

PLANNING STATEMENT & EVIDENCE STATEMENT

location	Hill Top Farm, Weather Hill Lane, Holmfirth, HD9 2SF
application	Certificate of Lawfulness (existing) for Existing Stables and Equine Yard.
client/applicant	Anthony Lea and Susan Lea (Mr and Mrs Lea)
job number	25/1169
date	September 2025

Ltd
PAUL MATTHEWSARCHITECTURAL

ARCHITECTURE | PLANNING | DESIGN

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Company Registration Number: 09898149 - Company Registered in England and Wales

INTRODUCTION

This application for a Certificate of Existing Lawful Development is submitted to the Local Planning Authority (Kirklees Council) under section 191 of the Town and Country Planning Act 1990 (as amended).

The date of this application is 30th September 2025.

The applicants are Mr & Mrs Lea.

The subject building of this application contains 7 separate stables in a horseshoe arrangement with a central sheltered stable yard. The stables and stable yard has a concrete slab with brickwork below the timber framed structure. The roof covering is onduline, a cellulose fibre/bitumen profiled sheet.

The stables/stable yard covers 150m² (11.3m x 13.3m).

The building has power (electric) and a fresh water supply.

The stable building and stable yard is located just to the North West of the dwelling, Hill Top Farm.

The applicants purchased the property on 30th September 2009 and have owned the property since that time.

The property brochure, from when Mr & Mrs Lea purchased the property, can be found within Appendix A of this statement. This historical property brochure clearly shows the stables (floor plan, map plan and on the edge of the masonry garage/stables photo) it also describes within the particulars (under outbuildings) "*the timber framed stable block is arranged around a central courtyard and incorporates 6 boxes and a store room*"

PLANNING HISTORY

The following planning history has been taken from the public, online database;

Application number	Description	Decision	Decision Date
90/06412	Conversion and extension of barn to form extension to existing farmhouse	Conditional Full Permission	02/01/1991
95/91349	Change of use of agricultural land to domestic curtilage	Conditional Full Permission	06/07/1995
95/90799	Erection of conservatory and chimney stack	Refused (appeal withdrawn)	06/07/1995
96/90353	Erection of detached stables/garage and store block	Conditional Full Permission	24/05/1996
2025/91373	Erection of single storey side extension, solar panels to roof and associated alterations	Conditional Full Permission	06/08/2025

Only the most recent 2025/91373 application was made by the applicants of this application. All the above previous planning applications were made by the previous property owners, Mr & Mrs Tunnacliffe, prior to Mr & Mrs Lea taking ownership of the property.

It is important to note that the 96/90353 (Erection of detached stables/garage and store block) relates to the adjacent stone-built garage and stables and not the stables/stable yard that are the subject of this certificate of lawfulness application.

APPLICATION

This application is made under the ten-year immunity rule of Section 171B Town & Country Planning Act 1990 (as amended) – Paragraph (3) (*In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*)

The development in question relates to the following aspect of ‘development’ as defined under Section 55 of The Town and Country Planning Act (meaning of development); *“Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means 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.”*

We contend this overall application provides relevant and sufficient justification to evidence and support this application to enable the LPA to issue the certificate of lawfulness for the existing stables and stable yard.

We contend this use falls within Sui Generis planning use. It’s also important to note other, non-residents, of the property have kept horses at the stables historically during the ownership of Mr & Mrs Lea. Emails are provided within Appendix B of this statement confirming this.

The horses kept at the property have not been used for agricultural associated purposes.

The stables/stable yard structure has been insitu for well in excess of 10 years prior to the date of this application.

This application relates to the building as referenced (shaded red) on the submitted OS existing block plan.

The red line area, not shaded in red, simply identifies the access to the subject building from the public highway.

Accompanying this application, within Appendix C, is Mr & Mrs Lea’s statutory declaration confirming the duration and historical use of the subject building/stable yard.

Appendix D contains an aerial photo, dated 22nd April 2011. This image clearly indicates the presence of the stable block and stable yard.

We contend this application, when considered as a whole, demonstrates the ‘balance of probability’ in favour of the application.

