



South Gloucestershire Council  
Department for Environment and Community Services  
PO Box 1954  
Strategic Planning  
Bristol  
BS37 0DD

31<sup>st</sup> October 2023

EMAIL ONLY

Dear Sir/Madam

**Town and Country Planning Act 1990: Section 191 as Amended by Section 10 of the Planning and Compensation Act 1991**

**Town and Country Planning (Development Management Procedure) (England) Order 2015 - Application for a Lawful Development Certificate for an Existing Use**

**LINDEN LODGE, HOMEAPPLE HILL, WICK, BRISTOL, BS30 5QZ**

Rackham Planning Ltd is instructed by Mr James McAlinden (*‘the applicant’*) to submit an application for a Lawful Development Certificate in respect of the Existing Use of the property at Linden Lodge, Homeapple Hill, Wick, Bristol, BS30 5QZ (*“the application site”*) as holiday accommodation (*sui generis*).

The use of the application site as holiday accommodation for visitors falls outside the main use classes as defined in the Town and Country Planning (Use Classes) Order (as amended) and is therefore in its own class (*sui generis*).

The Courts have held (notably *Grabbias v Secretary of State for the Environment [1985]*) that the relevant test of evidence in an application for a Certificate of Lawfulness is on the ‘balance of probability’ and if the Council have no evidence of their own to contradict or undermine the Applicant’s evidence, then there is no good reason to refuse the application, provided the evidence is sufficiently precise and unambiguous to justify the grant of a Certificate.

In this respect, and in support of this application, which is submitted online via the Planning Portal (ref: PP-12566365), are the following:

1. A copy of the planning application form for a Lawful Development Certificate;
2. Supporting evidence contained within this letter;
3. Existing floorplans and elevations of Linden Lodge by Davis Architectural Services (**Attachment 1 x 6 plans**);

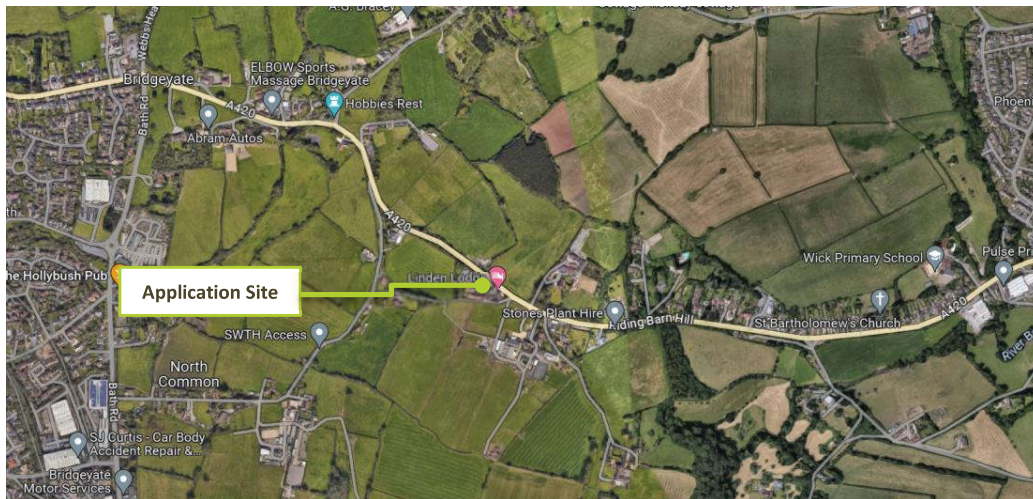
4. Signed Statutory Declaration prepared by the applicant and owner of the building, Mr James McAlinden (**Attachment 2**).
5. The following evidence:
  - a. Redacted extracts of Bank Statements from September 2013 – September 2023 showing receipts of monies for rental of Linden Lodge; payments of cleaners and launderers for services relating to application site (**Attachment 2a(i) 2a(xi)**);
  - b. Letter from Royal Cleaning (**Attachment 2b**);
  - c. Letter from Brislington Laundry (**Attachment 2c**);
  - d. Letter from SGC Enforcement Officer dated July 2013 relating to use of property (**Attachment 2d**).
6. Copy of Reviews on *Vrbo* from August 2018 – March 2023 (**Attachment 3**);
7. Details of bookings for Linden Lodge 2021 – 2023 (**Attachment 4**);
8. The Completed Community Infrastructure Levy (CIL) Form; and
9. The application fee of £462 (plus £64 admin fee levied by the Planning Portal) has been paid to the Council under separate cover.

