

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	252719
Site Address:	Barn Cottage, Holme Park Farm Lane, Woodley, Wokingham, RG4 6SX
Expiry Date:	3 July 2026
Site Visit Date:	6 January 2026
Proposal: Application for a certificate of existing lawful development for the use of part of the barn (known as Barn Cottage) as a dwelling.	

RELEVANT PLANNING HISTORY

Application No.	Description	Decision & Date
241287	Full application for the proposed change of use of The Old barn and Threshing barn from Equestrian use to Storage and Distribution and change of use of The Old Stables to dog grooming use, with associated fenestration changes and external repair works.	Withdrawn – 24/02/2025
232025	Full application for the proposed erection of a two storey extension to the existing indoor riding school building to provide ancillary grooms accommodation.	Conditionally Approved – 17/10/2023
220710	Pre-application advice request relating to the proposed development of the wider site.	Replied – 20/12/2022
05973	Dwellinghouse – renewal of outline consent	Conditionally Approved – 14/03/1977
171/72	Outline application for four houses.	Refused – 20/01/1972
1406/71	Conversion of all barn buildings into two houses and rebuilding of existing three houses.	Refused – 25/11/1971

SITE DESCRIPTION

The application site comprises part of a historic grade II listed barn situated within the Holme Park Farm estate. The barn forms part of the historic farmyard associated with the previous agricultural use of the land. The wider site comprises separate dwellinghouses and an established equestrian enterprise.

The site falls within designated countryside. The building is grade II listed but the site is not within a Conservation Area or other 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015). The site also falls within an

identified Bat Roost Habitat Suitability Area but is not subject to any other wildlife or habitat designations.

LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55(1) of the Town and Country Planning Act 1990 (as amended) defines development as “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.”

Section 57 of The Town and Country Planning Act 1990 (as amended) requires that planning permission is required for the carrying out of any development of land.

Section 171B (1) states that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of ten years (formerly four years) beginning with the date on which the operations were substantially completed.

Section 171B (2) states that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

Section 171B (3) states that in the case of any other breach of planning control, no enforcement action may be taken after the end of ten years beginning with the date of the breach.

*Regarding the above, Section 5 of The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 states that the amendments made to the 1990 Act by section 115 of the 2023 act (time limits for enforcement) do not apply where in respect of a breach referred to in section 171B(1), the operations were substantially completed before the day on which that section comes into force (25/04/2024), or where in respect of a breach referred to in section 171B(2), the breach occurred before the day on which that section comes into force (25/04/2024). This means that where operational development has been carried out before 25/04/2024 (except where the operations has facilitated a material change of use), or the change of use of any building to a single dwellinghouse occurred before 25/04/2024, **the four year rule still applies**.*

Section 191 deals with applications for Certificates of Lawfulness of existing development, and the authority's duty to determine them.

Section 191(1)(a) provides that if any person wishes to ascertain whether any existing use of a building or other land is lawful they may make an application for that purpose to the local planning authority specifying the land and describing the use, operations or other matter. As Section 191(1) (a) is written in the present tense, it is plain that the use must exist at the time of the application.

For the purpose of the 1990 Act s.191(2) defines operations as 'lawful' if:

(a) *no enforcement action may 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.*

Case Law

The courts have held in *Gabbittas v Secretary of State for the Environment* [1985] JPL 630 that the relevant test of evidence on such matters is 'the balance of probability'. The Courts have also held that the applicant's own evidence does not need to be corroborated by 'independent' evidence in order to be accepted. If the Local Planning Authority has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less probable, there is no good reason to refuse that application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

In considering applications for a Certificate the guidance given by the High Court in *Panton and Farmer v Secretary of State for the Environment, Transport and the Regions and Vale of White Horse D.C.* [1999] JPL 461 is of value.

Three questions need to be answered. Firstly, "When did the material change of use specified in the application occur?" To be lawful, this would need to be before 1 July 1948, by 31 December 1963, or at a date at least 10 years prior to the current application, or 4 years for operational development or use of a building as a single dwelling.

