



Burnedge House, Broad Lane, Rochdale, OL16 4QL.

Certificate of Lawful Development application in respect of use of land as garden for domestic incidental purposes including parking of vehicles in connection with Burnedge House.

Supporting Planning Statement.

On behalf of Mr and Mrs Waterfall.

July 2024

**SEYMOUR
PLANNING**

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Seymour Planning Limited is a limited company registered in England and Wales. Registration number: 10657391. Registered office: 27 Central Drive, Romiley, Stockport, Cheshire. SK6 4PE.

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1. Introduction.

- 1.1 This supporting Planning Statement has been prepared by Seymour Planning Ltd on behalf of Mr and Mrs Waterfall in support of an application for a Certificate of Lawful Development in respect of use of land as garden for domestic incidental purposes including parking of vehicles in connection with Burnedge House.
- 1.2 The purpose of this Planning Statement is to explain why the existing use is lawful.

2. Site location.

- 2.1 The application relates to land immediately to the southwest of Burnedge House, Broad Lane, Rochdale, OL16 4QL.
- 2.2 The land is rectangular in shape and adjoins the existing front garden of Burnedge House. It contains an existing timber storage building used in connection with Burnedge House. The site includes a wall and gated access to Broad Lane and is enclosed to the southwest and northwest by mature hedgerow. The area is covered by a loose bound hardstanding to the site frontage and is grassed to the rear.
- 2.3 The land has been in the ownership of the applicants (Mr and Mrs Waterfall) since 9th May 2014.

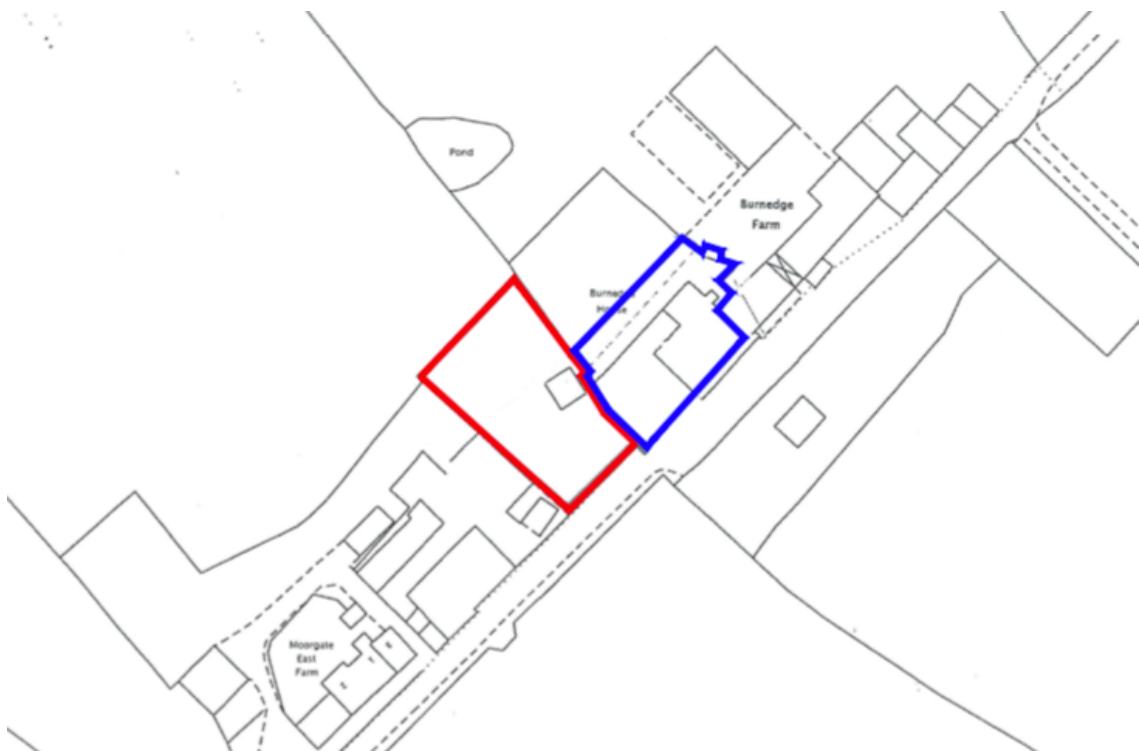


Figure 1: Site location and boundary.

