

Application Reference Number:	2026/0303
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Application Type:	Certificate of Lawfulness - Existing
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Proposal Description:	Certificate of Lawful Development for the existing use of 2 separate commercial units and yard area used for indoor and outdoor caravan storage, commercial workshop, and commercial equine stables.
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Location:	Bullace Grange Farm, Manchester Road, Millhouse Green, Sheffield, S36 9NS
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Applicant:	Mr & Mrs England
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Third-party representations:	0	Parish:	
		Ward:	Penistone West Ward

Summary:

This lawful development certificate application seeks confirmation for the existing use of 2 separate commercial units and yard area used for indoor and outdoor caravan storage, commercial workshop, and commercial equine stables; therefore, the use being lawful and not requiring planning permission.

Based on the evidence submitted by the applicant, it is considered that evidence is sufficiently precise and unambiguous to justify the granting of a certificate on the balance of probability. The LPA determines that the existing use of 2 separate commercial units and yard area used for indoor and outdoor caravan storage, commercial workshop, and commercial equine stables is lawful, and therefore, this lawful development certificate should be granted.

Recommendation:

Lawful Development Certificate – Granted

Site Description

Bullace Grange Farm is located and accessed to the south east of the A628 Manchester Road and on the outskirts of the village of Millhouse Green. Bullace Grange Farm consists of barns, a dwelling and a barn conversion currently used a holiday let. The site is located within the Green Belt as allocated within the Local Plan proposals maps.



The applicants have lived at Bullace Grange Farm for approximately 26 years. The site which is the subject of this application include, two former agricultural buildings along with an adjacent external storage yard. Building A is set to the north and building B to the south as shown on the submitted block plan. The external caravan storage is set to the south of building B on an area of hardstanding as can be seen on the aerial photograph above.

The agent has provided the following information in support of the application. 'Mr and Mrs England have run a business "THE STABLE DOOR" from the site since 2000 (still operational to date). Initially the business involved providing a DIY livery within Building A as referred to on the submitted existing block plan. Building A has also been used for some caravan storage from 2001 to date but is predominantly used for DIY Livery.

At the time of purchasing the property in September 2000 Building B, as referenced on the accompanying existing block plan, was an indoor menage. However in 2011 this was altered to form indoor caravan storage, this use has continued to the present day. In addition to the uses of Barn A & Barn B the yard directly to the South of Building B, annotated as "EXTERNAL CARAVAN STORAGE YARD AREA" on the accompanying existing block plan has been used since 2001 to date as an area for storing caravans.

The equine set up within Building A consists of 14 stables. These are rented out to customers who use them for DIY livery.

Buildings A and B along with the external storage yard, as referenced on the existing block plan have been used, continuously, for purposes as described above, for well in excess of 10 years.

It's important to note the tractor and implements stored with in Building A are used in association with the equine use for topping paddocks, muck collecting/moving and fertiliser spreading. At no point during the previous 10 years minimum, prior to the date of this application, have the buildings been used for agricultural purposes. This is declared within the applicants sworn statement within the appendix of this statement. Building B also has a commercial workshop area. Customers of the applicants have also rented space within Building B to convert vans into camper vans and general caravan and mechanical maintenance.

Building A, the Northernmost building, as referenced on the existing block plan, is 18.35m x 37m and has an eaves height of 3.5m and a roof apex height of 7.5m.

Building B, the Southernmost building, as referenced on the existing block plan, is 23m x 40.47m and has an eaves height of 4.17m and a roof apex height of 7.28m.

The external yard area measures circa 40 x 17m (680m²), this yard area is located directly to the South of Building B, these dimensions do not include the access to the yard area which has been used for external caravan storage for well in excess of 10 year as evidenced on aerial photos within Appendix A of this statement.

Both buildings A and B along with the external storage yard area are accessed via a private drive from Manchester Road (A628).

Building A appears to be an older structure and features on the 1841-1952 historical maps, originally it was a dutch barn (frame still in situ internally) but developed and extended with the current wooden barn long before the applicants bought the site in 2000 (the applicant thinks the extensions were carried out in the 1970's)

Building B is a more recent addition being built in the mid-late 80's by the previous property owners. The construction of the buildings differ. Barn A is a timber framed portal structure with large timber gusseted bays forming the skeleton of the structure.