Secondly, if the material change took place prior to those dates, has the use specified in the application been lost by operation of law in one of three possible ways, namely by abandonment, the formation of a new planning unit, or by way of a material change of use, be it by way of implementation of a further planning permission or otherwise.

Finally, if the decision maker is not satisfied that the description of the use as specified in the application properly describes the nature of the use, the decision maker must modify/substitute each description so as to properly describe the nature of the material change of use which occurred.

INFORMATION PROVIDED

By the applicant:

- Lawful Development Certificate Application Form:
 - States that the development applied for begun on 31-12-1980.
 - States that there has been no interruption or material change of use of the land since the start of the use applied for.
- Covering Letter:

- States that the northern part of the barn, known as Barn Cottage, has been used as a dwelling since 1980.
- States that the dwelling is used independently from Holme Park Farmhouse and has been occupied by grooms/students in association with the equestrian business run from Holme Park Farm.
- Statutory Declaration of James Fisher dated 24/10/2025.
- Statutory Declaration of John Fisher dated 22/10/2025.
- Written statements from 6no. past occupiers of the dwelling covering the periods of 1987-1989, 1994-1998, 2000-2003, 2008-2009, 2009-2013 & 2024-2025.
- Council Tax Bills/Letters dated 25/01/2023, 18/07/2023, 11/04/2024, 25/07/2024, 10/03/2025, 28/04/2025 & 20/06/2025.
- Drawing numbered 51007-CL-P1-01 – Site Location & Site Plans
- Drawing numbered 51007-S3-E2-02 – Existing Floor Plans & Elevations

Following discussions with the applicant, additional evidence was submitted:

- Historic Title Plans showing the wider site (1 plan is dated 20/12/1983).
- Historic Aerial Image showing the wider site (exact date unknown, claimed to be prior to 1980).
- 2no. additional written statements from past occupiers of the dwelling covering the periods of September 2023-March 2024 and March 2024-November 2024.
- Gas Statement of Account covering the period of 05/11/2021 to 05/11/2024.
- Gas letter dated 16/04/2024.
- Energy invoices dated 25/06/2025 & 03/10/2025.

By the Council:

- Planning History Records (see summary above).
- Enforcement History Records – RFS/2022/087388 raised on 29/06/2022 relating to the alleged residential use of the application site, closed on 07/11/2025 following the submission of this application.
- The Case Officer carried out a site visit on 06/01/2026 and observed the nature of the use of the land.
- Site visit photos (06/01/2026).
- Aerial images obtained from the Council's mapping system and Google Earth.
- Environmental Health Records: Inspection Report dated 24/06/2022, copy of Tenancy Agreement dated 31/12/2021, various written correspondence between the Environmental Health Officer and the applicant dated from June 2022 to March 2024.
- Various email correspondence between Planning Officers and the Council's Environmental Health and Building Control Teams discussing the site.
- Official List Entry (Historic England) – “Barns at Holme Park Farm 200 Metres West of Sonning Lane”, date first listed: 17/10/1983

By third parties:

- Sonning Parish Council raised no objection.

APPRAISAL

The application is for a Certificate of Lawful Existing Use to regularise the use of the land shown on the submitted details as a self-contained residential dwelling. In

determining a Certificate of Lawful Existing Use, a Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required. In the case of this Certificate, it must be demonstrated that the use has been on-going continuously for at least 4 years prior to the date of this application, the relevant period being from 05.11.2021 to 05.11.2025.

The National Planning Policy Guidance (NPPG) sets out that the onus of proof is on the applicant, not the Local Planning Authority in submitting a Certificate of Lawfulness. However, the NPPG also states that “if Local Planning Authorities have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided that the applicant’s evidence is clear and unambiguous to justify the grant of a certificate”.

Where the burden of proof is on the applicant, the relevant test of the evidence on such matters is 'the balance of probability.' The applicant’s evidence does not need to be independently corroborated in every respect. However, it must be sufficiently precise and unambiguous, when assessed as a whole, to justify the grant of a certificate. The absence of compelling contradictory evidence is relevant, but the decision must ultimately be based on whether the positive evidence before the Council demonstrates that the lawful use has subsisted for the required period.