3. Planning History.

3.1 The application site has the following relevant planning history:

- Change of use of land to form extension to existing curtilage; erection of garage/store and demolition of existing timber outbuilding. Refused 8/12/2023.
- Change of use from agricultural land to extension to private garden, including demolition and replacement of existing detached garage. Refused 18/2/2021.
- Change of use from agricultural land to extension to private garden, including demolition and replacement of existing detached garage. Withdrawn 3/10/2017.
- Replacement detached garage and boundary wall. Withdrawn 14/10/2015.
- Outline application with all matters reserved for the erection of one bungalow with associated double garage. Refused 5/10/2012. Appeal Dismissed.

4. The Proposal.

4.1 The application site is shown on submitted plans:

- Location Plan.

4.2 The site has been used for a continuously for a period of more than 10 years as garden for domestic incidental purposes including parking of vehicles in connection with Burnedge House.

5. Legal Context.

5.1 Section 57 (1) of the Town and Country Planning Act 1990 (the Act) provides, subject to the provisions of that section, that planning permission is required for the carrying out of any development of land.

5.2 Section 171B (Time Limits) of the Act was recently updated and states that:

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

5.3 Section 191 of the Act relates to Certificates of Lawfulness of Proposed Use or Development. At Section 191(1) the Act states that:

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

5.4 At section 191 (2) the Act states that operations are lawful at any time if:

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

5.5 Section 191 (4) of the Act states that:

If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

6. Analysis.

6.1 The application has been in the ownership of the applicants since 9th May 2014.

6.2 Please see land registry documents at **Appendix 1** which confirm the purchase date of the land by the applicants.

6.3 Since that time the applicants have used the land in question as part of their garden for purposes incidental to the enjoyment of their dwelling house including for the parking of vehicles.

6.4 That use has operated continuously and uninterrupted until today.

6.5 The use has therefore been in existence for over ten years.

6.6 Please see attached at **Appendix 2** 3 no. sworn statements/Affidavits from:

- a) Mr and Mrs Waterfall the property owner.
- b) Mr and Mrs McBride a neighbour in Burnedge.
- c) Mr and Mrs Ashworth also a neighbour in Burnedge.

6.7 Each of the above sworn statements/Affidavits corroborate the date the use began and that the use has been in operation for a continuous period exceeding 10 years.

6.8 The above evidence demonstrates the proposed development is therefore immune from enforcement action as per section 191 (2) of the Town and Country Planning Act 1990.

6.9 In accordance with Section 191(4) of the Town and Country Planning Act 1990 it is respectfully requested that a positive Certificate of Lawful Existing Development should be issued by the Local Planning Authority for the development as identified on the submitted plans.

APPENDIX 1: Land registry documents.

Title Number : GM112952

This title is dealt with by Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

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REGISTER EXTRACT

Title Number	: GM112952
Address of Property	: land to the south west of Burnedge House, Burnedge, Rochdale (OL16 4QL)
Price Stated	: £23,000
Registered Owner(s)	: JAMES JOHN WATERFALL and JOCELYN ELIZABETH WATERFALL of Burnedge House, Broad Lane, Rochdale OL16 4QL.
Lender(s)	: None

Title number GM112952

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A: Property Register

This register describes the land and estate comprised in the title.

GREATER MANCHESTER : ROCHDALE

- 1 (13.07.1977) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land to the south west of Burnedge House, Burnedge, Rochdale (OL16 4QL).
- 2 (25.04.2003) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (12.11.2014) PROPRIETOR: JAMES JOHN WATERFALL and JOCELYN ELIZABETH WATERFALL of Burnedge House, Broad Lane, Rochdale OL16 4QL.
- 2 (12.11.2014) The price stated to have been paid on 9 May 2014 was £23,000.

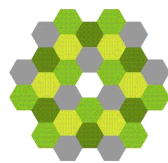
C: Charges Register

This register contains any charges and other matters that affect the land.

