

04/58256/001



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

Mr R P Parsons
Planning Enforcement Officer
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

Our Ref: RL/st/Ruffell

Your Ref: DC/RPP/RM/62474

9 August 2004



Dear Mr Parsons

**Town and Country Planning Act 1990 As Amended
Section 191 Application for Certificate of Lawfulness for Existing Use
Of Commercial Yard**

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants

Applicant: Mr Roy William Ruffell

Referring to our several telephone conversations, I appreciate that you have been placing me under considerable pressure to submit the outstanding Section 191 Application by 9th August (your letter of 12th July refers) but it has not been an easy task to comply with the timescale for a number of reasons.

First, I noticed that there were minor discrepancies on the Plans prepared by Parnell Design, and Mr John Parnell has had to organise a further visit following which corrected versions of the Site Plan have been delivered to me.

Second, as you will be aware from our telephone conversations, I underwent a second heart operation at Harefield on 6th July (because the procedure which took place on 8th June was not successful) which turned out to be much more difficult and complex and from which I am now making a gradual recovery and in this connection I accept that there was a short delay in the preparatory work.

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Consultants: D Boucher ARJCS, R Lester LLB

Third, many of the Deponents are away or have been away on holiday so that there are still outstanding sworn Statutory Declarations.

However, I have now prepared and enclose the completed Application and supporting evidence as follows:-

1. Completed and signed Section 191 Application (4 copies)
2. Drawing No.27619/05 - Location Plan, Scale 1:1250 at A3, (4 copies)
3. Drawing No.27619/02 - Site Plan, Scale 1:200, (4 copies)
4. Drawing No.27619/03 - Corrugated Shed Floor Plan, Scale 1:100, (4 copies)
5. Drawing No.27619/04 - Corrugated Shed Elevations, Scale 1:100, (4 copies)
6. Original sworn Statutory Declaration by the Applicant, Roy William Ruffell, with Exhibits, together with Certified copy
7. Original sworn Statutory Declaration by Arthur Porter with Exhibits, together with Certified copy
8. Original sworn Statutory Declaration by Jim Huckins with Exhibits, together with Certified copy
9. Original sworn Statutory Declaration by Phillip William Wyatt with Exhibits, together with Certified copy
10. Original sworn Statutory Declaration by Andrew George Davis with Exhibits, together with Certified copy
11. Original sworn Statutory Declaration by Derek Willis with Exhibits, together with Certified copy
12. Original sworn Statutory Declaration by Robin Terence Nicholls with Exhibits, together with Certified copy
13. Original sworn Statutory Declaration by Alexander Frederick Bexley with Exhibits, together with Certified copy
14. Original sworn Statutory Declaration by Michael Peter Gaffney with Exhibits, together with Certified copy

15. Original sworn Statutory Declaration by Stephen Joseph Guest with Exhibits, together with Certified copy
16. Cheque for the prescribed fee of £220.00 in favour of the Council

The original sworn SDs with Exhibits and Certified copies enclosed with this submission are marked with an asterisk *.

The remaining sworn Statutory Declarations with Exhibits, which I am chasing, will follow with Certified copies as soon as possible.

Kindly acknowledge safe receipt of this letter and its enclosures and confirm validation of the Section 191 Application.

Yours sincerely



Richard Lester

04/58256/001



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN
Mr R P Parsons
Planning Enforcement [REDACTED]
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX



Our Ref: RL/st/Ruffell

Your Ref: DC/RPP/RM/62474

19 August 2004

Second Letter

Dear Mr Parsons

**Town and Country Planning Act 1990 As Amended
Section 191 Application for Certificate of Lawfulness for Existing Use
Of Commercial Yard**

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants

Applicant: Mr Roy William Ruffell

Thank you for sending over two sets of the CLD Application forms.

I now enclose:-

1. My original letter of 9 August 2004
2. The original documents enumerated 1- 5 inclusive together with the original sworn Statutory Declarations as listed in items 6 - 15 inclusive of my 9th August letter, plus the original sworn Statutory Declaration of William Dixon
3. Certified copies of all the original sworn Statutory Declarations, save for those of Messrs. Bexley, Wyatt and Guest, which follow
4. Cheque in favour of the Council for the prescribed fee of £220.00

I am expecting to collect the sworn Statutory Declarations of Messrs. Bexley, Wyatt and Guest later today and then to call personally at the Civic Offices in

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04/58256/001
- 2 -

order to effect delivery of this Application. If your counter-service is able to provide me with photocopies of the Jurats on the spot (for which I will pay the appropriate copying fee), the sets will then be complete for the purpose of this Application.

If the counter-service is unable to provide the copying facility, I will accordingly retain the original sworn SDs of Messrs Bexley, Wyatt and Guest, and despatch these to you by Recorded Delivery Service, together with Certified copies.