The assessment of this application is concerned solely with the lawfulness of the use and not with the planning merits of the development. Evidence from third parties, including neighbours, can be obtained should the Local Planning Authority consider it necessary to do so.

The Applicant’s Evidence

The evidence submitted is based heavily on the 2no. Statutory Declarations produced by co-owners of the wider site. These declarations are supported by written statements produced by 8no. previous occupiers of the dwelling over various periods of time dating back to 1987, Council Tax bills and correspondence issued between 2023 and 2025, plans showing the internal layout and elevations of the dwelling (and the rest of the building) as well as a supporting letter and the application form.

Following discussions with the applicant, additional evidence was submitted in the form of 2no. additional statements produced by previous tenants, utility statements, an undated historic aerial image showing the wider site and historic title plans relating to the wider site.

Statutory Declarations

Both declarations explain the ownership of the application site and the wider site (Holme Park Farm). Both state that when the farm was purchased in 1975 the application site was already in partial domestic use although there is a slight discrepancy between the declarations on when this use commenced (around 1970 and mid-1970s). Both declarations also refer to the application site as Barn Cottage.

James Fisher (the applicant) states that over a period of time the old farm buildings become a more serious stable yard in connection with an equestrian related business running from the site. It became necessary to require an on-site dwelling for grooms/students and since around 1980 the application site has been used as a

dwelling. This is repeated in John Fisher's statement and both declarations claim that the application site has been in use as a dwelling for the last 45 years.

Both declarations state that the dwelling contains a kitchen, bathroom, living room and three bedrooms and that it has always been used as a separate dwelling to Holme Park Farmhouse. It is noted that neither statement provides information on whether any works were carried out to facilitate the use of the site as a dwelling. Nonetheless, both declarations have been produced by longstanding landowners and therefore can be afforded weight in the overall planning balance having regard to the test of probability.

Occupier's Letters

Each of the 8no. letters refer to the application site and state that they lived in the cottage at the end of the old barn at various periods of time between 1987 and 2025 (autumn of 1987 to winter of 1989, 1994 to 1998, September 2000 to December 2003, April 2008 to February 2009, 2009 to 2013, September 2023 to November 2024 and October 2024 to September 2025). Each individual states that they were employed at Holme Park Farm/ James Fisher Showjumping when they occupied the dwelling.

While these letters do not, by themselves, cover the whole four year period, they are still material because they provide direct evidence of residential occupation during part of that period, September 2023 to September 2025, and they also support the claimed longer-term pattern of the building being used as residential accommodation over a substantial period. When taken cumulatively with other evidence, the letters contribute to a sufficiently precise evidential picture that the use of Barn Cottage as a dwellinghouse was not a recent or temporary occurrence, but an established residential use.

Council Tax

A bundle of 9 letters addressed to the applicant at Barn Cottage (the application site) has been submitted which demonstrate that Council Tax has been charged on the property since 12.07.2022, with the bill for the 2025/26 tax year issued on 20/06/2025.

The commencement of Council Tax liability in July 2022 broadly aligns with the period during which the Council became aware of the use through the Environmental Health and Enforcement investigations. This means that the Council Tax records cannot, by themselves, demonstrate that the residential use existed before July 2022 or throughout the relevant period. However, these records are consistent with residential use during a substantial part of the relevant period and do not undermine the claimed earlier use when assessed alongside the other evidence. Moderate weight is therefore attached to this evidence.

Plans

The submitted plans show the site's location, its external elevations and internal layout.

Utility Bills

The applicant has advised that the site benefits from its own gas and electricity meters. However, the 4no. submitted bill statements from the utility companies do not explicitly refer to the application site, or indicate they relate to more than one meter, and are addressed to the applicant at "Home Farm". The statements also do not cover the whole four year period. Therefore, no weight is given to this evidence in the balance of probability.

The absence of reliable utility evidence does leave a gap in the applicant's evidential timeline. However, it is not determinative. The Council must assess the evidence as a whole, and the lack of strong utility evidence is outweighed by the cumulative effect of other evidence including the statutory declarations, occupier statements, enforcement records and historic photographic evidence.