Barn B is a more modern steel portal framed structure with timber purlins and sheeting rails.

Both buildings have a mixture of masonry (brickwork and blockwork to high levels, the workshops within building B are blockwork with mezzanine storage floors above (one accessed via an independent staircase). Both buildings have a profiled roof, fibre cement to building B and steel profiled sheets to building A. The stables, within Barn A, are predominantly blockwork (masonry) with wrought iron dividing screens/guarding.'

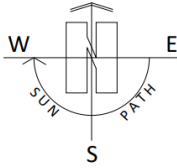
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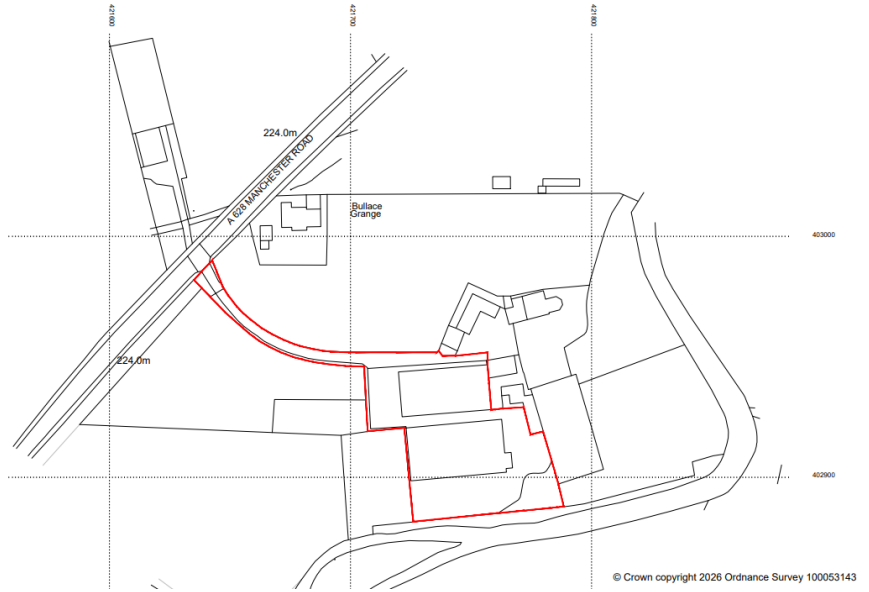
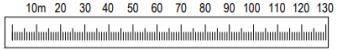
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Project
Certificate of Lawfulness (existing) for Commercial
Units at Bullace Grange Farm, Manchester Road,
Units at Bullace Grange Farm, Manchester Road,

1:1250



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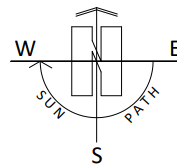
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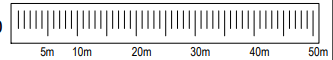
Client
Mr & Mrs M England

