
Site Address:	Osier Dell, Manor Road, Hayling Island, PO11 0QW		
Proposal:	Certificate of lawfulness for an existing carpentry workshop		
Application Type:	Certificate of Lawfulness		
Application No:	APP/22/00775	Expiry Date:	01/10/2022
Applicant:	Mrs Walter A D Walter Ltd		
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling West		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

- 1.1 The application site relates to a former cart shed located within a wider farm complex of barns and buildings at Manor Farm, off Manor Road. The particular building is detached and located on the northern wing of the historic courtyard, adjacent the vehicular entrance into the courtyard. It is currently in use as a carpenters workshop, which was evidenced on a site visit, with woodwork tools inside the building.
- 1.2 Manor Farm was historically a dairy farm, and remains a working farm with over 500 acres (including land elsewhere), although now largely arable. The original farm complex includes the main Listed barn at the western wing of the historic courtyard, and many of the older, smaller, original buildings have been converted to non-agricultural commercial uses, with the residential property Osier Dell providing the applicants family home and administrative base. Planning permission has been granted over the years, together with several Lawful Development Certificates, for most of these units. The former stable block, which is Listed, has been converted to a residential dwelling. In addition a County Matters Waste and Recycling facility was approved at the site in 2003 for 'on farm' green waste composting which takes green waste from Civic Amenity tips.
- 1.3 The whole site is well maintained and tidy; at the time of the site visit there were only 5 cars and 1 van parked in the courtyard area. Access is via a private lane off Manor Road, which passes another residential property, Manor House to the east, which is also Listed. An alternative, narrower access is also available off Havant Road, passing 1 Manor Farm, and 2 other residential properties.
- 1.4 The surrounding land is agricultural in nature, with adjacent fields designated as both secondary support and low use brent geese sites. There are some TPO'd trees around the Osier Dell dwelling. The site lies outside any current day flood risk area, but within the future flood zone.

2 Planning History

02/57813/004 - Change of use of agricultural buildings on south, east and west side of courtyard to 13 no. commercial stables (retrospective), PERM,18/03/2002
02/57813/005 - Listed Building application for the conversion and alterations to lean to on east side of Grade II Listed Barn to form 4 no. commercial stables (retrospective), PERM,18/03/2002
00/57813/003 - Erection of a 20m high lattice tower with 6 antennae and 4 microwave dishes, together with equipment cabin, electricity meter cabinet and ancillary cabling and equipment, REF,10/11/2000
96/57813/001 - Change of use from agricultural stables to commercial stables on south side of site (part retrospective), WD,14/01/2002
96/57813/002 - Listed Building application for internal alterations and external repairs

to stables on south side of site (part retrospective), WD,14/01/2002
 92/57813/000 - Change of use from three agricultural stables to three commercial livery stables, PERM,04/02/1993
 03/57813/006 - County Matter Application with respect to an 'on farm' green waste composting proposal., PERM,22/05/2003
 04/57813/007 - Application to determine whether prior approval is required with respect to the siting, design and external appearance of a proposed new agricultural barn on agricultural land to the north of the former Rook Farm buildings off of St. Mary's Road., PARP,02/06/2004
 04/57813/008 - County Matter Application for the variation of condition 2 of planning application 03/57813/006 (hours of operation) at Manor Farm., PERM,26/06/2004
 04/57813/009 - Amendment to planning permission 03/57813/006 (to substitute 150mm of crushed concrete with 150mm of poured concrete)., PERM,07/12/2004
 06/57813/010 - Variation of condition 2 of Planning Permission 03/57813/006 to allow extended hours of operations from April to September (inclusive) to bring operation into line with local Civic Amenity site opening hours. (Proposed hours 08:00-18:00 April-September, 08:00-17:00 October-March)., PERM,17/02/2006
 APP/10/01012 - Construction of 3m fence and gate (Retrospective application)., PERM,21/05/2015
 APP/10/01013 - Replacement of cladding to gable ends of barn. (Retrospective application.), PERM,23/06/2011
 APP/10/01014 - Application for Lawful Development Certificate for change of use from agricultural use to commercial storage (of motor vehicles)., PERM,21/05/2015
 APP/10/01015 - Application for Lawful Development Certificate for change of use from agricultural use to carpentry workshop., PERM,21/05/2015
 APP/12/00500 - County Matters Application for amendments to Planning Permission 03/57813/006 to allow approved details shown on DWG 2603.01 of Planning Permission 03/57813/006 to allow increase in the height of the windows and an increase in the annual levels of waste., RNO,12/06/2012
 APP/16/01243 - Change of use from redundant farm building to B1 office use., PERM,16/02/2017
 APP/17/00654 - Renovation and conversion of stable building, replacement of 1970's lean-to, and re-construction of derelict East end to create 1No. 3 bedroom 2 storey dwelling, PERM 18/08/2017
 APP/17/00658 - Listed Building application for renovation and conversion of stable building, replacement of 1970's lean-to, and re-construction of derelict east end to create 1No. 3 bedroom 2 storey dwelling, PERM 18/08/2017

also current:

APP/22/00494 - Application for Lawful Development Certificate relating to existing light industrial business unit.