LAWFUL DEVELOPMENT LEGISLATION

The legislation sets out (Section 191 – 1);

“If any person wishes to ascertain whether—

- (a) any existing use of buildings or other land is lawful;*
 - (b) any operations which have been carried out in, on, over or under land are lawful; or*
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*
- he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.”*

Point A & B above are relevant on this application.

Section 191 (2) goes on to state:

“For the purposes of this Act uses and operations are lawful at any time if –

- (a) no enforcement action may then 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.*

Section 171B confirms the time limits for enforcement action;

- (1) 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—*
 - (a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed*
- (2) 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—*
 - (a) in the case of a breach of planning control in England, ten years beginning with the date of the breach*
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*

Statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2010

As required by this secondary legislation, Part 8 (39) states that such an application must be accompanied by the following information (responses shown in RED):

(a) A plan identifying the land to which the application relates drawn to an identified scale and showing the direction of North; (SUBMITTED WITH THIS APPLICATION - SEE THE ACCOMPANYING 1:1250 LOCATION PLAN)

(b) such evidence verifying the information included in the application as the applicant can provide; (PLANNING & EVIDENCE STATEMENT ALONG WITH THE APPENDICES) and;

(c) A statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application. THE APPLICANTS, MR & MRS LEA ARE THE LAND/PROPERTY OWNERS. THERE ARE NO OTHER OWNERS OR PARTIES THAT HAVE AN INTEREST IN THE LAND/PROPERTY.

Guidance and case law for Lawful Development Certificate applications

The National Planning Practice Guidance 'Lawful Development Certificates', paragraph 006, states;

"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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 alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

Case law notes that the 'balance of probability' test is less onerous than that of 'beyond reasonable doubt'. Moreover, the courts have held that the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted (*Gabbitas v Secretary of State for the Environment and Newham LBC [1985] J.P.L. 630*).

SITE HISTORY & INFORMATION

Mr & Mrs Lea moved to Hill Top Farm, Weather Hill Lane, Holmfirth, HD9 2SF, the application site, on 30th September 2009.

The applicants purchased the property with the subject stables and stable yard insitu.

The 7 acres of grazing land around Mr & Mrs Leas residential property, Hill Top Farm, Weather Hill Lane, Holmfirth, HD9 2SF, has been used for grazing horses since Mr & Mrs Leas occupation of the property. NB the property particulars, dating back to 2009 indicate horses grazing on the adjoining land.

The land and buildings have not been used for agricultural purposes during the ownership of Mr & Mrs Lea. No agricultural operations have existed/been carried out on the application site since Mr & Mrs Leas ownership.

The subject building has been used for equine purposes since 2009.

EVIDENCE OF LAWFULNESS

Appendix A - Contains the property particulars, from when the property was purchased by the applicants back in 2009.

Appendix B – Contains three separate emails from others who confirm they have also used the applicant's stables for their own use/used the applicant's horses at Hill Top Farm, HD9 2SF.

Appendix C - Contains the applicant's statutory declaration.

Appendix D - Contains an Aerial image, dated 22/04/2011, clearly showing the stable and stable yard in situ at the time the aerial image was taken.

Although the site is relatively remote and secluded, we contend no attempt has been made to conceal the development, it is important to note a public footpath runs through/alongside the application site as noted on the submitted OS Plans.

We contend this statement along with the appendices evidences that the timber framed stables and stable yard have existed, in continuous use, well in excess of ten years.

CONCLUSION

It is submitted that the existing timber framed stables and stable yard is lawful at the date of this application under Section 191 of the Town & Country Planning Act.

The evidence listed and within the appendices is considered to be sufficiently precise and unambiguous to prove, on the balance of probabilities, that the building has been in situ and continuous use for a period of more than ten years from the date of this application. This comprises the minimum required ten-year immunity time period before the date of this S191 Certificate of Lawfulness application.