Drawing Title/Issue

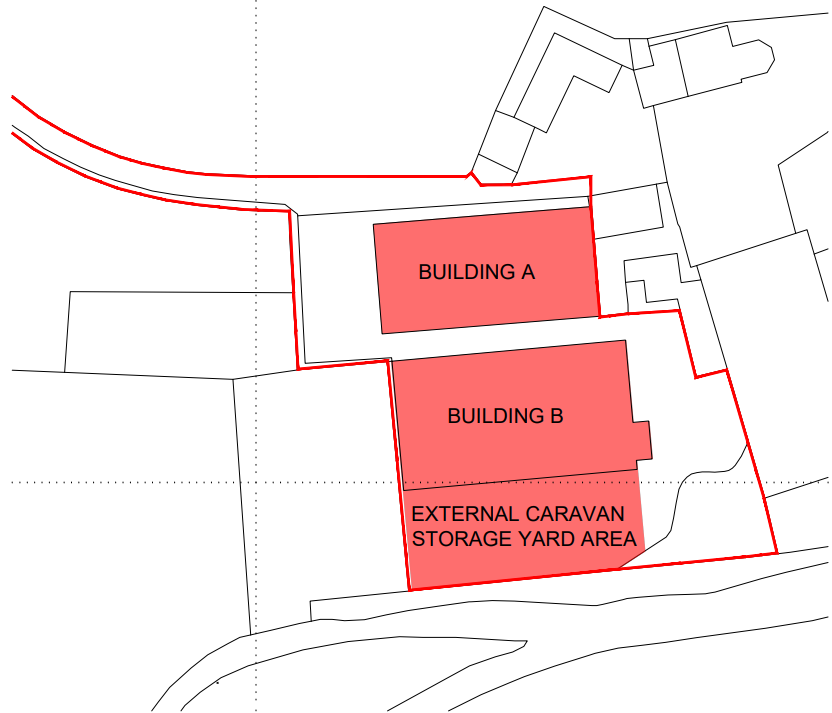
Existing Block Plan

scale date sheet size dwg. no.
1:500 08/2025 A3 25/1241/02a

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Planning History

Application Reference	Description	Status
2012/1146	Change of use from annex to holiday let accommodation	Approved with conditions
2006/1897	Erection of rear single-storey extension to dwelling	Approved with conditions
92/0357	Conversion of barn to domestic use	Approved with conditions
92/0623	Change of use of agricultural buildings to livery stables and indoor exercise arena	Approved with conditions
82/0083	Erection of agricultural building	Historic
79/3666	Planning permission granted by the Secretary of State for the Department of the Environment on appeal for the regular overnight and occasional daytime parking for one lorry and 30 ft trailer	Historic

Proposed Development

This application is for a Section 191 Certificate of lawfulness of existing use or development. A certificate under this section can be sought if any person wishes to ascertain whether –

- any existing use of buildings or other land is lawful;
- any operations which have been carried out in, on, over or under land are lawful; or
- any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

The applicant seeks confirmation the existing use of 2 separate commercial units and yard area used for indoor and outdoor caravan storage, commercial workshop, and commercial equine stables at Bullace Grange Farm, have been used as such in excess of 10 years.

In summary, the applicant's evidence includes:-

- Planning statement
- Appendix A contains several historical aerial photos with a date range of 01/01/2002 to 03/04/2025. Whilst we appreciate this does not confirm the use within buildings A & B they clearly do demonstrate the caravan parking yard with all photos clearly showing a varying number of caravans being stored within the yard area.
- Appendix B internal and external photographs (not dated.)
- Appendix C, is Mr & Mrs Englands sworn statement confirming the duration and historical use of the subject buildings/yard.

- Appendix D contains a variety of other evidence demonstrating the continued use of the buildings/yard (invoices, storage contracts, bank statement (evidencing storage income), an electrical invoice (for the installation of electric meters for the caravan storage facility) and customers statement of truth.

At the request of the Legal Officer during the processing of the application, further evidence was submitted in relation to the livery use. The following information has been submitted in addition to the above:-

- Accounts 2012 specifying the principal activity of Bullace Grange Farm Ltd.
- Signed statement from a farrier who has serviced a lot of the equine clients at Bullace Grange Farm.
- Signed statement from the accountant. This letter confirms that account/client relationship since June 2016. This letter also confirms that the applicants have operated a business providing stabling and livery for horses, trading as 'the stable door', continuously since 20th February 2021.
- Bullace Grange Farm's first year's accounts 2001.
- A witnessed declaration from a customer confirming she has kept several of her horses and ponies at Bullace Grange Farm from 24/06/2001 to date.

Relevant Polices

Section 191(1) of the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any existing use or operations which have been carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 191(4) of the Town and Country Planning Act 1990 states that if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Guidance states that if a local planning authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

This reflects the ministerial advice that was formerly printed in Annex 8 to Circular 10/97, at paragraph 8.15. 'Evidence' from neighbours, or others objecting to the application, consisting of no more than doubt, disbelief or scepticism regarding the evidence adduced by the applicant does not amount to evidence contradicting or otherwise making the applicant's evidence less than probable.

A full award of costs is liable to be made on appeal under Section 195 of the Town and Country Planning Act 1990 against a local planning authority which refuses a certificate of lawfulness in ignorance or defiance of the rule in *Gabbittas*.

