 1986 for the erection of a detached agricultural bungalow.
- 1.3 The original planning permission included an occupancy condition that restricted the property to be inhabited only by residents employed in agriculture or forestry within condition 3 of the original planning permission (Reference 86/0100/4).
- 1.4 The basis of this application is that the property, 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.

2.0 SITE DESCRIPTION

- 2.1 The property is a single storey detached bungalow known as Willow Farm. 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 property is well contained within a relatively tight curtilage, with separate parking to the front of the bungalow. The owners of Willow Farm bungalow are also 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.
- 2.3 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.

3.0 PLANNING CONSIDERATIONS

3.1 This application has been submitted to determine whether the bungalow at Willow Farm has been occupied by people not employed solely, mainly or last in agriculture or forestry for a continuous period over 10 years, with detailed occupancy records dating back to July 2013. In light of the occupancy restriction imposed on the original permission, and that the property has been occupied in breach of this condition, the test is whether the property has been occupied in this manner for a period of 10 years or more. This Lawful Development Certificate will demonstrate the building has been occupied in breach of the agricultural workers dwelling condition 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:-

- Council Tax Records 2013 - 2023 (Appendix 2),

- NFU Mutual Certificates of Public and Product Liability Insurance (2013 – 2023) (Appendix 3),
- NFU Mutual Correspondence (2013 – 2023) (Appendix 4),
- E.on Electricity letters (2013 – 2023) (Appendix 5),
- Water utility bills (2013 – 2023) (Appendix 6)
- Site photographs (Appendix 7)

3.4 Appendix 2 of this Planning Statement has consolidated Council Tax Records for each of the previous 10 years continuously, demonstrating that Council tax has been paid by the applicants and owners, namely Mr and Mrs Wright relating specifically to the application site.

3.5 Appendix 3 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 4 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.

3.6 Appendix 5 of this Planning Statement contains letters from E. on Energy, the applicant's energy providers for the bungalow, which demonstrates the applicants being associated with the application address and have resided at the property given the continuous usage of energy for domestic purposes, for a continuous period of 10 years.

- 3.7 Appendix 6 of this Planning Statement contains letters from Severn Trent Water and Water Plus, the applicants water providers for the bungalow, which demonstrates the applicants being associated with the application address and have resided at the property given the continuous usage of water for domestic purposes, for a continuous period of 10 years.
- 3.8 The photographs attached in Appendix 7 below 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.
- 3.9 It is material to note that the documents attached as appendices demonstrate the bungalow at Willow Farm has been occupied by Mr and Mrs Wright who have not been employed solely, mainly or last in agriculture or forestry 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.
- 3.10 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 occupied continuously in excess of 10 years by Mr and Mrs Wright.

3.11 It is evident from the enclosed evidence and chronology of occupation set out that the property has not been occupied by anyone employed solely, mainly or last in agriculture since July 2013.

4.0 CONCLUSIONS

4.1 Cogent evidence has been presented which demonstrates that Willow Farm has not been occupied by anyone employed solely, mainly or last in agriculture since July 2013.

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 Evidence has been submitted which demonstrates, beyond the balance of probability, that the property has been occupied in breach of the restrictive condition for a period in excess of 10 years.

4.4 It is submitted that the evidence presented is precise and unambiguous such that, on the balance of probability, the continued occupation of Willow Farm by persons not employed solely, mainly or last in agriculture or forestry 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	:	Decision Notice reference 86/0100/4
Appendix 2	:	Council Tax Records 2013 – 2023 (Confidential)
Appendix 3	:	NFU Certificates of Public and Product Liability Insurance 2013 – 2023 (Confidential)
Appendix 4	:	NFU Mutual Correspondence 2013 – 2023 (Confidential)
Appendix 5	:	E.on Energy Electricity letters (Confidential)
Appendix 6	:	Water utility bills (2013 – 2023) (Confidential)
Appendix 7	:	Site Photographs

JRL/TD/6306

8 August 2023

Decision Notice reference 86/0100/4

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PLANNING PERMISSION

Name and address of applicant

Name and address of agent (if any)

Mr N Wright
Willow Farm
Thornton Lane
Stanton-under-Bardon
Leics

C A Underwood RIBA
37 London Road
Coalville
Leics

Part I - Particulars of application

Date of application

Application No.

03/02/86

86/0100/4

Particulars and location of development:

Erection of detached agricultural bungalow

Land Op No 0046 pt, Willow Farm, Thornton Lane, Stanton under Bardon

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act, 1971, the Hinckley & Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall be begun within two years from the date of this permission.
2. The materials to be used in the construction of the proposed development shall be in accordance with the details contained in the application, unless otherwise agreed in writing with the Local Planning Authority.
3. The occupation of the dwelling shall be limited to a person wholly or mainly employed, or last employed locally in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him, or a widow or widower of such a person.
4. The dwelling hereby approved shall first be occupied by the applicant.
5. Before any development is commenced on site a landscape scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
6. The approved scheme shall be carried out during the first appropriate planting season following the date when the proposed bungalow is ready for occupation. The scheme shall be maintained to the satisfaction of the Local Planning Authority for a period of four years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

The reasons for the conditions are :-

1. To comply with the requirements of Section 41 of the Town and Country Planning Act 1971 and to ensure that the agricultural justification for the erection of the building remains valid.
2. To ensure that the development has a satisfactory external appearance.
3. The site lies in an area where the Local Planning Authority would not normally grant permission for residential development. This permission is therefore granted only because of special agricultural need and the premises should accordingly only be occupied by persons connected with agriculture.
4. But for the special circumstances of the applicant, the Local Planning Authority would not have been prepared to grant permission.
5. To enhance the appearance of the development.

Date: 25th March, 1986

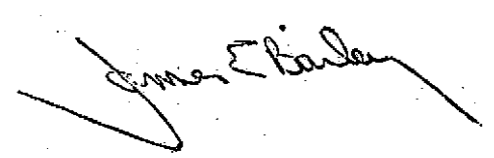
Continued.....

Proper Officer of the Council

6. To ensure that the work is carried out within a reasonable period and thereafter properly maintained.

Note to Applicant :-

- (i) This consent does not grant approval under the Building Regulations 1976 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- (ii) Surface water shall be discharged to a natural watercourse or soakaway.
- (iii) The septic tank proposal will require the consent of the Severn Trent Water Authority and must comply with that Authority's conditions.



Date: 25th March, 1986

Proper Officer of the Council

Council Tax Records 2013 - 2023

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Confidential Information provided under separate cover

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

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Confidential Information provided under separate cover

NFU Mutual Correspondence 2013 – 2023

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Confidential Information provided under separate cover

E.on Energy Electricity letters

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Confidential Information provided under separate cover

Water utility bills (2013 – 2023)

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Confidential Information provided under separate cover

Site Photographs

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PLANNING STATEMENT

Willow Farm
Thornton Lane
Stanton under Bardon
Leicester
LE67 9TU

Our Reference: JRL/TD/6306

Date: 8 August 2023

CT Planning Limited

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

