

25 October 2015

Your Ref: **14/00114/CMP**

**PLANNING STATEMENT
SUPPORTING CERTIFICATE OF LAWFUL USE APPLICATION**

LAND TO THE REAR OF 132 HAVANT ROAD

1.0 Introduction

1.1 From 1984 Mr Roy William Ruffell together with Mr Michael Radford was joint owner of the land which is the subject of this submitted application for the approval of a Certificate of Lawfulness. On 10 September 2002 the land ownership was transferred into the sole ownership of Mr Ruffell.

1.2 Planning permission was granted to Mrs Ruffell on 15 September 1994 for continued use of part of the land for the keeping of horses including the construction of stables.

1.3 It is confirmed that since 1994 the land and the hardstandings located to the rear of 132 Havant Road have been in use for open storage, parking, loading, unloading and turning of large vehicles. Mr Ruffell commenced his Horsebox and Coachworks business in 1993 which continues to the present day.

1.4 Mr Ruffell can verify that from the date of his sole ownership in 2002 the extent of the commercial activities and use of the land intensified and has continued throughout the period without a break to the present day (12 to 13 years).

1.5 The scale of commercial activity at the subject land can be visually examined by studying the attached Google Maps Aerial views for the 22 April 2015, 19 October 2011, 21 April 2007, 11 December 2004, 31 December 2005 and 31 December 2001. To allow comparison of the scale of use of the land an aerial photograph taken on 31 December 1999 is also included.

1.6 The access road was apparently discussed at the Council Offices with Mr Simon Finch (then DC Team Leader) in November 2004 at which time it was ascertained that the Council had decided not to take action regarding the Breach of the 1983 Enforcement Notice as it did not affect the access road.

1.7 Records reveal that in 2005 the Council granted a Certificate of Lawfulness for the caretakers residential mobile home (05/58256/002) which suggests that conclusive evidence had been presented at that time to secure at least 4 years of continuous use.

2.0 Section 191 of the Town and Country Planning Act 1990 and Section 10 of The Planning and Compensation Act 1991

2.1 It is clearly stated that a Lawful Development Certificate is a legal document which confirms the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate providing no material change subsequently occurs.

2.2 The applicant appreciates that it is his responsibly to provide the evidence and 'Statutory Declarations' to satisfy the Local Planning Authority that the uses applied for on the balance of probability have been continuous at the land in question for a period in excess of 10 years.

3.0 Conclusion

3.1 The applicant considers that the use of the subject land escalated between 2003 and continues to the present day. It is accepted that the LPA need to be satisfied that the uses applied for and evidence submitted in respect of the application for a Certificate of Lawfulness are on the balance of probability supportive of the issue of a CLU.

3.2 The applicant believes that the LPA would prefer the use of the land to be incapable of supporting evidence notwithstanding the compelling evidence which is attached in the form of dated Google Aerial Photographs and numerous 'Sworn Statutory Declarations' (a total of 30 including those of both Mr & Mrs Ruffell).

3.3 Mr Ruffle understands that the appearance of the site when viewed from Havant Road could be visually improved. The submitted site plan identification schematically illustrates a new mound which could be suitably landscaped to provide a visual and attractive screen. The applicant would appreciate the LPA's observations on this proposal which it is accepted would require the prior grant of planning permission in the event that the Certificate of Lawful Use is supported by the LPA.

Numbers to be read with the accompanying 1/1250 scale location plan

- 1) 05/58256/002 - CLU approved for residential mobile home
- 2) Stable yard
- 3) Hayling Truck Centre (Horsebox and Coachworks Business)
- 4) London Road Motors - vehicle storage
- 5) All Hours Drainage - vehicle storage
- 6) Hayling Truck Centre (Horsebox and Coachworks Business - Workshop)
- 7) Hayling Truck Centre - parking and open storage
- 8) CSA Scaffolding - vehicle storage and ancillary open storage
- 9) Home Farm private garages, stables and tack room
- 10) Access Road constructed in early 1980's - Enforcement Notice - 30/09/1983
- 11) Agriculture grazing land
- 12) Sibleys Transport (previously Farlington Freight) storage and parking
- 13) Proposed landscaped bunds to screen public views of activities at the site

Les Weymes DipTP, MRTPI

cc. Mr R Ruffell