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Dear Emma Bailey

**Lawful Development Certificate – ‘Glendale’ (Formerly known as Edington Mains),  
Sanderson Lane, Heskin, Chorley, PR7 5PX**

On behalf of our client, Mr and Mrs Huntley Jacobs, Lambert Smith Hampton (LSH) are instructed to submit an application for a Lawful Development Certificate (LDC) to confirm that the existing bungalow building on part of the above property would be lawful in regards to town planning.

The LDC has been submitted online via the Planning Portal (PP Reference: PP-09785312) and comprises of the following plans/documentation:

- Lawful development certificate application form;
- Site Plan (Ref: 1903(SK)0010) at 1:1250;
- This covering letter (and copies of the relevant decision notices for the site);
- Exhibit 1: Planning Permission Decision 8/99/0163 dated 21<sup>st</sup> May 1999;
- Exhibit 2: Building Control – Certificate of Completion (BR/2000/2464) of Works dated 13<sup>th</sup> September 2005;
- Exhibit 3: Statutory Declaration from residents Mr Mayer at Harrock Holt;
- Exhibit 4: Photograph (1) (bungalow)
- Exhibit 5: Photograph (2) (bungalow)
- Exhibit 6: Photograph (3) (aerial shot);
- Exhibit 7: Estate Agent Property Particulars (Edward Jackson) (1983); and
- Exhibit 8: Estate Agent Particulars (Arnold & Phillips) (October 2017).

**Context of Existing Bungalow Building**

Our clients acquired the subject site back in 14<sup>th</sup> May 2018 with the long-term intention to create an innovative and exemplar property in this exceptional setting of Heskin. LSH can confirm that they have been living in the property for 3 years since the acquisition and we can confirm that the family have been living in both properties on the site.

Prior to the acquisition in 2018, the subject property was occupied by Mr Alan Gilmore and we understand that he owned and lived in the subject property for an extended period from the early 1980s.

We believe that the subject property has been continuously used for Use Class C3 (dwelling house) purposes for over a four-year period and is therefore lawful by virtue of the ‘four-year’ rule and therefore this CLEUD under Section 191 of the Town & Country Planning Act 1990 (as amended) seeks to regularise this position.

In addition, the applicant is able to prove that the existing building has been physically constructed since 2000. We have been advised that the previous owner built the property subject to this CLUED in 2000 this was on his understanding that it was built on available permitted development rights at that time.

Therefore, in terms of the Certificate of Lawfulness legislation (under Section 191 of the Town & Country Planning Act 1990), the subject site conforms to all of the following:

- It is a dwelling house that has been in continuous use for four years (the four-year rule)
- Building operations have been completed for more than four years
- Although not applicable to dwellings, there has been continuous use for ten years.

### **Available Evidence**

First, we can confirm that the previous owner secured planning permission from West Lancashire Borough Council (WLBC) on the 21<sup>st</sup> May 1999 for a *two-storey side extension* of the existing main dwelling building. Exhibit 1, includes the decision for LPA Ref, references this: 8/99/0163.

The second (exhibit 2) element relates to the certificate of completion issued by the Building Control department at WLBC on the 13<sup>th</sup> September 2005, LA Ref: BR/2000/2464. This confirms that the description of works includes '*basement and two story side extension to dwelling and two detached single storey buildings*' where completed between 25<sup>th</sup> May 2000 and 4<sup>th</sup> August 2005. The certificate confirms that the works were inspected by WLBC and satisfied building regulations at that time. This evidence confirms that the subject property (single story building) was built a minimum of 16 years ago (2005) but also a maximum of 21 years ago. In both circumstances, the certificate confirms that the 10-year rule is exceeded.

In terms of the third level of evidence, Exhibit 3 is a signed statutory declaration from the neighbour (Mr Mayer) who resides at Harrock Holt and who is the immediate neighbour to the Glendale (or previous known as 'Edington Mains') property. The declaration is important as they have been neighbours to the subject site since 1984 and have validated the continuous use of the subject bungalow property for domestic purposes since 2000. The declaration validates the time horizons of the other exhibits contained in this LDC.

Exhibits 4 and 5 provide photos of the subject bungalow, which confirms it is of red brick and tiled roof and is of domestic character and appearance. On close inspection of the photo, a stone insert in the gable end is shown that confirms the date of build at 2000. This is consistent with the certificate of completion that confirmed that works were completed between May 2000 and August 2015. This validates that the subject building exceeds the 10-year rule.

In turning to Exhibit 6, the photography shows an undated aerial shot of both the subject bungalow building being constructed and the existing Glendale main domestic property. The photo shows that the side extension as approved by 8/99/0163 in 1999 was not built, so shows that the image was taken post 1999 but before 2005. This image validates that the construction of the subject building was completed well over the 10-year rule and that the bungalow was built and completed before the side extension was implemented.

Exhibit 7 includes the sales particulars of the property from 1983 from estate agent Edward Jackson; this validates the time scales of the previous owner's tenure at the property as confirmed in Exhibit 3.

Likewise, Exhibit 8 includes the sales particulars for the property by Arnold & Phillips who sold the property for Alan Gilmore in 2018 to the current owners. We understand that the brochure was prepared and published in October 2017 and the property was informally on the market for three years before that date. On the particulars on page 10, there are a series of photographs of the external and internal elements of the bungalow. This shows that the bungalow was occupied for domestic purposes, and shows both kitchen and bathroom facilities as well a living and bedroom accommodation. The particulars (on page 11) show the internal dimensions of the two properties including the main building and the bungalow. The page shows that the main bungalow floor area is 159 sq.m in scale and shows the configuration of the property with bedrooms, integral kitchen

and bathroom facilities. This confirms that the building was set out and used for domestic purposes. This is again consistent with the confirmation of the statutory declaration.

### **Conclusion**

In conclusion, LSH can confirm that when the above exhibits are read in conjunction with the statutory declaration (Exhibit 3) there is compelling evidence to confirm that the subject property has been used for domestic purposes for well over 20 years. By virtue of this, we can confirm that the property has exceeded both the 4-year and 10-year rule for domestic purposes (Use Class C3) under Section 191 of the Town & Country Planning Act 1990.

In light of this evidence, we are firmly of the view that a Lawful Development Certificate of Existing Use should be issued to confirm that the existing bungalow is lawful.

We trust that you have sufficient information to validate and determine the Lawful Development Certificate. Please note that the requisite application fee of £231.0 has been paid on the planning portal. Accordingly, we await written confirmation of the application submission and validation.

Yours sincerely,



**Director  
Planning Development & Consultancy**



CC Andrew and Ruth Huntley-Jacobs  
Adrian Lonsdale – Bennetts Associate Architects