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12 September 2025

Our ref: ATD

Dear Sirs

Application for a Certificate of Lawful Development for the erection of five dwellings, at Knowsley Village Stables, School Lane, Knowsley, L34 9ER

1. Please find enclosed with this Planning Statement an application for a Certificate of Lawful Development in respect of a proposed development, namely the erection of five dwellings, alterations to access to highway, and laying out of access road, turning and parking areas in accordance with planning permission Council reference 19/00469/FUL (granted 16 June 2022), at Knowsley Village Stables, School Lane, Knowsley (see site location plan).
2. At three sections in the Application Form reference is made to information to be found in this Planning Statement. That information is set out further below under headings the title of which refer back to those sections in the Application Form.

Introduction

3. Under Section 192 of the Town and Country Planning Act 1990 (as amended) any person who wishes to ascertain whether any operations proposed to be carried out would be lawful, may make an application for the purpose to the local planning authority, specifying the land and describing the operations in question. If the local planning authority are provided with information satisfying them the operations described in the application would be lawful if begun at the time of the application, they shall issue a certificate to that effect. The lawfulness of any operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the operations are begun, in any of the matters relevant to determining such lawfulness.
4. National Planning Practice Guidance sets out that on an application for a Certificate the local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter would be lawful. Planning merits are not relevant. In determining an application for a prospective development the authority needs to ask "if this proposed operation had commenced on the application date, would it have been lawful for planning purposes?" (Reference ID: 17c-009-20140306).

Why the existing or last use of the land is lawful

5. The last use of the land was for the keeping of horses.
6. Appendix ATD(5)-01 is a copy of the planning permission granted on 18 December 2001 for erection of three stables and creation of an all-weather access track. This Appendix shows a print of the Council planning application search website, showing the application Council reference number, the description of development and a map of the area to which that permission relates. The map shows the area of land the subject of that permission includes the land the subject of this application for a Certificate of Lawfulness.
7. Appendix ATD(5)-02 is a copy of the report to the Knowsley Planning Committee on 9 June 2022 on application 19/00469/FUL. At section 3 of the report there is a summary of relevant site history. This refers to the 2001 application, referred to above. No mention is made of any other use or development having been made of the land in question during the intervening period.
8. Appendix ATD(5)-03 shows two photographs of the stable building which this author took on 23 November 2025. The first photograph shows the access up to the building, with a white gate visible immediately to the right of the building and to the front of the building an area in use for storing stable waste. Horses can be seen grazing the pasture to the right of the building. The second photograph looks toward the open doors of the building, which open straight out on to the pasture. These photographs show the land and building in use for the keeping of horses.
9. The evidence submitted in the above demonstrates the last use of the land was for the keeping of horses and this use was lawful, having been granted planning permission in 2001 and it not subsequently having been used for any other purpose.

List of supporting documentary evidence

10. The following documents are submitted as Appendices to this Planning Statement
 - ATD(5)-01 – Planning permission 01-00703-FUL
 - ATD(5)-02 - Committee Report on 19-00469-FUL
 - ATD(5)-03 – Photographs of site 7 Nov 2023
 - ATD(5)-04 – Planning permission 19/00469/FUL
 - ATD(5)-05 – Discharge letter condition (3) to 19/00469/FUL
 - ATD(5)-06 – Discharge letter condition (4) to 19/00469/FUL
 - ATD(5)-07 – Discharge email condition (5) to 19/00469/FUL
 - ATD(5)-08 – Statement by Applicant (work commenced 23 May 2025)
 - ATD(5)-09 – Statement by Applicant (demolition complete 10 June 2025)
 - ATD(5)-10 – Existing and proposed site plans from 19/00469/FUL
 - ATD(5)-11 – Copy of Field v First Secretary of State