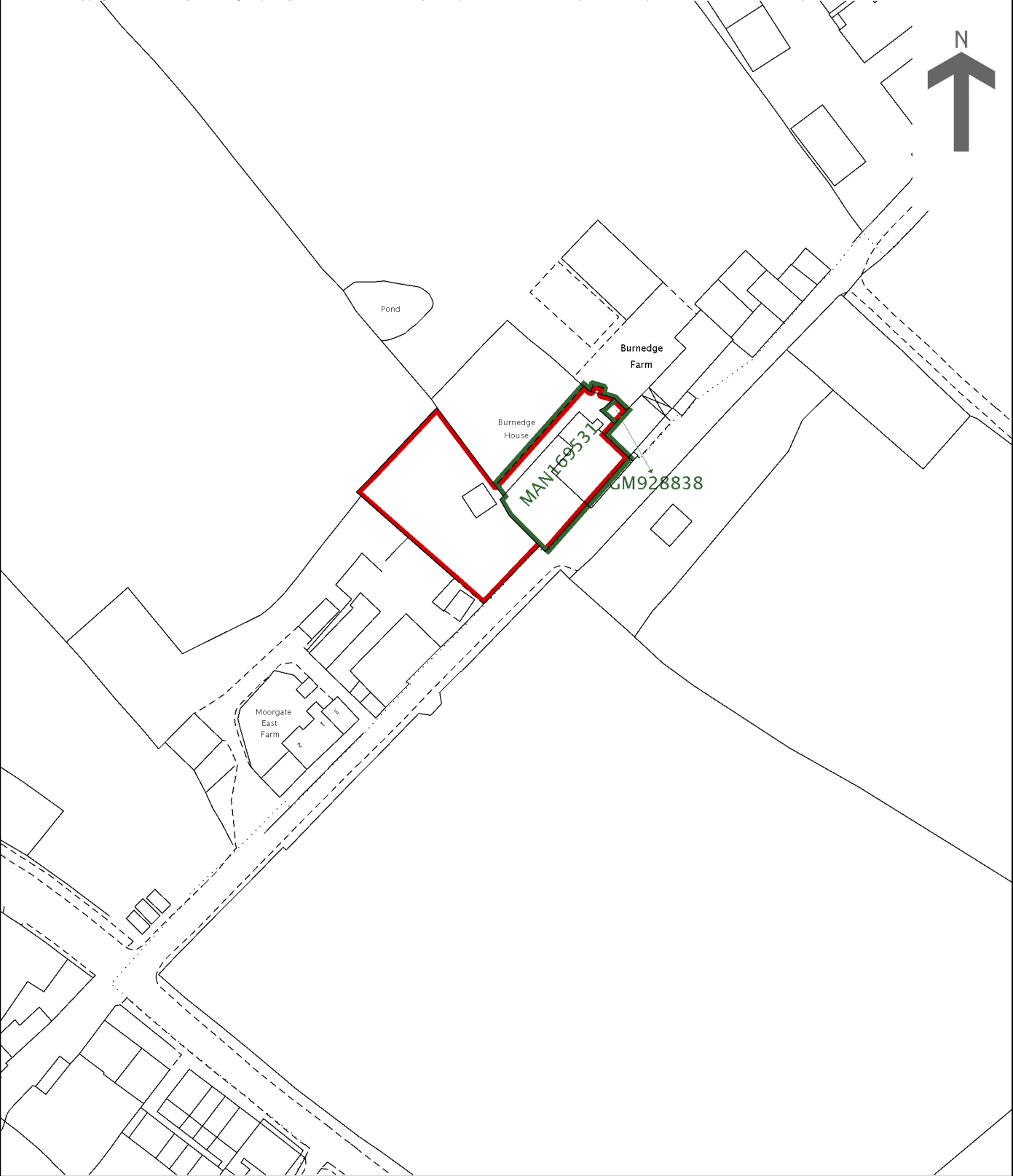
- 1 (16.12.2010) The land is subject to the rights granted by a Transfer of the land edged and numbered MAN169531 on the title plan dated 26 November 2010 made between (1) William Rodney Collinge and (2) Philip Michael Valentine and Deborah Ann Valentine.