APP/22/00406 - Change of use to Class E office use (including retrospective alterations) from Agricultural Storage building in connection with farming activities

3 Proposal

3.1 Certificate of lawfulness for an existing carpentry workshop

3.2 This application is made under Section 191 of the Town and Country Planning Act 1990 for an existing use, and seeks to demonstrate that, on the balance of probabilities, the site identified in red on the submitted plans, has been continuously used as a "carpentry workshop" for 10 years preceding the submission of this application. This application was made on 6 August 2022 and therefore the use has to have been continuous since 6 August 2012.

4 **Policy Considerations**

Not relevant to the determination of applications made under Section 191 of the Town and Country Planning Act 1990

Listed Building Grade: adjacent three Grade II buildings: The Barn; the Stable Block and South Hayling Manor

Conservation Area: Not applicable.

5 **Legislation**

Relevant legislation and guidance:

Town and Country Planning Act 1990

Planning Practice Guidance, Lawful development certificates, 2014

6 **Statutory and Non Statutory Consultations**

None - not relevant to the determination of applications made under Section 191 of the Town and Country Planning Act 1990

7 **Community Involvement**

Neighbour notification was carried out in this case, however, it is noted that this goes beyond the requirements for publicity associated with an application under Section 191

Number of neighbour notification letters sent: 4

Number of site notices: 1

Statutory advertisement: 23/09/2022

Number of representations received: 0

Comment	Officer Comment
None received	

8 **Legal considerations**

The application is made under Section 191 of the Town & Country Planning Act 1990 as amended and relates to the lawfulness of an existing use. The planning merits of the use, and policies, are not relevant to the determination of this application.

If the application is granted, planning conditions cannot be imposed. However, in accordance with the advice in the Government's Planning Practice Guidance (PPG), the certificate should state the precise details of the use and any limitation on that use.

The PPG advises that the applicant is responsible for providing sufficient information to support an application and the relevant test for determining applications is on the balance of probability. The PPG 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.

The planning application form indicates that the grounds for making this application are

that the use began more than 10 years before the date of this application. It is stated on the planning application form that the use commenced on 20/03/2012 as a carpentry workshop manufacturing small items from wood, which is given as a B1 (c) light industrial use.

The evidence submitted in support of the Certificate is as follows:

Evidence and documents submitted:

- 1:2500 Site Location Plan
- 1:500 Block Plan
- Letter dated 4th July 2022 from Daniel Wright of "Lostwood" stating occupation of The Cart Shed between 20th March 2012 and 30th June 2022
- Customer ledger for Dan Wright dating from 20/03/2012 to 06/02/2017
- Customer ledger for shed rent dating from 01/08/2017 to 08/01/2020
- Customer ledger for Daniel Wright dating from 06/03/2017 to 29/02/2020
- Customer ledger for Daniel Wright - Lostwood dating from 05/03/2020 to 08/08/2022

Council's own Evidence:

The Council has no formal evidence available to either counter or support the applicant's claim.

However a Google search of "Lostwood Creations" finds a Facebook and Etsy carpentry business by this name, with address of Manor Road, Hayling Island that is creating and selling wooden items such as chalkboards, floating shelves, mirror frames and A5 binders.

Evidence from Case Officer site visit:

The application building contained work benches, drills, saws, sanders and various hand tools with sawdust about - although no-one was working at the time the equipment in situ was clearly related to woodwork and carpentry.

Assessment of the Evidence

The application was made in August 2022 and therefore it needs to be proved that the unit has been in continuous use as a carpentry workshop for at least 10 years from 06 August 2012 to 06 August 2022.

The evidence submitted includes a statement from the occupier of the unit and evidence of rents paid on a month by month basis. There are no gaps in the rental income which has been continuous over the required 10 year period. Together with how the unit appeared on site and anecdotal Google search evidence, then on the balance of probabilities it is likely that the unit has been in continuous use as a carpentry workshop for at least 10 years.

9 Conclusion

It is considered that, on the balance of probability, there is sufficient evidence to prove that the Cart Shed at Manor Farm, Manor Road, Hayling Island, outlined in red on the 1:1250 Location Plan and 1:500 site plan (on Council's website dated 09 August 2022), has been used as a carpentry workshop since 06 August 2012. There is no conflicting evidence to cast doubt on the validity of the documents provided. Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/22/00775

Havant Borough Council, as Local Planning Authority, certifies that on 06 August 2022 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended):

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of lawfulness for an existing carpentry workshop as described in the written particulars, plans and other documents submitted with your application received on 06 August 2022.

SECOND SCHEDULE:

This certificate relates to The Cart Shed, at Manor Farm, Manor Road, Hayling Island, PO11 0QW as shown edged red on the submitted 1:1250 Location Plan and 1:500 Site Plan, received 06 August 2022.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.

- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.