
Site Address:	Manor Farm, Manor Road, Hayling Island, PO11 0QW		
Proposal:	Application for Lawful Development Certificate for change of use from agricultural use to commercial storage (of motor vehicles).		
Application No:	APP/10/01014	Expiry Date:	08/03/2011
Applicant:	Mr S Walter	Team:	Team 2
	Osier Dell		
Agent:		Case Officer:	Richard Nash
Ward:	Hayling West		

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

1 Site Description

The application site comprises two separate buildings located within a farm complex accessed via tracks off Havant Road and Manor Road, towards the centre of Hayling Island. The complex comprises a range of structures and buildings, some of which are in non-agricultural use, beyond which there is open agricultural land.

2 Planning History

APP/10/1012: Construction of a 3 metre high fence and gate (retrospective application). Current Application.

APP/10/1013: Replacement of cladding to the gable ends of barn (retrospective application). Approved.

APP/10/1015: Application for Lawful Development Certificate for change of use from agricultural use to carpentry workshop. Current Application.

3 Proposal

This application seeks a Certificate of Lawful Use for the use of buildings and an open area at the site, for the purposes of commercial storage of motor vehicles. The applicant claims the buildings have been used for these purposes continuously for a period of at least ten years and has submitted a range of evidence in support of this claim.

4 Policy Considerations

There are no policy implications in considering applications of this nature.

5 Statutory and Non Statutory Consultations

Council Tax: There is no specific information available with regards to business rates being paid for this business.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a

result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 38

Number of site notices: None

Statutory advertisement: No

Number of representations received: 1

Summary: No specific comment on application - the address for this neighbour letter was incorrect.

7 Planning Considerations

It is considered that the main issues arising from this application is:

- (i) The quality of the available evidence

Evidence Provided by the Applicant:

1. Letter from Chavereys Chartered Accountants, dated 27 October 2010 and confirming they have accounts records showing monthly rental payments to the applicant (S Walter T/A A D Walter Ltd) from Hants Motor Salvage, starting from 8 March 1996.

2. Letter from the manager of Hants Motor Salvage confirming they have paid monthly rent to S Walter since early 1996.

3. Letter from Ernest R Shaw Insurance Brokers, dated 1 November 2010 and confirming that a Gary Cotterell took over the insurance of the business at the premises in June 1999. As part of the insurance contract, a survey of buildings at the site was carried out and, at that time, it was clear that the buildings were being used for vehicle storage. The insurance contract has been reviewed annually since that date and no changes have been made to the described use since June 1999.

Council's own Evidence:

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

Evidence from Case Officer site visit:

The northern application building contained approximately 40 vehicles, approximately 30% transit type vans and a tiered racking system capable of holding 24 cars. The southern application building contained 12 vehicles (mainly cars), some sections of cars (probably up to 12). Officer was advised that this building might eventually be filled with vehicles.

In total the observed number of vehicles in the two buildings and outside storage area was 55no, comprising mainly private cars and light goods vehicles (up to 3.5 tonne). Two vehicle transporters of 40ft (40 tonne) were seen in the outside storage area, along with a 22 tonne lorry.

Limitations of the Evidence:

There is no evidence of vehicles larger than Light Good Vehicles (i.e. of not more than 3.5 tonnes) having been stored on the site. There is no evidence of any repair, bodywork or other works being undertaken on any vehicle at the site. There is no repair equipment at the site. No vehicles are sold, rented, valeted or hired at or from the site. Periods of storage of vehicles are typically several weeks and more.

8 Conclusion

It is considered that, on the balance of probability, there is sufficient evidence to prove that two barns at Manor Farm, Manor Road, Hayling Island, outlined in red and hatched in blue, and the outside space outlined in black and hatched in blue, all as shown on drawing number ASW 10 (received on 16 December 2010), have been used for the storage of motor vehicles (up to the size of Light Goods Vehicles) since March 1996. There is no conflicting evidence to cast doubt on the validity of the document provided.

9 RECOMMENDATION:

That the Head of Development & Technical Services be authorised to Grant a Certificate of Lawful Development for application APP/10/01014, for the following reasons:

It appears to the Local Planning Authority that, on the balance of probability, the use described in the First Schedule and plan attached to this Certificate, has taken place for a continuous period of at least ten years up to the date of the current application. The Authority has considered evidence and additional information submitted by the applicant, and evidence obtained by the Authority during a site inspection.

FIRST SCHEDULE

This certificate relates to the following use:

The commercial storage of motor vehicles. Approximately 55no. vehicles, mainly private motor cars and light good vehicles not exceeding 3.5 tonnes but including the storage of 3no. larger vehicles (up to 40 tonnes and 40 feet in length). The use does not include vehicle repairs, body works, valeting, sale or hiring of vehicles.

SECOND SCHEDULE

This Certificate relates to the two buildings hatched in blue outlined in red, and the outside space hatched in blue outlined in black, all as shown on the attached drawing (ADW - 10 (scale 1: 1000), received on 16th December 2010), at Manor Farm, Manor Road, Hayling Island.