NOTE: Copy filed under MAN169531.

End of register



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APPENDIX 2: Sworn Statements/Affidavits.

STATUTORY DECLARATION

We JOCELYN WATERFALL and JAMES WATERFALL of Burnedge House Burnedge Rochdale OL16 4QL HEREBY DECLARE as follows:-

My husband and I have resided at Burnedge House since 28th March 2013.

On the 9th May 2014 we purchased the land to the west (identified in red on the attached Land Registry plan) from the previous owner. The land registry documents provide proof of this purchase.

The land was originally part of the land registry of Burnedge House GM112952 and Burnedge House was separated off by the previous owner creating MAN169531 and GM112952.

We certify that we have always owned this land for over ten years and used personally as an extension to our garden for domestic incidental purposes including for the parking of vehicles in connection with our residency at Burnedge House.

We make this solemn declaration under the Statutory Declaration Act 1835

Sworn by the said

Jocelyn Waterfall

James Waterfall

On the date of _____ This 26th day of June 2024

Before me

V. [Signature]
SOLICITOR.

NORTH AINLEY
SOLICITORS
34/36 CLEGG STREET
OLDHAM OL1 1PS

STATUTORY DECLARATION

We KELLY MCBRIDE and JULIAN MCBRIDE of Moorgate East Farm Burnedge Rochdale OL16 4QL HEREBY DECLARE as follows:-

On the 25th July 2014 we purchased Moorgate East Farm the house next door but one and have known Mr & Mrs Waterfall since that date.

From that date we certify that Mr & Mrs Waterfall have always used this land under title GM112952 shown on attached plan marked Exhibit 2 personally as an extension to their garden for domestic incidental purposes including for the parking of vehicles in connection with their residency at Burnedge House.

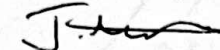
We make this solemn declaration under the Statutory Declaration Act 1835

