

APPLICATION NUMBER: 23/00672/CPE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00672/CPE	Aimee Bovaird	31 August 2023

Address: Langley Lane Farm Langley Lane Middleton Rochdale M24 5LJ

Proposal: Certificate of lawfulness for the existing use of land and buildings at Langley Lane Farm is equestrian

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	GRANT
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CHECKED AND SIGNED OFF BY: M Lewis

DATE: 15.11.23

SITE

The site relates to Langley Lane Farm and comprises of a former farmhouse and associated farm buildings. The site is accessed off Langley Lane. North and west of the site is the green belt and the rest of the site is surrounded by residential properties.

PROPOSAL

A certificate of lawfulness is sought for the existing use of the land and building as equestrian.

The applicant has submitted a letter from the former owner of Langley Farm describing the history of the land.

A cover letter has also been submitted, this supports the letter submitted by the former owner of Langley Farm.

An invoice for equestrian treatment and notices to stable tenants notifying rent increases. Insurance documents have also been submitted.

RELEVANT PLANNING POLICY

The Town and Country Planning Act (1990) - S.191

National Guidance

National Planning Practice Guidance (NPPG)

Burden of Proof

The applicant is responsible for providing sufficient information to support an application. 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 (PPG Paragraph: 006 Reference ID: 17c-006-20140306)

RELEVANT SITE HISTORY

15/01195/OUT - Outline application (including access) for up to 150 dwellings (Use Class C3), potential primary school site with associated landscaping, open space, access arrangements and car parking provision (Resubmission of 14/00851/OUT) – Approved

16/01430/REM - Submission of reserved matters pursuant to outline permission 15/01195/OUT (relating to appearance, landscaping, layout and scale) for the erection of 117 no. dwellings. – Approved

18/01403/REM - Submission of reserved matters pursuant to outline planning permission 15/01195/OUT relating to appearance, landscaping, layout and scale for the erection of 117 dwellings – Approved

20/01518/ANM - Application for non-material amendment to planning permission 18/01403/REM relating to condition 2 – materials - Approved

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

Not applicable.

ANALYSIS

S.55 of the Town and Country Planning Act 1990 sets out:

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land

In respect of changes of use, Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 sets out "Where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land."

For the avoidance of doubt, the planning merits of the matters applied for do not fall to be considered. The decision will be based strictly on factual evidence, the history and planning status of the site in question and the application of relevant law or judicial authority to the circumstances of the case.

Section 171B of the Town and Country Planning Act 1990 sets out the time limits relevant to enforcement action being taken against breaches of planning control. Paragraph 3 of this section sets out that where there has been a breach of planning control consisting any other breach of planning control (which is the relevant section for this case) no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

Evidence submitted states the land has been is use for stabling houses since 1995 and previous agricultural uses on the farm ceased. This use of the land continued until 2022 when the owner decided to sell the farm.

Evidence submitted shows the rent of stables went up J1 in 2013 and 2015. An invoice has been submitted dated 3 November 2021 for equestrian treatment.

Insurance documents submitted were issued 9th November 22 and the period of insurance is dated 16th January 2023 to 16th January 2024. This document goes on to state the buildings at Langley farm consist of Timber Stables, steel Clad Stables for four horses, brick and tin stables for three horses, brick and wood stables, brick and tin tack room, brick and tiled barn, brick built shippon with metal roof used as five stables and tackrooms and a brick built barn with tiled roof used as stables for five.

In conclusion, on the balance of probability's, it can be considered that the existing use of the land and buildings at Langley Farm is equestrian and the use can be considered to be exempt from enforcement action under the provisions of section 171B of the Town and Country Planning Act 1990 and it is probable that this forms the lawful use of the site.

RECOMMENDATION

GRANT

The use of the land and buildings is considered lawful by virtue of the provisions of Section 171B of the Town and Country Planning Act 1990, where it is on the balance of probability, that the land and associated buildings are equestrian in use.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans:

Location Plan

Report Author Aimee Bovaird