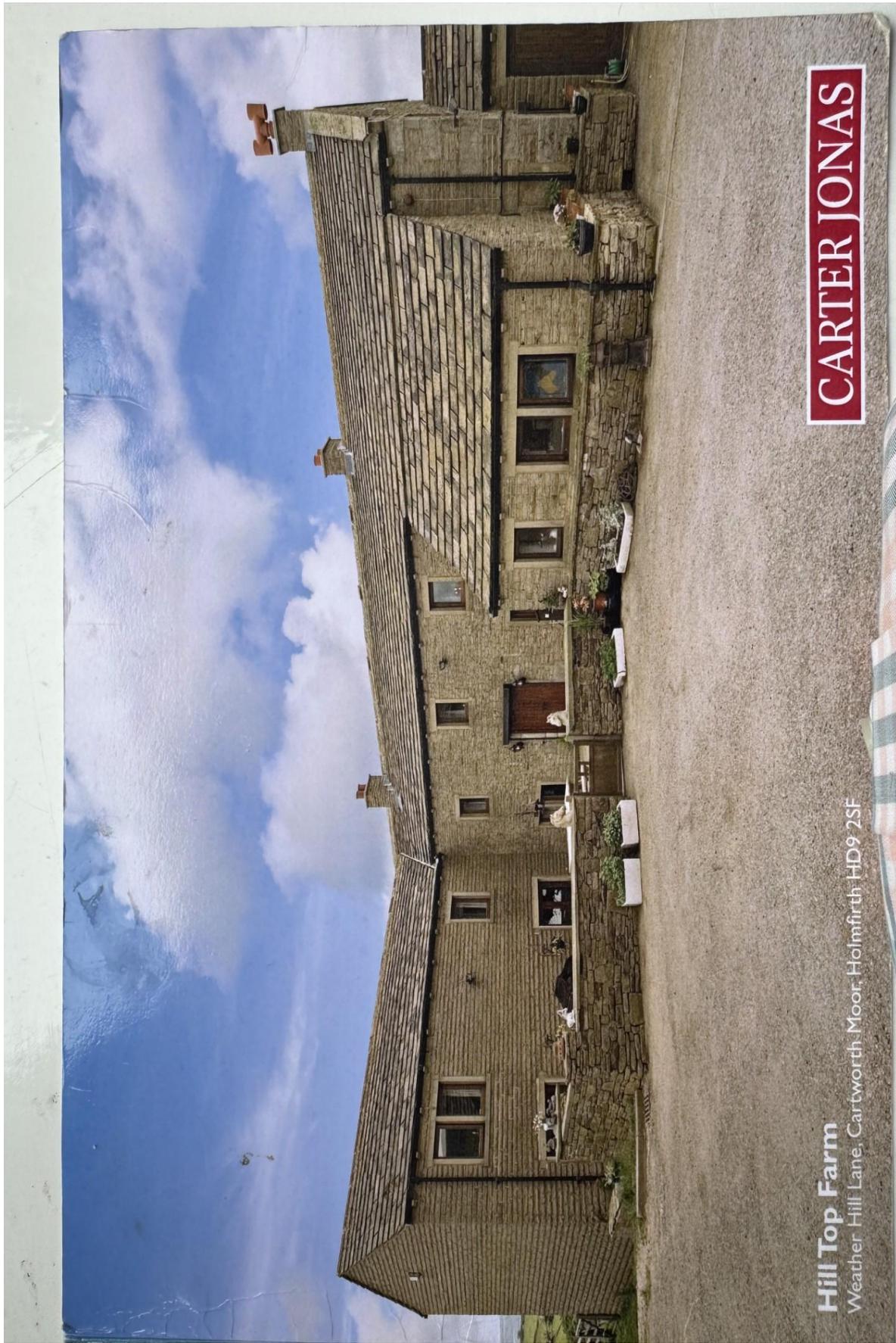
Finally, as the Planning Practice Guidance recommends, at paragraph 006, should the Local Authority obtain its own evidence, this needs to be shared with the applicant to enable comment and the opportunity, if necessary, to produce counter-evidence.

In light of the above, we respectfully submit that the aforementioned development is indeed lawful, and request that the Local Planning Authority grant the Certificate of Lawfulness accordingly.

Should any further information or clarification be required please don't hesitate to contact us.

It would be appreciated if you could contact Paul Matthews Architectural Ltd prior to drafting up your recommendation for determination.