### Application Site and Surrounding Area

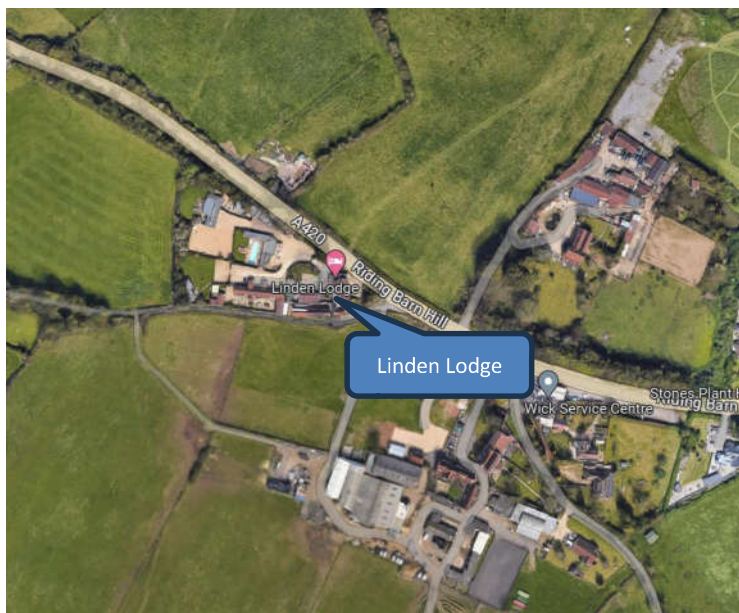
The application site is located to the South of the A420, approximately 1.5 miles to the east of the Bristol ring road. Part of the A420 near to the site is also known as Riding Barn Hill or Homeapple Hill (**image 1**). The application site is located off an existing private driveway at the top of the hill (**image 2**). The access driveway leads to a cluster of existing buildings which are the subject of a separate application by the same applicant for planning permission for a change of use of buildings known as Bramley Barn and Olive Tree.

To the west the land, which is in open countryside, falls away towards the western edge of Bristol at the ring road and linear development on the A420 including dwellings and farms. All are in the Green Belt within which the wider area is located. To the east is a car sales garage (*Wick Car Sales*) and further linear development along the main road which eventually leads to Wick approximately 1 mile to the east of the application site.

The A420 from which the site is accessed is shown in **images 3 and 4**. **Image 5** shows existing timber gates that provide access to Linden Lodge. To the west of this is the access to the buildings that are part of the concurrent planning application submitted by the applicant.



**Image 1** – Location of the application site (source: Google maps)



**Image 2** – Location of the application site (source: Google maps)



Image 3 – From the entrance onto the A420 looking east



Image 4 – From the entrance onto the A420 looking west



Image 5 – Access to Linden Lodge



As **image 5** confirms, Linden Lodge is a two storey building with a double pitched roof. The submitted drawings confirm that the entrance hallway leads to a living room (**image 6**), kitchen (**image 7**) and open plan dining room (**image 8**). On the ground floor is a bedroom with stairs in the dining room leading to a further four bedrooms (an example of which is shown in **image 9**).

An enclosed courtyard leads to a games room, hot tub (**image 10**) and further building providing additional sleeping space which is always let to the same groups as those using Linden Lodge.

**Images 11 – 14** are of existing signage within the property that provide notices to guests about conduct and behaviour during stays.