Historical Records

The submitted aerial image is undated; the applicant has advised that as Holme Park Farmhouse adjacent to the north is not present this indicates that the image pre-dates 1980. Full details relating to the construction of the farmhouse could not be found when carrying out a search of the Council's historic planning records. However, it appears that outline consent was granted in 1977 (application ref 05973) and the statutory declarations claim that it was built in 1980. It is therefore accepted that the aerial image was taken by 1980 at the latest.

While not of a high quality, the image (see excerpt in **Figure 1** below) shows the northern elevation of the barn and fenestration frames can be made out at ground and first floor level. This indicates that there was fenestration serving the northern end of the barn at the time the photograph was taken.



Figure 1: Extract of submitted historic aerial photograph showing the application site (date unknown).

Historic Title Plans were also submitted which show the wider site within the applicant's ownership. The plans show a building attached to the northern end of the barn which appears to have been removed as part of the re-development of the wider site in the 1970s. However, these do not explicitly show the subdivision of the barn or indicate any part residential use and therefore cannot be given weight in the balance of probability.

The Council's Evidence

Planning History

There is very limited planning history directly relevant to the application site. The planning history summary above includes several applications related to the proposed re-development of the wider site, including the construction of replacement dwellings, in the 1970s/80s.

The case file for application ref 1406/71, refused on 25/11/1971, includes an existing floor plan for the barn (see excerpt in **Figure 2** below). The proposal included the conversion of the whole barn into 2 no. residential dwellings. This plan does not show the current layout of the barn or indicate any residential use of its northern end, with the majority of the site forming part of the barn space although it is noted that the relevant area is partly subdivided with an internal wall, currently separating the kitchen and bathroom from the living room on the ground floor, in the same position as a wall shown on the plan. The fenestration shown on this plan does not appear to match the position of frames that can be made out on the submitted aerial image.

An amended application, ref 171/72, was refused on 20/01/1972. The file does not include any existing plans, but the barn is annotated on the proposed sketch layout plan (drawing no. 13) with 'to be renovated and retained as barn for hay storage etc.', confirming that the previous proposal to renovate the whole barn had been withdrawn. No other planning history following this date provides any evidence relating to the use of the application site until a request for pre-application advice submitted in early 2022. Illustrative plans submitted to the Council highlight the northern end of the listed barn and states 'part in residential use', no other information specifically relating to the use of the application site as a dwelling is provided within this submission. The Council acknowledges the residential use but does not discuss it in depth in its response.