Supplementary Planning Document – Lawful Development Certificates – Adopted May 2019

Consultations

Legal – Evidence is sufficient to grant permission

Representations

There is no statutory requirement for local planning authorities to consult third parties, including neighbouring residents or parish councils on a certificate of lawfulness application since such applications are a matter of fact and law and are not determined on their planning merits or judged against national or local planning policies or guidance.

A site notice was posted adjacent to the site however no comments have been received in response.

Assessment

A local planning authority can grant a certificate confirming that an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990.

The applicant has submitted this application for lawful use of the relevant area of land and buildings under Section 191 of the Town and Country Planning Act 1990. Section 191(1) provides that if any person wishes to ascertain whether any existing use of buildings 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.

Section 191(4) further provides that if, on the basis of the information provided in the application, the Council is satisfied at the time of the application of the use, and the LPA is obliged to issue a certificate to the effect that the use is lawful.

It should therefore be assessed whether the use of the land/buildings is lawful under the Town and Country Planning Act 1990. If the 10 years continuous usage is established for the use the LPA would not be entitled to take enforcement action in respect of the breach and the existing use would thus be lawful.

As with all such applications the LPA are only concerned with the factual background in this case to establish that any existing use of buildings; or any operations that have been carried out in, on, over or under land, are lawful. If, on an application under this section, the LPA are provided with information satisfying them that the use or operations described in the application are lawful, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Analysis of evidence

The Supplementary Planning Document – Lawful Development Certificates – Adopted May 2019 provides guidance for applicants when submitting an application for a lawful development certificate. The SPD states that in terms of assessing an application:-

‘The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. However, the onus of proof in an LDC application is squarely on the applicant to show to the Council on the balance of probabilities, that a Certificate ought reasonably to be issued. Put simply, the applicant must show that it is more likely than not that the facts asserted by him or her are correct. Indeed, Government advice to local Council's is that "they need not go to great lengths to show that the use, operations or failure to comply with a condition specified in the application is not lawful". There is no requirement on the part of the Council to make an independent search for evidence.’

In addition the guidance states that for applicants to:-

'To substantiate your claim you should provide any additional information you consider necessary, such as:-

- a. any information concerning business rates, or from the council tax or electoral records;
- b. any relevant invoices/bills or receipts for services such as water, electricity, gas or telecom;
- c. personal testimonies or sworn affidavits of applicants, operations or witnesses;
- d. photographs which can be dated;
- e. any other relevant factual information.'

The applicant has provided the following in support of the application:

- Planning statement
- Appendix A contains several historical aerial photos with a date range of 01/01/2002 to 03/04/2025 which show the external caravan storage area
- Appendix B internal and external photographs (however these are not dated)
- Appendix C, is Mr & Mrs Englands sworn statement confirming the duration and historical use of the subject buildings/yard.
- Appendix D contains a variety of other evidence demonstrating the continued use of the buildings/yard (invoices, storage contracts, bank statement (evidencing storage income), an electrical invoice (for the installation of electric meters for the caravan storage facility) and customers statement of truth.
- Accounts 2012 specifying the principal activity of Bullace Grange Farm Ltd.
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- Bullace Grange Farm's first year's accounts 2001.
- A witnessed declaration from a customer confirming she has kept several of her horses and ponies at Bullace Grange Farm from 24/06/2001 to date.

In addition to the above, a search of the Planning History of the site shows that an application was approved for the change of use of agricultural buildings to livery stables and indoor exercise arena in 1992 under application ref 92/0623. The agent states that 'at the time of purchasing the property in September 2000 Building B, as referenced on the accompanying existing block plan, was an indoor menage. However in 2011 this was altered to form indoor caravan storage, this use has continued to the present day.'

Given the above evidence, which includes a number of witness statements, invoices, aerial photography, accounts, it is considered that it is sufficiently precise and unambiguous evidence has been provided to justify the granting of a certificate on the balance of probability that the site has been used for the purposes described for more than 10 years. The LPA determines that the existing use of 2 separate commercial units and yard area used for indoor and outdoor caravan storage, commercial workshop, and commercial equine stables is lawful, and therefore, this lawful development certificate should be granted.

Recommendation

Lawful Development Certificate – Granted