**Image 6** – Linden Lodge living room



Image 7 – Linden Lodge kitchen



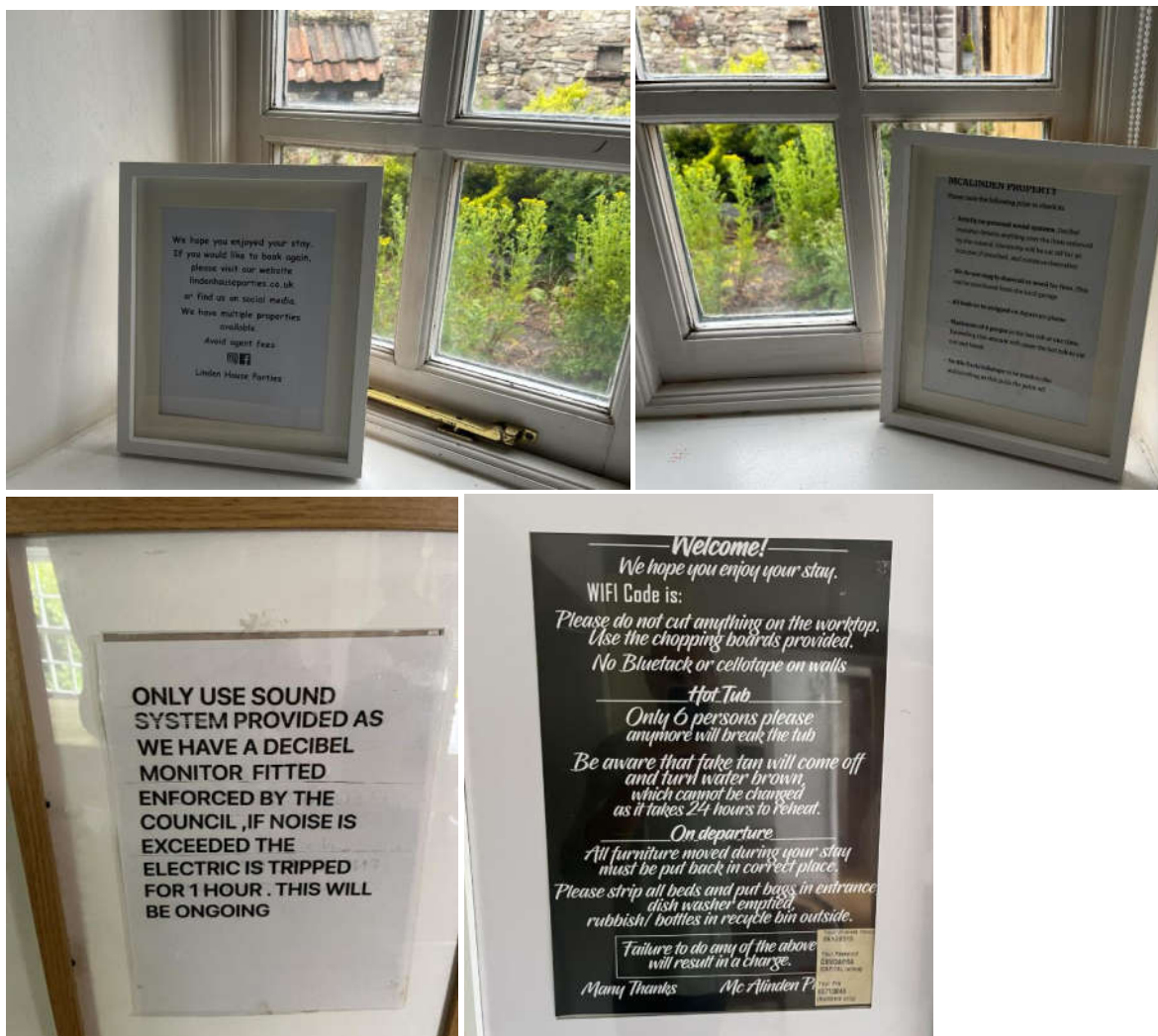
Image 8 – Linden Lodge dining room



Image 9 – Linden Lodge bedrooms



Image 10 – Linden Lodge hot tub and outside amenity space



Images 11 - 14 – Notices around Linden Lodge

## Property History

The property has been used by the applicant as holiday accommodation since 2013. A letter from the Council's Enforcement Officer (**attachment 2d**) was received in July 2013 which referred to a visit and evidence of the use of the property being for holiday accommodation. Prior to this the property was last in a residential use.



## Summary of evidence in support of Lawful Development Certificate

In accordance with Section 191 of the Town and Country Planning Act 1990 (as amended), this application provides evidence to confirm that the existing use of Linden Lodge as holiday accommodation (which falls outside the uses classes as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore in its own class – *sui generis*) on the date it was undertaken since September 2013 and that the property has remained in continuous use as holiday accommodation since this date.

The evidence to corroborate this includes:

1. Signed Statutory Declaration from the owner confirming that Linden Lodge has been let out as a single unit of holiday accommodation for a continuous, unbroken period of at least 10 years since September 2013.
2. Signed letters from Royal Cleaning (**Attachment 2b**) and Brislington Laundry (**Attachment 2c**) confirming that they have provided a cleaning and laundry service to Linden Lodge for a continuous and unbroken 10 year period.
3. Bank Statements from 2013 – 2018 (**Attachments 2a(i) – 2a(xii)**) confirming payments received for the property. These include when it was rented out under the property code E7893. More recent statement entries specifically refer to the property. The bank statements show payments being received for the rental of Linden Lodge on a monthly basis. However some months do not show any receipts of monies for rental – in these instances the property was not rented out. However this evidence confirms that it has been rented out to different groups over the 10 year period from September 2013 – current. Further, the bank statements also show payments to the cleaning and laundry companies.
4. Further evidence includes a copy of reviews from guests on the *Vrbo* website (property letting website) who stayed at Linden Lodge between August 2018 and March 2023 (**Attachment 3**).
5. **Attachment 4** includes a spreadsheet from the applicant of bookings since 2021 and also includes bookings made for the 2024 season.

The Covid 19 lockdowns in the UK (which occurred intermittently between March 2020 - May 2021) meant that despite remaining as holiday accommodation (*sui generis*), during parts of this period Linden Lodge could not be rented out due to nationwide restrictions.

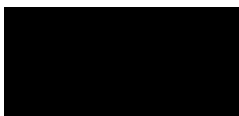
However, these lockdown restrictions imposed by the Government to address the Covid-19 Pandemic are a clear, exceptional and justifiable reason for any gaps in the occupation of part of the property as holiday accommodation during 2020 and 2021. During this time there was no cessation of the use and no other alternative use of the site and buildings.



In view of the above, on the balance of probability, coupled with the fact that there is no evidence to contradict or undermine the evidence submitted herein, the Council are in a position to issue a Lawful Development Certificate for the Existing Use of Linden Lodge as holiday accommodation (*sui generis*).

I look forward to receiving confirmation that the application has been registered and its target determination date. If there are any queries relating to registration or to discuss the application during its determination, please do not hesitate to contact me via either email (address below) or telephone (07841 674794).

Yours faithfully



**Stuart Rackham**

**Rackham Planning Limited**

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Enc. As Above

cc Mr J McAlinden