Thank you for agreeing the time extension.

Will you please acknowledge safe receipt of this Application and its enclosures and confirm its validation.

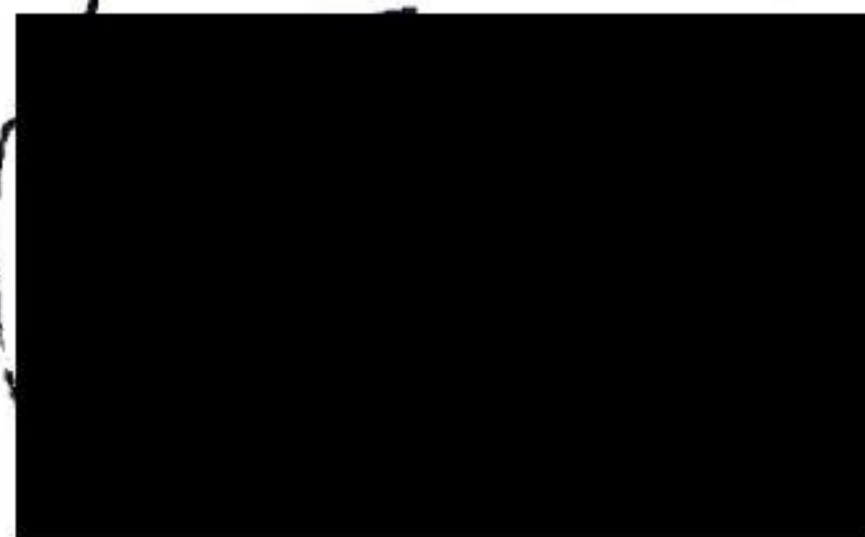
Yours sincerely,



[Handwritten mark]

NB: -

- 1) Hand Delivery 20/8/04.
- 2) All orig. SDs enc. with Certified copies ..



Mr R Lester LLB
Nationwide Planning and Legal Services
Forum House
Stirling Road
Chichester
West Sussex
PO197DN

Our Ref: 04/58256/001
Direct Line: (023) 9244 6509
Ask For: Mr S Finch
Email: planning.development@havant.gov.uk
15 November 2004

Dear Sir

The Town and Country Planning Act 1990

Site Address: 132 Havant Road, Hayling Island, PO110LJ

Proposed Development: Application for Certificate of Lawfulness for use of land for: 1 - Commercial Sales Yard, 2 - General Dealers Yard, 3 - Builders Yard.

I am writing to you with regard to the above mentioned application following our recent telephone discussion regarding the same.

As you are aware, I have now received comments back from the Acting Solicitor to the Council regarding this application and I have to say that, taking into account all of the available evidence, I am of the opinion that it would be inappropriate for the Council to grant a Lawful Development Certificate as applied for.

This is because there is evidence available that is inconsistent with or in conflict with the use as described in the statutory declarations submitted in support of your client's application.

In 1994, Mr Ruffell applied for planning permission retrospectively to use land including the current application site for the keeping of horses and to retain a stable block that had already been built. No mention is made of any business or commercial use taking place at the site and indeed the use of the land identified on the application form simply refers to agriculture and the keeping of horses. I would have expected some reference to the commercial uses applied for in the current application.

When dealing with the application, Mr Ruffell wrote on the 28 June 1994 declaring that the barn (which is currently used for the spraying of horse boxes etc.) was to be used for the storage of "4 traps, 4 horse racing carts, another cart, 4 tractors, 2 horse boxes and various other horse drawn vehicles." Furthermore, there are notes of a meeting with Mr Ruffell and the Case Officer, Mrs Aird, when the applicant again confirmed that this was the intended use of the building/land. I have spoken to Mrs Aird who is now employed by another Local Authority and she recalls the visit to the site but does not recall it being used actively for the purposes described in the current application. She made notes of a meeting with the applicant where she did identify some items unrelated to the keeping of horses on the site e.g. storage of unrelated vehicles, scaffolding and caravans etc. and Mr Ruffell was asked to remove these items.

In addition, I have on the current application, received a representation from Mr Platt of 164 Havant Road who recalls visiting the site with other neighbours at the time of the earlier planning application identified above (1994). He says that he and other residents inspected the site/workshop when it was used for housing a car and agricultural equipment for tending the neighbouring field.

Consequently, whilst some third party representations received with regards to the 1994 planning application did refer to the site as having somewhat industrial appearance the notes and recollections of the Case Officer do not support use as described in the statutory declarations.

Similarly, there was no indication at the time from Mr Ruffell that the site was being used for uses described in his current application.