APPENDIX A
(Property Brochure from 2009)



CARTER JONAS

Hill Top Farm
Weather Hill Lane, Cartworth Moor, Holmfirth HD9 2SF

**ACCOMMODATION
GROUND FLOOR**

Dining Hall
This impressive double height room has exposed roof timbers and is accessed through double doors from the courtyard, the original arched burn door aperture incorporates a door to the rear garden.

Family Room
The gas coal effect fire has a stone surround with tiled inset and wooden mantle, twin arched coloured glass windows look into the hall.

Drawing Room
The solid fuel stove has a stone surround with tiled inset and wooden mantle. Double doors lead to the billiards room.

Billiards Room
Two arched twin coloured glass patio doors provide access to the rear patio. The full sized billiards table has a light over.

Dining Kitchen
The range of Lined Oak base and wall units incorporates cupboards, drawers, open display units and a dresser, all complemented by a Cortan work surface with mono moulded twin sinks and mixer tap. The blue oil fired AGA has 4 ovens, 2 hobs, a hot plate and is set within a stone recess with a tiled splashback and wooden lintel over. The integrated appliances include a dishwasher, electric oven and 4 ring gas hob.

Utility Room
Providing an additional range of storage units with an inset twin bowl sink and space for a washing machine and dryer, a stable door provides access to the rear courtyard.

Cloakroom
Half tiled with a low suite WC and pedestal wash basin.

FIRST FLOOR
Galleried Landing
With views over the Dining Hall, there is a large storage cupboard and airing cupboard accessed from the landing area.

Master Bedroom Suite
This recently refurbished room benefits from a walk-in wardrobe with hanging and shelving space and an ensuite with a walk-in shower, a low suite VWC and a cabinet mounted double basin with two mixer taps. Recessed storage space.

Bedroom Two
A double bedroom with a range of fitted furniture.

Bedroom Three
A generous double bedroom with a comprehensive range of fitted furniture.

Bedroom Four
A double bedroom with access to an under eaves storage cupboard which houses a hot water cylinder.

Hill Top Farm, Weather Hill Lane, Holmfirth

Approximate Gross Internal Area
Main House = 4127 Sq Ft/384 Sq M
Stables = 2000 Sq Ft/184 Sq M
Pump Room = 260 Sq Ft/24 Sq M
Total = 6810 Sq Ft/633 Sq M



FOR ILLUSTRATIVE PURPOSES ONLY - NOT TO SCALE
The position & size of doors, windows, appliances and other features are approximate only
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LOWER GROUND FLOOR
The barrel vaulted keeping cellar has the original stone preparation table and recessed storage areas.

OUTSIDE

Hill Top Farm is approached by a long private tarmac driveway with dry stone walls leading to the rear courtyard which provides ample parking and access to the outbuildings. There is a large split level flagged patio to the rear of the property and gardens with landscaped borders to the front which benefit from the superb long distance rural views.

TANK ROOM

Attached to the side of the house is a tank room which houses the oil storage tanks, water tank and a Worcester oil fired boiler.

OUTBUILDINGS

The principal stable block incorporates a double garage with an electrically operated door. A covered walkway leads to a sliding door into the stables, which provides 4 boxes and a door to the rear. The timber framed stable block is arranged around a central courtyard and incorporates 6 boxes and a store room.

PADDOCK LAND

Hill Top Farm benefits from over 7 acres (2.9 hectares) of paddock land, which is arranged in 4 adjoining fields. A small holding paddock is situated to the side of the property above the central courtyard.