Sworn by the said

Kelly McBride

Julian McBride

On the date of



26 This 26th day of June 2024

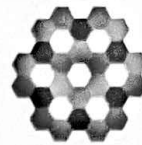
Before me

V. W. J.
V. W. J. MISTRI
Solicitor.

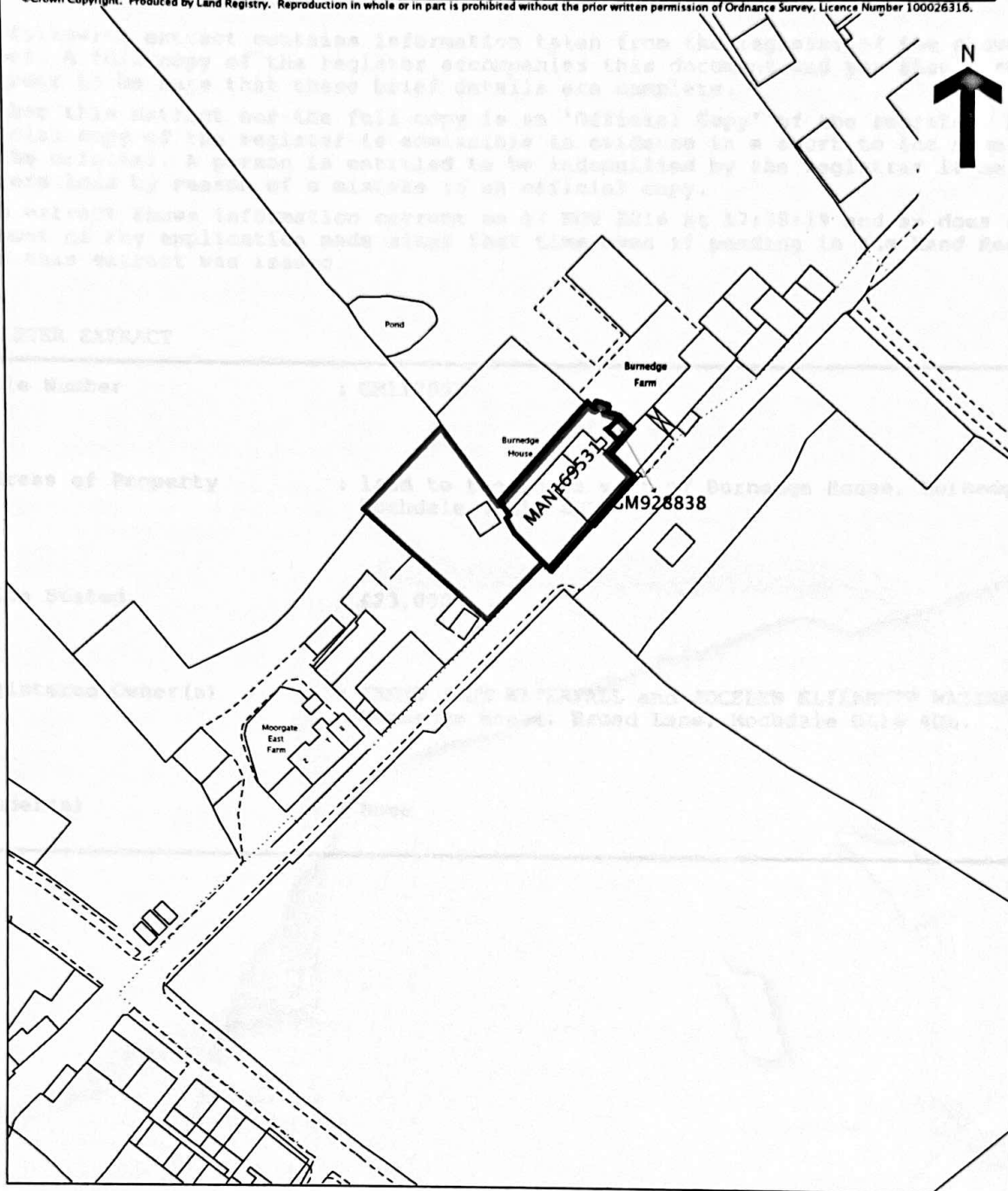
NORTH AINLEY
SOLICITORS
34/36 CLEGG STREET
OLDHAM OL1 1PS

Land Registry Current title plan

Title number **GM112952**
Ordnance Survey map reference **SD9210SW**
Scale **1:1250**
Administrative area **Greater Manchester :**
Rochdale



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This is the exhibit referred
to

V. Wasy Solicitors

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SOLICITORS
34/36 CLEGG STREET
WILLOW, CH11 1PS

EXHIBIT 2.

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Price Stated : £23,000

Registered Owner(s) : JAMES JOHN WATERFALL and JOCELYN ELIZABETH WATERFALL of Burnedge House, Broad Lane, Rochdale OL16 4QL.

Lender(s) : None

C: Charges Register

This register contains any charges and other matters that affect the land.

15/12/2016: The land is subject to the rights created by a Transfer of the land edged and contained within the title plan dated 30 November 2016 made between (1) William Rodney Vallance and (2) Michael Valentine and Deborah Ann Valentine.

NOTE: Copy filed under HM112952.

End of register

Title number GM112952

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- 2 (25.04.2003) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

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This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

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- 2 (12.11.2014) The price stated to have been paid on 9 May 2014 was £23,000.

C: Charges Register

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NOTE: Copy filed under MAN169531.

End of register

**We WENDY ASHWORTH and STEVE ASHWORTH of The Coach House Burnedge
Rochdale OL16 4QL HEREBY DECLARE as follows:-**

My husband and I have resided at The Coach House since _____.

We have known Mr & Mrs Waterfall since they moved in on the 28th March 2013.

We certify that Mr & Mrs Waterfall have always used this land under title GM112952 shown on attached plan marked Exhibit 2 and used personally as an extension to their garden for domestic incidental purposes including for the parking of vehicles in connection with our residency at Burnedge House since their purchase date of said land on 9th April 2014.

We make this solemn declaration under the Statutory Declaration Act 1835

Sworn by the said

Wendy Ashworth

Steve Ashworth

On the date of

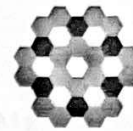
Before me

Vineth Ministry
Solicitor.

