

SHEPHERD PLANNING

20 Collingwood Avenue, St Annes, Lancs FY8 2SB

Blackpool Council
Planning Department
Bickerstaffe House
Talbot Road
Blackpool
Lancs
FY1 3AH

16 August 2021

Application for Certificate of Lawful Use for three existing buildings within rear garden of 3 Fishers Lane, Blackpool, FY4 5DN.

I am submitting an application for a Certificate of Lawful Use for the three detached buildings constructed to the rear garden of 3 Fishers Lane, Blackpool, FY4 5DN (as indicated on plans attached to the Statutory Declaration by Mr David Cherry).

The submissions in support of this application include the following;

- 1) Statutory Declaration by Mr David Cherry, owner and occupier of 3 Fishers Lane, Blackpool, FY4 5DN, who has owned the property and land with his partner since late 1998. He swears a Statutory Declaration to the effect that the three buildings in question (Buildings A, B and C), have all been constructed for in excess of four years (since 2006 in the case of building "B"). Building "A" has been in use as a Home- office/Recreation room since 2015. Building B has been in use as a residential annexe to the main house since 2006 and Building C has been erected/completed since 2012 and has always been used as a gym and garage to serve the main dwelling.
- 2) Mr Cherry attaches a number of receipts for materials used in the construction of all three buildings, that tie in with the construction periods for each of the buildings and he confirms the dates within his Statutory Declaration. Mr Cherry owns a Property Development

Company, and the works were carried out by himself and others who are in his employ.

The residential annexe is exactly that, an annexe that is *ancillary/incidental* to the use of the main house. It has *never* been used as a separate dwellinghouse.

The determining factor in respect of applications for a certificate of lawful use for an existing use (or development), is that there should be sufficient evidence provided to prove to the decision maker, that on *the balance of probabilities*, that the use is lawful. *If there is no evidence to the contrary*, then the Certificate of Lawful Use should be issued. In this case, it is contended that the statutory declaration from the applicant (Owner of the property), proves that the evidence supports the contention that the three buildings referred to in the rear garden of the property (as shown on the submitted plans) have been in existence for at least four years for the identified uses, prior to the submission of this application (ie; in excess of the minimum period required in law).

The application forms, ordnance survey location plan, (all the plans/details of the three buildings and photographic file), are submitted for the Council's consideration. The fee for the application will be paid direct to the Planning Portal by the applicant, Mr David Cherry. The original signed Statutory Declaration is held by the applicant and is available to the planning officer if required.

It is suggested that the information submitted proves, *on the balance of probabilities*, that the three buildings referred to have been constructed for, in excess of, the minimum requisite period in law, and that a Certificate of Lawful Use for the buildings applied for, should be issued.

Any queries, please do not hesitate to contact myself by phone or email.

Yours faithfully,

Dave Shepherd, MRTPI.