I have also examined aerial photographs of the site taken in both 1991 and 1996. Whilst I appreciate that 1991 is outside the relevant 10 year period I note that the statutory declarations indicate that the intensity of the use of the site at the date of the application is consistent with its use in 1991. As a result I would have expected the 1991 photographs to show commercial vehicles etc on this site. However, there is very little obvious sign of the site being used for commercial activity including vehicles being parked on the land. Furthermore, the photograph of the site taken in 1996 does show the storage of additional items such containers but again there are far fewer items and vehicles evident than is currently the case. Furthermore, the statutory declarations suggest that the site usually accommodated 15 to 20 vehicles at any one time and 5/6 pieces of plant. This is not supported by the aerial photographs in 1991 and 1996.

As indicated above a number of representations have been received from third parties in relation to the current application. The occupier of 164 Havant Road has suggested that there has been a steady increase in activity over the past 3 years and he considers that the nature of the use has changed. This is similar to the information provided by Mr Blackwell of 170 Havant Road who also suggests the current use has built up over time. Similarly, Mr Brickwood of Grey House Cottage, Victoria Road also indicates that the use has changed and become more intensive since he occupied his property in 1998. Mr Head of 126 Havant Road considers that the applicant has, since buying the land, used it for the storage of a variety of items including caravans, horse boxes, vans and lorries but the applicant started to "abuse" the established use of the site in 1999.

There is also relevant enforcement history relating to the application site. In 1978 the Council issued an Enforcement Notice affecting land between no's. 132 and 150 Havant Road and this related to a material change of use of the land for the deposit of waste materials and the storage of plant and building materials thereon. The notice required the removal of these items in connection with the unauthorised use of the land and I have enclosed a copy of this notice for your information. You will note that the notice includes the land that is the subject of the Lawful Development Certificate application. Clearly this has implications for the current application in so much as it expressly prohibits the storage of plant and building materials on the land.

Further Enforcement Notices were also issued in 1983 (copies enclosed) regarding the unauthorised formation of an access which seems to coincide with the current access to the application site and also the use of this land in connection with the previously existing commercial nursery at the rear of 132 Havant Road. It is understood that the Council ultimately decided not to take action regarding breaches of these notices but nevertheless they would have implications for the current application as the means of access is the subject of these notices

In light of the above, you will appreciate that, based on the evidence currently available, the Council cannot consider granting a Lawful Development Certificate for the commercial uses applied for and therefore the application should be refused.

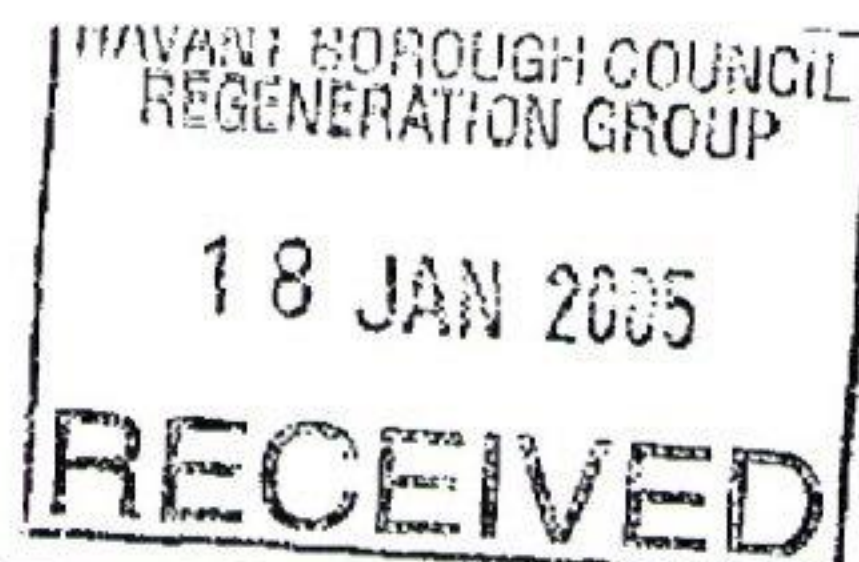
However, I would welcome your comments on the matters referred to above before proceeding to determine this application. You are of course entitled to inspect the current application file and I am also happy to make available to you the aerial photographs I have referred to.

I trust that this clarifies the situation and look forward to hearing from you shortly.

Yours faithfully



Simon Finch
DC Team Leader



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

[REDACTED]
Mr Simon Finch
Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX

Our Ref: RL/st/Ruffell

14 January 2005

Dear Mr Finch

Town and Country Planning Act 1990 As Amended: Section 191
Site at 132 Havant Road, Hayling Island, Hants
Applicant: Mr R Ruffell

I duly carried out a detailed Site Inspection on 7th January with the lay Client and was attended by Alan Masters of Counsel (10/11 Grays Inn Square).

We examined both Yards.

In view of the matters arising, Counsel has recommended a certain course which we have agreed to discuss at the Civic Offices, next Thursday, 20th January, at 12 noon.

