



Paul Butler Associates

Planning, Development & Heritage Consultants

8 June 2023

Ms Daniela Ripa
Interim Development Manager
Planning
Rochdale Borough Council
Number One Riverside
Smith Street
Rochdale, OL16 1XU

22.1815

Dear Daniella,

Langley Lane Farm, Langley Lane, Rochdale, Middleton, M24 5LJ
Application for Lawful Development Certificate for an Existing use or operation or activity under the Town and County Planning Act 1990: Section 191, as amended by section 10 of the Planning and Compensation Act 1991

I am pleased to submit this application for a Lawful Development Certificate for an Existing use or operation or activity on behalf of our client Mr Keith Broome. The application is submitted to establish that the lawful use of land and buildings at Langley Lane Farm is equestrian.

The Application Site

The application site comprises Langley Lane Farm, Langley Lane, Rochdale, Middleton, M24 5LJ, and is outlined red on the submitted Site Location Plan. The site comprises a former farmhouse together with associated barn / stable buildings and associated land.

Supporting Information

The application is supported by a letter from Mr Stephen Thomas, who was the previous owner of Langley Lane Farm. The letter provides details of the use of land and buildings at Langley Lane Farm from 1988 onwards. The letter confirms that historically the farm was used for poultry and beef farming however the business was severely impacted by Egg Salmonella and Bovine Spongiform Encephalopathy (BSE), and in 1995 Mr Thomas decided to diversify the business. In 1995 Mr Thomas entered a tenancy agreement with the landlord to allow for stabling of horses, and the agricultural use ceased with the property becoming equestrian. The land and buildings to which this use related are identified by the Site Location Plan appended to the letter. Horse owners were actively involved in the care / grooming of horses and land was used for exercising horses with a sand paddock created for horse owners to use for training. It is confirmed that horses were stabled and buildings adapted for this function, whilst insurance for stabling was also secured. This stabling use continued up until 2022 when Mr Thomas decided to sell the farm. There has been no alternative use from 2022 to present.

Assessment

When considering an application for a Lawful Development Certificate for an Existing use and Development, National Planning Practice Guidance advises *'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'* (Paragraph: 006 Reference ID: 17c-006-20140306). It goes on to state *'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process'* (Paragraph: 009 Reference ID: 17c-009-20140306).

Based on the letter provided by Mr Stephen Thomas which sets out the use of land and buildings at Langley Lane Farm it is established that from 1995 through to 2022 (a period of 27 years) the land was used for stabling / exercising horses which represents an equestrian function. This now represents the lawful use of the land, by virtue of it having taken place continuously for a period of at least 10 years. On this basis the land is no longer considered agricultural use but can be regarded as 'previously developed'.

Submission

In addition to the evidence referred to in this letter a Site Location Plan which identifies the application site, and completed application forms for a 'Lawful Development Certificate for an Existing use or operation or activity' have been submitted via the Planning Portal.

The application fee (£462) will be paid by the applicant during the submission of the application via the Planning Portal.

We trust that this information is sufficient to enable approval of this application and we look forward to working with you to progress it to a positive determination.

Yours sincerely



Ralph Taylor BSc. MPLAN MRTPI
Associate Director