SERVICES

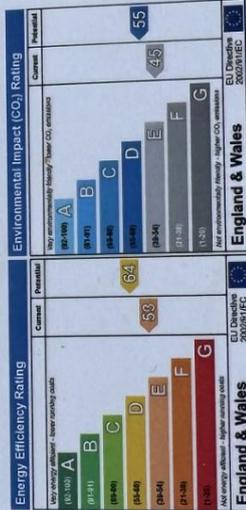
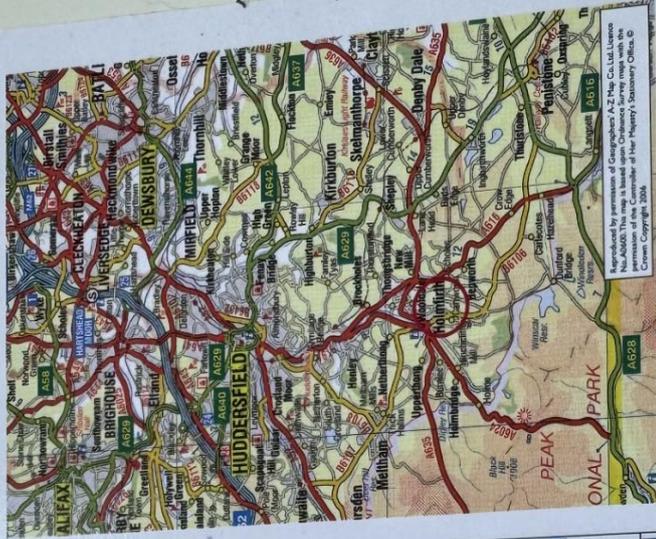
Mains electricity is installed, the property has oil tanks, a spring water provision and uses bottled gas.

VIEWING ARRANGEMENTS

By strict appointment with the selling agent. Please contact Carter Jonas Huddersfield Office on 01484 842105.

DIRECTIONS

Exiting the M1 at Junction 37 take the A628, at the third roundabout take the third exit onto the A629 Huddersfield Road and continue. Turn left at the A635 Holmfirth Road into Holmfirth when in the town centre before the bridge turn left onto Hollowgate and then take an immediate left onto Rocher Road, continue up Hill past the Junior School and take the right exit onto Carnworth Bank Road. Turn left onto Carnworth Moor Road and continue for approx 1/2 mile turn left and you will find Hill Top Farm highlighted by the Carter Jonas board.





THE CARTER JONAS

We do not seek to avoid liabilities by the use of covenants. Our staff have undergone follow set procedures to guarantee that every particular is accurately stated otherwise:

1. Carter Jonas do not check the working condition of a property.
 2. we have not checked covenants, easements proposed planning permission or the surrounding property.
 3. any plans may not be up to date for identification purposes.
 4. items included in the sale, all others are excluded in any plan.
 5. you should place a verbal offer in writing in the presence of these particulars interest in this property.
- In the event of any complaints procedure you may not have given a right to be dissatisfied with the mediation, arbitration may pursue you. Brochure produced

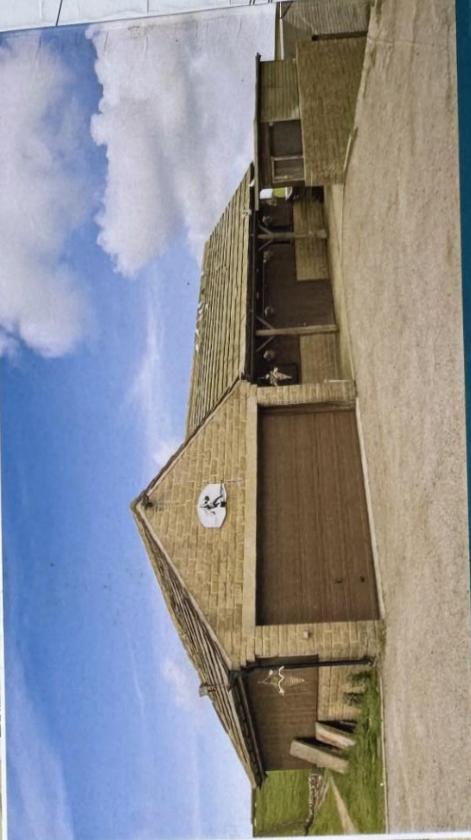


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London
Country

Mayfair & St James's Marylebone & Regent's Park Knightsbridge & Chelsea
Hyde Park & Bayswater Holland Park & Notting Hill
Cambridge Harrrogate Huddersfield Kendal Leeds Marlborough Northampton North Wales Oxford
Peterborough Shrewsbury Suffolk Worcester York

Manor House,
Nabbs Lane, S
Huddersfield,
Tel. 01484 84



CARTER JONAS

Manor House, Nabbs Lane, Slaithwaite, Huddersfield, HD7 5AU
Tel. 01484 842105 Fax. 01484 842453

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Hill Top Farm

Weather Hill Lane, Cartworth Moor, Holmfirth HD9 2SF

Hill Top Farm is a substantial detached residence occupying an elevated rural position with commanding long distance views over the surrounding countryside. The property benefits from a range of stables and over 7 acres of adjoining paddock land.