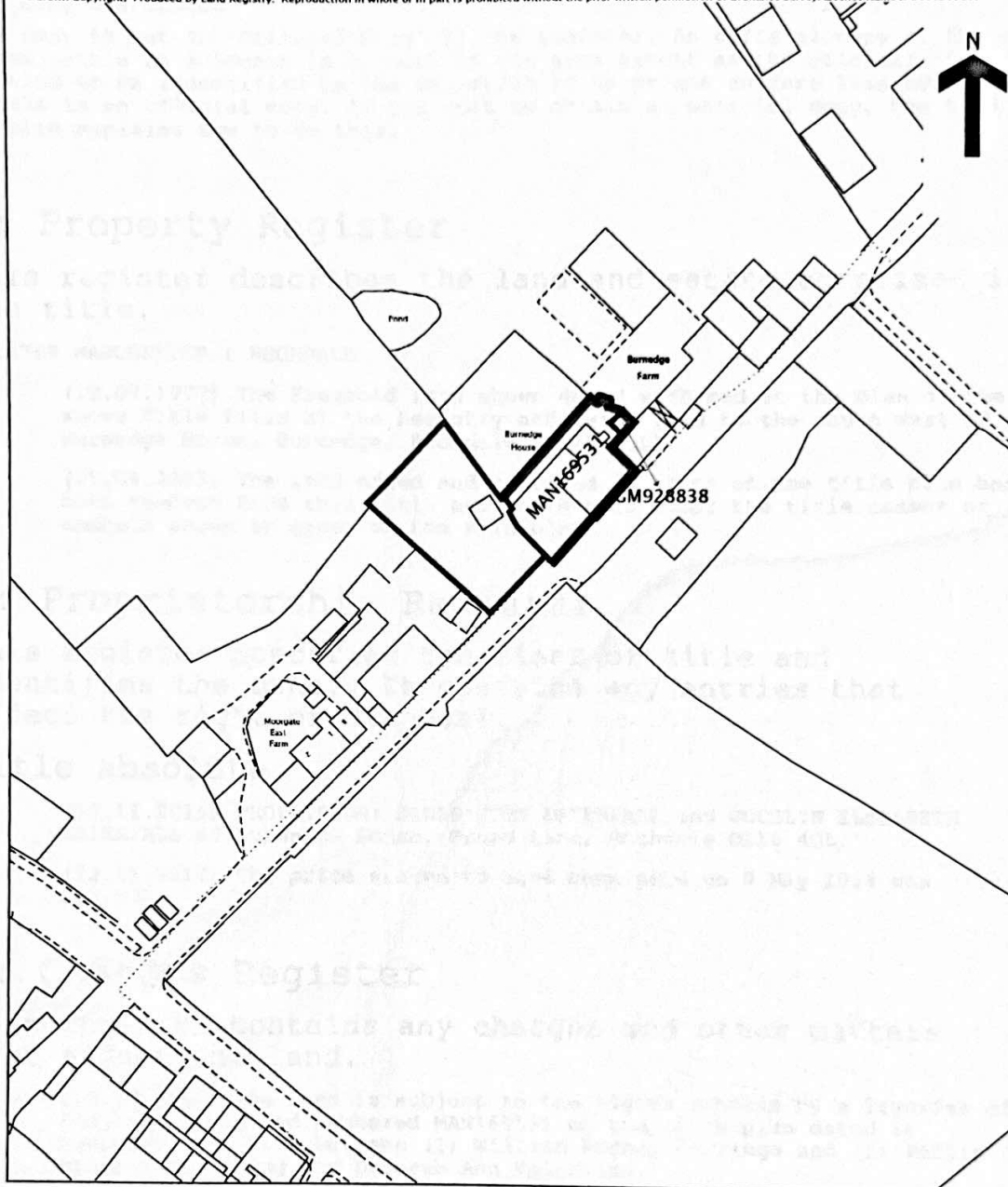
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Current title plan

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Rochdale



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Lender(s)	: None



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