Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

NEWFOLD FARM, BROWN EDGE

JULY 2016

Site Address:
Newfold Farm, Sytch Road, Brown Edge, Staffordshire, ST6 8QX

Applicant:
Mr. A. Slater

Proposal:
Lawful Development Certificate for Existing Use:
Use of site for building company

Planning Statement:
Date Issued: 19th July 2016
Job Reference: RDP/2016/100

Report Prepared By:
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1. Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. A. Slater to prepare a Planning Statement to accompany an application under s191 of the Town and Country Planning Act 1990 (As Amended) which seeks confirmation that two existing buildings at Newfold Farm, Sytch Road, Brown Edge have been used for a period in excess of 10 years for commercial purposes as a building company, and are therefore lawful.

1.2 This Planning Statement and its associated appendices seek to demonstrate a precise and unambiguous set of evidence to support the case that the use of the existing buildings for commercial purposes, as outlined in red on the accompanying Site Location Plan, is lawful and therefore immune from enforcement action by the Local Authority.

2 The Site

2.1 The application site comprises two existing buildings located within the grounds of Newfold Farm. They are constructed from a mixed palette of materials including corrugated metal sheeting, concrete blockwork and timber. The larger of the two buildings is located towards the northwestern most corner of the site, with the smaller building located directly opposite to the south. The existing farmhouse lies to the east of the buildings and fronts onto Sytch Road. Vehicular access to the site is taken via the existing access to the north of the farmhouse off Sytch Road. An aerial photograph of the site is shown in Figure 1 overleaf.

Figure 1 – Aerial Photograph of Site



Source: Google Earth

3 The Proposal

3.1 This Lawful Development Certificate seeks confirmation that:

1) The buildings outlined in red on the accompanying site location plan (ref. 00537_ AL(0)01) have been used for commercial purposes for a period in excess of 10 years and are therefore lawful.

4 Statement of Case

4.1 Paragraph 006 of the Planning Practice Guidance relates to Lawful Development Certificates and confirms that an applicant is responsible for providing sufficient information to support an application. It goes on to state

that if a local planning authority has no evidence itself 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 alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

4.2 Section 171B of the Town and Country Planning Act 1990 (As Amended) confirms that where there has been a breach of planning control that doesn't involve building, engineering, mining or other operations in, on, over or under land, or doesn't involve the change of use of a building to create a single dwellinghouse, no enforcement action may be taken after the end of a period of ten years beginning with the date of the breach.

4.3 This submission seeks to demonstrate that the commercial use being carried out on this site has been occurring for a period in excess of ten years from the date of the first breach of planning control and is therefore now lawful in the context of paragraph 171B of the Town and Country Planning Act 1990 (As Amended). The application is accompanied by the following evidence:

1. Statutory Declaration of Mr. A. Slater (applicant). Copy enclosed as Appendix A.

2. Copy of Goods Vehicle Operator's License for the Site. Copy enclosed as Appendix B.

4.4 The Statutory Declaration of Mr. A. Slater confirms that he has lived at Newfold Farm since the 9th March 1997 and that he has owned the buildings and land outlined in red on the accompanying Location Plan since 1992. It goes on to confirm that he has operated a building company from the site since March 1997 and that it continues to be used for these purposes to the

present day. The company trades as Bourne and Slater, as confirmed within the Statutory Declaration, and the site has not been put to any other use since the commercial use commenced.

4.5 The Statutory Declaration prepared by Mr. A. Slater is considered to constitute a substantial piece of evidence in support of a Lawful Development Certificate being awarded. He has an intimate knowledge of the site, having owned it since 1992 and lived there since 1997. He is thus best placed to comment on the facts of the matter.

4.6 The facts set out in the Statutory Declaration are corroborated by the Goods Vehicle Operator's Licence that has been in force on the site since the 8th June 1998 and which runs until the 16th June 2018. This grants a licence for one goods vehicle to operate from the site, and confirms that the trading name of the business is Bourne and Slater and that the business operates fro Newfold Farm. The Goods Vehicular Operator's Licence therefore serves to reinforce and corroborate the facts set out by Mr. Slater in his statutory declaration and thus affords that document additional weight. A copy of the Good Vehicle Operator's License is enclosed as Appendix B.

4.7 In order for the use to be immune from enforcement action in the context of paragraph 171B of the Town and Country Planning Act 1990 (As Amended) it would need to have been carried out for a period in excess of 10 years from the date of the first breach. The Statutory Declaration prepared by Mr. A. Slater confirms that the use commenced in March 1997 and that it has continued to be used for such purposes to the present day. The use has therefore been carried out for a period in excess of ten years (circa 19 years). Given the significant weight that can be attributed to the Statutory Declaration, and the fact that it is corroborated by the Goods Vehicle

Operator's License, I submit that the applicant has demonstrated beyond the balance of probability that the use is now lawful.

5 Conclusion

5.1 I submit that the evidence presented in the Statement of Case above and within the accompanying Appendices, taken as a whole, is sufficiently precise and unambiguous to justify the grant of a Lawful Development Certificate to confirm that the use of the site for commercial purposes as a building company is now lawful.

5.2 The Local Authority is therefore respectfully requested to grant a Lawful Development Certificate for Existing Use in this regard.