

**Site Address: Muddle Barn Farm
Colony Road
Sibford Gower
Banbury
OX15 5RY**

**Application Number:
14/01100/CLUE**

Case Officer: Emily Shaw

Recommendation: Approve

Applicant: [REDACTED]

Application Description Certificate of Lawful Use Existing - Use of dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85

1. Site Description and Proposed Development

1 1 Muddle Barn Farm is an isolated range of agricultural buildings and a dwelling located to the south west of Sibford Gower on the Colony Road. The dwelling was granted planning permission on the 8th January 1986. The planning permission had a condition that restricted the occupancy of the dwelling as follows

'That the dwelling be occupied only by a person solely or mainly employed or last solely or mainly employed, in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act, 1971, or in forestry, including and dependents of such a person residing with him or her or widower of such a person.'

1 2 This application seeks a certificate of lawful development for the existing use of the dwelling without complying with the condition set out above. The application is supported by various evidence in the form of statutory declarations from individuals who have been aware of the use of the property since 1997 and other evidence illustrating equestrian uses.

2. Application Publicity

2 1 There is no duty on the Local Planning Authority to publicise Certificate of Lawfulness applications.

3. Consultations

3 1 Cherwell District Council (Legal and Democratic Services)

[REDACTED]

4. Appraisal

4.1 The Local Planning Authority were made aware of the occupation of Muddle Barn Farm in breach of condition number 5 of CHN 600/85 in February 2014. A site visit was made to the site on the 5th March 2014. It was established that the dwelling was being occupied by [REDACTED] who was running an equestrian business at the site and had done since purchasing the site in 1997.

4.2 Since investigating the breach of condition complaint an application for a Certificate

of Lawfulness for occupation in breach of condition number 5 of CHN 600/85 has been received by [REDACTED]. The property has recently been on the market for sale as a traditional pasture farm currently used as a successful equestrian showing yard.

- 4.3 The evidence submitted with the application in the form of statutory declarations and evidence confirming the equestrian business use of the site has satisfied the Local Planning Authority on the balance of probability that the dwelling has been occupied in breach of condition 5 of CHN 600/85 in excess of 10 years. [REDACTED] has not been involved in agriculture since his occupation at the site in 1997.
- 4.4 It should also be noted, for the benefit of any contributors who may read this report in the future, that this assessment and the subsequent certificate are not based upon an assessment of the application against the development plan or other material considerations, it is based solely upon a judgement of the evidence presented against the requirements of Section 191 of the principal Act.

Recommendation
APPROVE

FIRST SCHEDULE

Use of dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85

SECOND SCHEDULE

Muddle Barn Farm, Colony Road, Sibford Gower, Banbury, OX15 5RY

THIRD SCHEDULE

Having regard to the information submitted by the applicant, the planning application records and information held by the Local Planning Authority, the Local Planning Authority is satisfied on the balance of probability that the dwelling known as Muddle Barn Farm, has been occupied in breach of Condition 5 of CHN600/85 for a continuous period in excess of 10 years.

Signed Case Officer:

[REDACTED]

Date: 26.8.14
26/8/14

Signed SPO/TL

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Date: ↓

Possible to delegate decision: Y / N