APPLICATION FOR A LAWFUL CERTIFICATE FOR AN EXISTING USE OF LAND FOR THE CONSTRUCTION AND STORAGE OF NARROW BOATS INCLUSIVE OF ALL VEHICLES, EQUIPMENT, TOOLS, PLANT, MATERIALS AND STRUCTURES THAT ARE USED IN CONNECTION WITH THIS USE I.E. HOIST/LIFT, GAS BOTTLES, WELDING MACHINES, GENERATOR, AND OTHER MISCELLANEOUS ITEMS USED IN THE CONSTRUCTION OPERATION, ON LAND ADJACENT TO 459, UTTOXETER ROAD, BLYTHE BRIDGE, STOKE-ON-TRENT, STAFFORDSHIRE, ST11 9ND.

MR J. D. JACKSON.

1.0 Appeal Ref: APP/B3438/C/09/2096202 Notice Ref: 00/00344/BOC 'D' Ground (d)

It is confirmed that the above use has been ongoing for over 10 years prior to the enforcement notice being issued on the 19th December 2008.

See Statutory Declaration by Mr S. M. Emery (DOCUMENT 1)

Statutory Declaration by John David Jackson (final paragraph page 3) (DOCUMENT 2)

Letters of Support (DOCUMENT 3)

Note: It is considered that the Enforcement Notice dated 12th March 1992, is vague and not precise in its description in the breach of planning control and also the definition of a vehicle does not apply to a narrow boat in this particular case The enforcement Notice also does not include for the construction of narrow boats in the alleged breach of planning control i.e. only repair and storage of agricultural and non-agricultural vehicles etc. (DOCUMENT 4)

The rule in Mansi v Elstree RDC (1964) indicates that an Enforcement Notice cannot take away existing lawfully held rights.

10/00089 - CL/EXG 10 FEB 2010 - S M