



*SUPPORTING STATEMENT*

*Application for Certificate of Lawful Existing Use or  
Development*

*Construction of Horse Exercise Area  
Land at the rear of 218 Buxton Road  
Furness Vale  
High Peak  
SK23 7PX*

*Mr D Barton*

## **1 Application site and setting**

- 1.1 This statement is submitted in support of an application under 191 of the Town and Country Planning Act 1990 for a certificate of lawfulness of existing use or development for the construction of a horse exercise area on land to the rear of 218 Buxton Road, Furness Vale. It has been submitted on behalf of Mr David Barton.
- 1.2 The statement sets out the case for considering the whether the existing horse exercise area has been constructed without the benefit of planning permission but that it is now lawful by virtue of the fact that it was constructed and completed more than 4 years ago and that, as a consequence, a Certificate of Lawfulness of existing use or development ("CLEUD") should be issued. The application is submitted in response to correspondence and discussions with the Council's planning and enforcement officers.

## **1 Application site and setting**

- 2.1 218 Buxton Road is a two storey gritstone, end of terrace, house on the south western side of Buxton Road (the A.6) in Furness Vale. There is an access to the north of the gable of the house, serving the land and buildings to the rear. To the rear of no. 218 there is a garage and a timber loosebox building, which has planning permission. To the north of this and to the rear of the neighbouring houses which front Buxton Road there is a horse exercise ménage. There is also a field shelter which is located in the field to the rear of the site, just beyond the approved looseboxes. This is used for purposes incidental to the grazing of the land by horses. There is also a storage building located closer to the horse exercise ménage. Both the field shelter and the storage building were granted retrospective planning permission in February 2010 (ref. no. HPK/2009/0725). To the west of the houses on Buxton Road the land rises into open fields. No.218 Buxton Road is not a listed building and it is not located within a Conservation Area.

### **3 The Development**

- 3.1 The development that is the subject of this application is the construction of a horse exercise area (ménage) at 218 Buxton Road. The application is made on the basis that the ménage was constructed more than 4 years ago without the benefit of planning permission. Consequently it was unauthorised but, by virtue of the length of time that has passed since it was completed, it is now lawful. We consider that the 4 year rule applies in this instance because the construction of the area was an operational development (to which the 4 year rule applies) and not a change of use (to which the 10 year rule applies. This is explained in more detail below.

### **4 Case for Approval of CLEUD**

- 4.1 The following information is relevant to this application. Mr and Mrs Barton moved into the property in May 1997 and they constructed the ménage some 2-3 years after this. However, the land was in use for recreational equestrian purposes at that time and had been used for such purposes by their predecessors. There was, therefore, no change of use so the 4 year rule relating to operational development would apply, rather than the 10 year rule. In support of this, the Borough Council granted planning permission in 1997 for the erection of four looseboxes, for horse use (ref. no. 036402, approved 3 September 1997); a copy of this approval will be on the Council's files. This confirms that at that time, some 13 years ago, the land was either in equestrian use or was approved as such.
- 4.2 Secondly, I attach a Google Earth image of the site which clearly shows the ménage. The image is dated 6 September 2005, and the ménage appears to be well established, so it has now clearly been in place for at least 4 years
- 4.3 Thirdly, I attach letters from neighbours who live in properties on Buxton Road, stating that the development took place well in excess of 4 years ago (please note that the letters also refer the buildings which were approved in February 2010). These letters are:

- Mr P Ford, 210 Buxton Road, dated 4 August 2009.
- Ian Daley, 220 Buxton Road, dated 4 August 2009.
- Mr and Mrs Sollinger, 222 Buxton Road, dated 4 August 2009.
- Mr and Mrs Eyre, 236 Buxton Road, dated 3 August 2009.

- 4.4 The latter is the one which relates to the longest period of time, referring to the ménage being in place when the Eyres moved into their current house in 2001. Taken together, these letters clearly demonstrate that the ménage was constructed well in excess of 4 years ago.

## **5 Conclusion**

- 5.1 The above summary of the facts demonstrates that the horse exercise ménage at 218 Buxton Road was constructed without the benefit of planning permission more than 4 years ago. Given the length of time since it was completed, it is now lawful. As stated above, we consider that the 4 year rule applies to the operational development because the land was already in equestrian use, as illustrated by the Borough Council's approval of the planning application for loose boxes in 1997.
- 5.2 We therefore ask that you approve this application and grant a Certificate of Lawful Existing Use and Development for the retention of the horse exercise ménage.

**John Scott BA (Hons) MCD MRTPI**

**Head of Planning**

**Pentland**