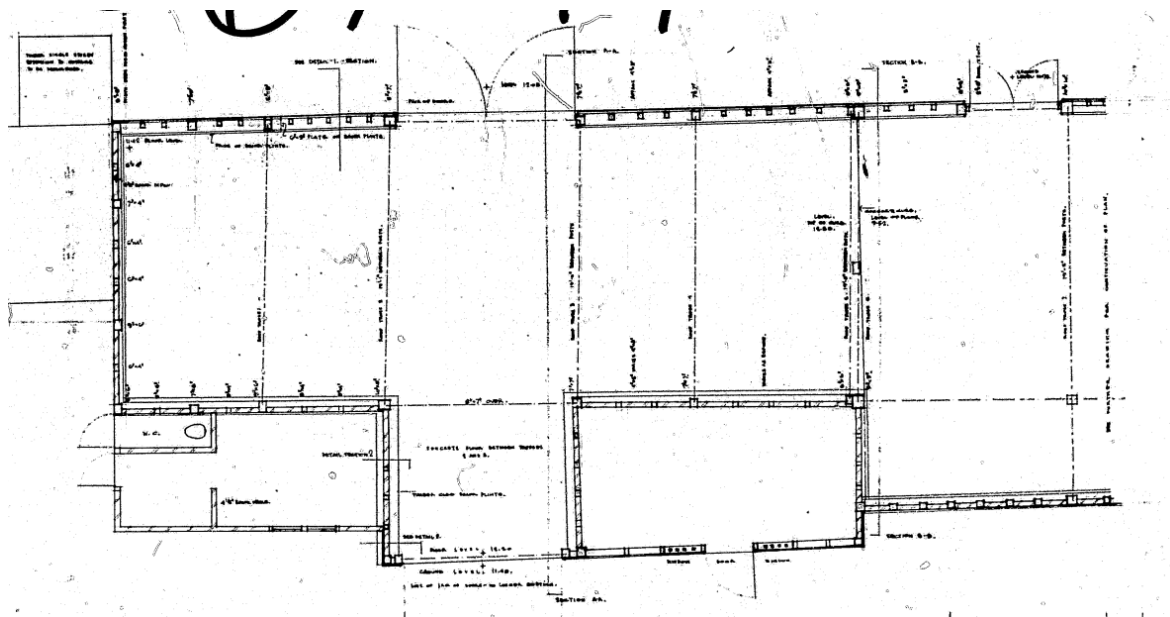


Figure 2: Extract of drawing no. 815_3 (Existing Ground Floor Plan) submitted in support of application ref. 1406/71.

The internal layout of Barn Cottage is shown on plans submitted in support of planning application ref 241287, which proposed the change of use of part of the wider side including the rest of the barn building, but not the part that is the subject of this application. The internal layout shown on these plans match the existing floor plans submitted in support of this application.

Enforcement History

Enforcement records indicate that the LPA first became explicitly aware of the use of the application site as a dwellinghouse when an enforcement investigation was raised into the matter in June 2022 (case ref RFS/2022/087388), although as noted above

residential use was claimed in the pre-app submitted a few months earlier. The investigation was raised following a query from the Council's Environmental Health (EH) Team, the EH Officer advised in initial correspondence with the Enforcement Team that the owner stated the dwelling was used to house agricultural workers, but had more recently been let on an AST which is where the Council got involved.

At this time, other Council departments became involved with the application site and carried out separate investigations. This corroborates with the Council Tax correspondence submitted by the applicant which demonstrates that Council Tax has been charged on the property since 12.07.2022.

The Enforcement Officer visited the site with the Council's Built Heritage Officer on 20/07/2022, photographs of the conversion's exterior are saved on the file. Following further investigation the Enforcement Officer wrote to the landowners on 11.10.2022 to set out the conclusion of the enforcement investigation. The following is stated:

- The application site was occupied on the date of the site visit (20.07.2022).
- The Enforcement Officer was advised by the landowners that this section of the barn [the application site] was converted into habitable accommodation prior to its listing in 1983. Also advised that no internal or external works had been carried out to the building following this listing. States that the Council holds no evidence to counter these claims and the physical conversion of the barn may be immune from enforcement action, but the building works have not been confirmed to be 'lawful' by the Council.
- On the date of the site visit the dwelling was being let to a private individual who was not connected to the landowners or the on-site commercial equestrian activities. Stated that this use represents the creation of a separate self-contained residential unit, a different use from grooms accommodation associated with the equestrian activities within the wider site.
- Provides several options for how the residential conversion **could** be regularised, including the submission of an Existing Lawful Development Certificate Application to confirm the lawful use of the listed barns and that there have been no unauthorised works to the listed building.
- A separate letter was appended relating to building regulations requirements and whether these would require further Listed Building Consent.

In response to the enforcement letter, the applicant stated in writing that the use of this part of the barn originally formed a residential dwelling. To support this claim they provided copies of the historic aerial photograph and title plans submitted as additional evidence for this application. Confirms in writing that an Existing Lawful Development Certificate application will be submitted.

The Council's first explicit awareness of the residential use in 2022 is not, in itself, evidence that the use was not established by that date. Rather, it reflects the point at which it came to the Council's attention and initially investigated across different departments. While these records do not positively prove the earlier use of the site as a dwelling, it does not materially undermine the applicant's case when considered alongside the other evidence. As such, the lack of earlier enforcement records is treated as neutral.

Site Visit

As part of the assessment of this application the Case Officer carried out a site visit on 06.01.2026. On this visit it was observed that the dwelling was being occupied, and comparing photos taken with photos taken on 20.07.2022 demonstrates that there have been no external works to the property between these dates.