Why a Lawful Development Certificate should be granted

11. In summary,
 - planning permission for the development has been granted
 - where planning conditions require details to be approved prior to commencement of development then those details were approved prior to commencement of development
 - development commenced, with a demolition operation necessary to and for the purpose of the further implementation of the permission, and this took place prior to the expiry of the planning permission
 - it is proposed to continue with further work in accordance with the details approved in the planning permission and the conditions imposed on it
 - were such works to have taken place on the date this application was submitted, they would have been lawful.
12. Section 56 of the Town and Country Planning Act 1990 (as amended) ('the Act') says that if the development consists of the carrying out of operations, then the development of the land shall be taken to be initiated at the time when those operations are begun. It clarifies that the latter means the earliest date on which any material operation comprised in the development begins to be carried out. A material operation includes any work of demolition of a building.
13. Section 55 of the Act says building operations includes demolition of buildings.
14. Planning permission was granted for the demolition of an existing stable building and the erection of five dwellings on 16 June 2022 (Council application reference number 19/00469/FUL). See Appendix ATD(5)-04. Under condition (1) the development must have begun before 16 June 2025, or the permission would expire.
15. Three of the planning conditions imposed required the submission of details for approval by the Council prior to the commencement of development, or of other action to be taken before commencement of works. They were
 - Condition (3) (Phase I site investigation) details approved by notice dated 28 March 2025 (see Appendix ATD(5)-05)
 - Condition (4) (Construction / Demolition Management Plan) details approved by notice dated 25 March 2025 (see Appendix ATD(5)-06)
 - Condition (5) (Notice to the Arboricultural Officer) receipt of which was acknowledged by email dated 26 March 2025 (see Appendix ATD(5)-07).
16. Of the remaining planning conditions, several act to prevent certain events from taking place unless further specified details have been submitted to and approved in writing by the Council. The next such event is either the importing to the site of topsoil, which triggers the approval of details under condition (16), or if it is not necessary to import top soil, then the erection of any lighting, which triggers the approval of details under condition (6), or if it is not proposed to erect any lighting, then the occupation and or bringing into use of the development, which triggers the approval of details under conditions (3), (7), (9), (10), (11), (12), (13) and (14). None of these events have yet taken place and therefore there has been no breach of these conditions.

17. Work commenced on site on 23 May 2025; see Appendix ATD(5)-08. The Appendix includes a statement by the Applicant in which they confirm works to demolish the existing stable building began on 23 May 2023. They were a witness to those works and took photographs of the site that day, which are included in the Appendix.
18. Demolition of the existing stable building was complete by 10 June 2025; see Appendix ATD(5)-09. The Appendix includes a statement by the Applicant in which they confirm demolition of the existing stable building was complete by 10 June 2025. They were a witness to the completion of the demolition and took photographs of the site that day, which are included in the Appendix.
19. The demolition of the existing stable building was completed prior to the 16 June 2025 and therefore prior to the expiry of the planning permission.
20. The existing stable building occupied a large part of the area where the new houses are to be built; see Appendix ATD(5)-10 – Existing and proposed site plans from 19/00469/FUL. The statement by the Applicant, at Appendix ATD(5)-09, explains that the removal of the existing stable building was necessary to enable access to carry out groundworks to create the building platform for the construction of the houses. There was no other reason to demolish the building and the demolition was not carried out for any other purpose than as part of the development for which planning permission had been granted.
21. The High Court has held that where planning permission is granted for demolition (it is referred to in the description of development) and that demolition takes place, then the development to which the permission relates has begun¹.

Summary and Conclusion

22. The demolition of the existing stable building was a building operation. It was also development described in the description of development for planning permission Council reference 19/00469/FUL.
23. The demolition was complete by 10 June 2025 and therefore the earliest date on which the operation began was before 16 June 2025.
24. The demolition was carried out for no other purpose than to enable further stages of work to take place in the implementation of the planning permission Council reference 19/00469/FUL.
25. The demolition started after approval had been given by the Council for those details which were required by planning conditions to be approved before the commencement of development, namely conditions (3), (4) and (5). None of the other planning conditions restrain the commencement of development.
26. The works carried out were consistent with the planning permission and were not de minimis.
27. Further work on the erection of five dwellings, with alterations to access to highway, and laying out of access road, turning and parking areas, could take place without the need for further planning permission, because it would benefit from planning

¹ Field v First Secretary of State and Crawley Borough Council [2004] EWHC 147 (Admin); see Appendix ATD(5)-11.

permission Council reference 19/00469/FUL, provided it were undertaken in accordance with the planning conditions imposed on that permission.

28. Therefore, if such further work to implement planning permission Council reference 19/00469/FUL had taken place on the date this application for a Certificate of Lawful Development was submitted, then that work would be lawful.

Next steps

29. I trust the Council finds the information set out above and in the accompanying Appendices is sufficient to support the issue of the Certificate.

Yours sincerely

Adrian Thompson MRTPI
Director, Lightwater TPC



RTPI

Chartered Town Planner