Reception Dining Hall | Dining Kitchen | Utility Room | WC | Sitting Room | Drawing Room
Billiards Room | Master Bedroom Suite With Walk In Wardrobe | Galleried Landing | House Bathroom
3 Further Double Bedrooms.

Huddersfield 8 miles / Leeds 28 miles / Manchester 27 miles / Sheffield 25 miles / Wakefield 21 miles. All distances are approximate.

Hill Top Farm occupies a commanding elevated position with a high degree of privacy and long distance views to most aspects. The property is situated within close proximity of the sought after market town of Holmfirth which offers a wide variety of local facilities.

Hill Top Farm is ideally suited to those with equestrian interests seeking a peaceful rural lifestyle and access to the major business centres of the region.



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APPENDIX B
(Confirmation of use of subject stables)

Testimonials on Use of Stables

Sent: Saturday, August 16th 2025, 17:50

Subject: Hill Top Farm

To whom it may concern.

This is to confirm that I kept a pony at Hill Top Farm, Weather Hill Lane, Holmfirth, West Yorkshire, HD9 2SF between 2010 and 2012 where I had access to a loose box, shared stable yard, grazing and made a contribution towards costs and maintenance.

Regards

Sally Brook

----- Original Message -----

Sent: Aug 17, [2025](#) at 3:21 PM

To: aclea@btinternet.com aclea@btinternet.com

Subject:

Regarding stables at Hill Top Farm, Weather Hill Lane, Holmfirth, HD9 2SF – I confirm I rode horses belonging to a friend from 2010 to 2014 who kept several at this location over this time. In exchange I know she provided haylage and equine services to the owner. Also, since 2024 I have loaned a pony to the owner as a companion for one of her own horses.

Sent from my iPhone

----- Original Message -----

To: aclea@btinternet.com
Subject: Hill Top Farm

To whom it may concern

I can confirm I have ridden horses kept by their owners at Hill Top Farm, Weather Hill Lane, Holmfirth since around 2012 up until 2021.

Dr Karen Adams

Sent from my iPhone

APPENDIX C
(Applicants statutory declaration)

Anthony Lea and Susan Lea
Hill Top Farm
Weather Hill Lane
Holmfirth
HD9 2SF

29th September 2025

We, Anthony Lea and Susan Lea, as owners of the land and buildings subject to this application do solemnly and sincerely declare the following:

We have owned Hill Top Farm, Weather Hill Lane, Holmfirth, HD9 2SF since 30th September 2009.

The timber-framed stables and stable yard, as shown shaded red on the accompanying OS Existing Block Plan, prepared by Paul Matthews Architectural Ltd (referenced, 25/1170/PHII/02a) were in place when we purchased the property.

The building was, we assume, erected by the previous owners of the property.

We can confirm that the subject building associated with this application (shaded red on the accompanying OS Existing Block Plan, prepared by Paul Matthews Architectural Ltd (referenced, 25/1170/PHII/02a) has been in equine use continuously since 2009 to date. Please note this does not include the time before our ownership as we cannot categorically confirm this.

The other buildings/land (outside the red shaded area) do not form part of this application.

We make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

SIGNED by the above-named **Anthony Lea and Susan Lea**

Declaring in front of:

Signatures:

Name: Anthony Lea, Susan Lea

Address:
Hill Top Farm
Weather Hill Lane
Holmfirth
HD9 2SF

Date

Signed at..... Ramsdens Solicitors

Ramsdens Solicitors LLP
102 Huddersfield Road
Holmfirth HD9 3AX

APPENDIX D
(Aerial image dated 22/04/2011)



Microsoft (UC-G) image captured on **Apr 22, 2011** as shown in the **2014-02-20** version of the World Imagery map.

Resolution: Pixels in the source image represent a ground distance of **0.3 meters**.

Accuracy: Objects displayed in this image are within **4.08 meters** of true location.

x: -1.7961 y: 53.5513