Environmental Health Records

As discussed above, a separate Environmental Health investigation was also carried out in 2022 into the occupation of the application site. Records relating to this investigation was forwarded to the Case Officer to assist the assessment of this application:

- Copy of a draft HHSRS Dwelling Assessment Report dated 24/06/2022 – includes internal and external photographs of the property.
- Copy of a Assured Shorthold Tenancy (AST) Agreement signed by the applicant on 30/12/2021.
- Copies of correspondence between the applicant and a tenant forwarded to the EH Officer on 13/07/2022 – discusses the tenancy ending – the applicant advises that the cottage is needed for his staff.
- Copy of email correspondence between the EH Officer and applicant dated July-August 2022 – discusses EH requirements to improve the property following an inspection, advised that the property should not be occupied and potential formal action, confirms that the tenant had vacated the property by 02/08/2022.
- On 02/05/2023 and 11/03/2024 the applicant advised the EH Officer that the property was not being occupied and used for temporary storage of furniture.

On 02/02/2026 the EH Officer advised that their investigation into the site was closed as they had been advised that the property was unoccupied. Also confirmed that no formal notices under the Housing Act 2004 or other relevant legislation, e.g., to enforce the vacancy of the property, have been served by the Council.

These records contain the most detailed information the Council holds on the occupancy of the site during the relevant four-year period, with clear evidence that it was occupied as a dwelling from December 2021 to July 2022. They also record correspondence in which the applicant later advised the EH Officer that the property was not occupied and was being used for temporary storage.

This creates a direct evidential conflict with the submitted declarations of L G Mellado and A Bianchi, which state that they occupied the property between September 2023-March 2024 and March 2024-November 2024 respectively. This conflict educes the weight that can be given to the applicant's assertion that the building was continuously occupied at all times. It also means the submitted evidence is not entirely consistent.

However, the Environmental Health records do not demonstrate that the residential use had ceased in planning terms. No formal notice requiring the property to remain vacant was served, and the applicant's later statements to the EH Officer were not verified e.g., via a follow up site visit. There is no clear evidence to indicate that the residential use was abandoned, that the unit was physically incorporated into another use, or that a materially different was implemented during the relevant four-year period. The

correspondence also indicates that the applicant intended the building to continue being used to accommodate staff once the previous tenant had vacated.

The factual information arising from the Environmental Health investigation is therefore given weight in assessing occupation during the relevant period. However, it not considered sufficiently precise or compelling to demonstrate, on the balance of probability, that the residential use of the building was materially interrupted or lost.

Listing

The application site forms the northern end of two barns which are Grade II Listed. The Historic England website confirms that the barns were listed on 17/10/1983 under the list entry name "Barns at Holme Park Farm 200 metres west of Sonning Lane". The official list entry states:

"Barns. 2 barns joined, one to right C17, to left C18. Each have 5 bays, old tile roofs and central wagon entrances, the barn to right, a hipped entry, barn to left a half hipped entry. Walls partly brick nogging in frame but mostly weatherboarded. Both have Queen post trusses, clasped purlins. C18 barn is part- aisled and has "JP 1796" cut in one principal tie."

The official list entry does not state the use of the barns, or indicate its part residential use, which undermines the claims made in the submitted statutory declarations that the site was a dwellinghouse in 1980. Nonetheless, an archive image on the list entry dated 26/10/1999, see **Figure 3** below, shows fenestration and a flue. While the northern (flank) elevation is partly obstructed by vegetation in the photo, the visible fenestration and flue indicate residential use and matches the position of fenestration and the flue observed on the various site visits. A rotary airer is also visible to the front of the building. This indicates that the barn had been part converted into a dwelling by 16/10/1999 at the latest.



Figure 3: Photograph of the application site dated 26/10/1999. Source: Historic England: [Barns at Holme Park Farm 200 Metres West of Sonning Lane, Sonning - 1117438 | Historic England](#)

Summary

The submitted evidence is varied in quality and consistency. .The statutory declarations provide the principal evidence that Barn Cottage has been used as residential accommodation for a long period. Those declarations are supported by occupier statements spanning various periods between 1987 and 2025, Council Tax records from July 2022 onwards, the Council's enforcement records, the 2022 and 2026 site visit evidence, the physical layout of the building, and the Historic England photograph dated 26.10.1999.

Not all of the evidence is of equal weight. The utility evidence is limited because it does not clearly identify Barn Cottage or demonstrate that it relates to a separate meter serving the application site. The Historic Title Plans do not demonstrate residential use. The occupier statements do not provide complete coverage of the whole four-year period. There is also a conflict between the applicant's statements to Environmental Health that the property was unoccupied during parts of the relevant period and the submitted occupier statements indicating occupation during parts of 2023 and 2024.

These matters reduce the weight that can be given to the applicant's evidence of continuous occupation. However, the relevant planning question is not whether the building was occupied every day throughout the relevant period, but whether the use as a dwellinghouse subsisted without material interruption and was not lost through abandonment, the formation of a new planning unit, or a material change of use.

The apparent periods of vacancy or disputed occupation identified in the Environmental Health records are not considered sufficient to amount to abandonment or material interruption. There is no evidence that the residential unit was physically removed, that its residential facilities were taken out, that the building was incorporated into another planning unit, that a materially different use was implemented, or that the owner intended permanently to cease the residential use. On the contrary, the Council-held Environmental Health correspondence indicates that, following the previous tenant vacating, the applicant intended the property to continue being used to accommodate staff.

The Council's late awareness of the use in 2022 is treated as neutral. It does not positively establish earlier residential use, but nor does it demonstrate that the use was not established before that date. The use was contained within part of an existing historic barn on a wider farm/equestrian site, and there is other evidence indicating that the building had been adapted and used residentially well before the relevant period.

The 1999 Historic England photograph is particularly important because it shows fenestration, a flue and domestic paraphernalia consistent with residential use of the northern end of the barn well before the relevant four-year period. The 2022 enforcement visit and 2026 site visit further confirm that the building was laid out and functioning as a dwelling. Council Tax records from July 2022 onwards are also consistent with residential use during a substantial part of the relevant period.

The evidence also supports the conclusion that Barn Cottage functions as a separate planning unit rather than merely as accommodation ancillary to the wider equestrian enterprise. The building contains its own kitchen, bathroom, living accommodation and bedrooms; it is physically identifiable as a discrete part of the listed barn; and the submitted and Council-held plans show a self-contained internal arrangement. The enforcement records also record that, at the time of the 2022 site visit, the dwelling was being let to a private individual who was not connected to the landowners or the on-site equestrian activities.

Whilst a number of occupiers were employed at Holme Park Farm / James Fisher Showjumping, there is no evidence of a planning condition or other restriction limiting occupation of Barn Cottage to persons employed in connection with the equestrian use. Taking account of the degree of functional independence, physical separation, self-contained facilities, separate occupation and absence of any occupancy restriction, the use is properly described as use as a self-contained dwellinghouse rather than ancillary grooms' accommodation.

Taking the evidence cumulatively, it is considered that the applicant's case is sufficiently precise and unambiguous to demonstrate, on the balance of probability, that the use of Barn Cottage as a self-contained dwellinghouse has subsisted for a continuous period exceeding four years. The identified inconsistencies and evidential gaps do not outweigh the positive evidence of long-standing residential use, nor do they demonstrate that the use has been lost through abandonment, material interruption or material change of use.

Conclusion

Overall, whilst elements of the evidence are inconsistent and limited in places, the applicant has provided positive evidence of long-standing residential use of Barn Cottage to demonstrate that the residential use has not been materially interrupted or altered within the relevant four-year period. Taking the evidence as a whole, it is considered sufficiently precise and unambiguous to demonstrate that the use of part of the building as a self-contained dwellinghouse was established well before the relevant period and has subsisted for a continuous period exceeding four years. As such, no enforcement action could now be taken under Section 171B of the Town and Country Planning Act 1990 (as amended).

A plan is attached to the draft decision notice demonstrating the part of the barns this certificate applies to.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered to have been demonstrated that the use of part of the building known as Barn Cottage, as shown in the submitted details, as a residential dwelling has been occurring for a consecutive period of four years. On this basis it is recommended that the application for a lawful development certificate be **approved**.

Date:	10 July 2026
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Earliest date for decision:	28 November 2025
Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	22.07.26