Yours sincerely

[REDACTED]
Richard Lester

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Consultants: D Boucher ARICS, R Lester LLB



NATIONWIDE PLANNING AND LEGAL SERVICES

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T

HAVANT BOROUGH COUNCIL
REGENERATION GROUP

28 JAN 2005

RECEIVED

Mr Simon Finch
D C Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX

Truck

DC /

Our Ref: RL/st/Ruffell

Your Ref: 04/58256/001

27 January 2005

Faxed and Posted

Dear Mr Finch

Town and Country Planning Act 1990 As Amended: Section 191

Sites at: 132 Havant Road, Hayling Island, Hants, PO11 0LJ

Applicant: Mr R Ruffell

Please forgive the slight delay in response owing to protracted Hearings elsewhere.

To recap, we discussed various Planning considerations in relation to the two sites at 132 Havant Road, Hayling Island, at the Civic Offices, on Thursday, 20th January.

I reported the Advice received at a Site Conference from Alan Masters of Counsel who advised that the Section 191 Application before the Council (04/58256/001) should be withdrawn and I informed you of that withdrawal in the course of our discussion.

As I had promised to write and for the avoidance of doubt, I confirm that Application No. 04/58256/001 is hereby withdrawn.

Counsel addressed the two sites and further advised that there was evidence before him, on the balance of the probabilities, to proceed with a series of different Section 191 Applications, based on 10 years' continuous use, which would not compromise the Enforcement Notice.

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We discussed the mode of presentation and timescales.

I indicated that, with respect to the current site (Site A which is the subject of the withdrawn Section 191 Application), there would be three further sequential Applications for Certificates of Lawfulness, to be prepared and presented to the Council upon the approximate undermentioned timescales:-

1. Section 191 Application for Mobile Home to be submitted by 28th February 2005
2. Section 191 Application for Coach/Horsebox construction which takes place in the barn - the barn being an authorised building, to be submitted by 31st March 2005
3. Section 191 Application for Open Storage, Parking and Turning, together with the existing hardstanding on Site B, to be submitted by 30th April 2005.

With respect to Site B, I have not undertaken any investigations with respect to the evidence and am making an immediate start.

It is apparent that on Site B, there is an existing storage building of long standing, together with an old caravan/mobile home, along with hardstanding and open storage.

In discussion together, it was felt that there would also be three separate CLD Applications presented to the Council, the first for the storage building, the second for the caravan/mobile home, and the third combining the hardstanding, open storage and parking.

Inevitably, I am starting well behind on Site B but hope to catch up and to present the first Application shortly but whether this can be accomplished by 28th February remains to be seen.

I propose to review the state of preparation with you on 28th February when the position on Site B should be much clearer.

I trust that this letter accurately summarises the outcome of our Meeting at the Civic Offices on 20th January and unless I hear from you to the contrary I shall proceed with preparation and presentation of the requisite Section 191 Applications in accordance the draft timetable set out above, which doubtless you will report to Committee.

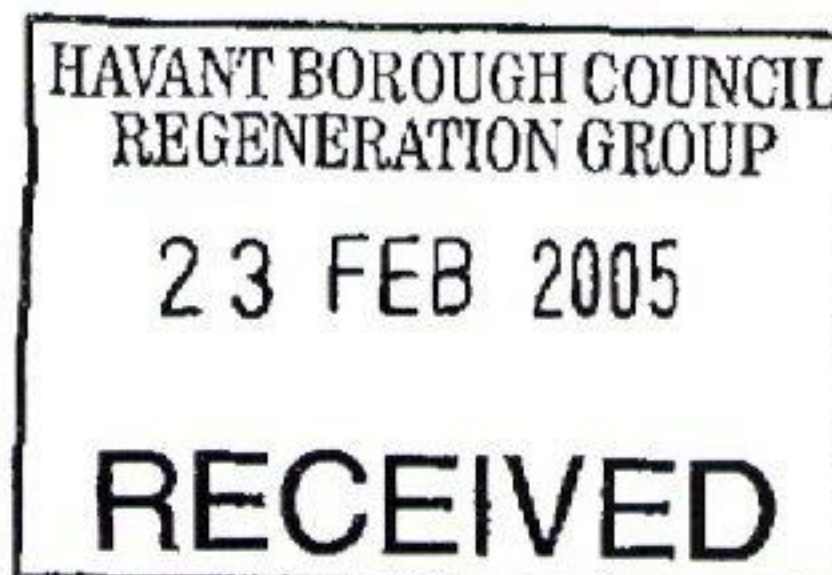




NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

Mr Simon Finch
D C Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX



Our Ref: RL/st/Ruffell/MH

Your Ref: 04/58256/001

22 February 2005

Dear Mr Finch

Town and Country Planning Act 1990 As Amended: Section 191
Sites at: 132 Havant Road, Hayling Island, Hants, PO11 0LJ
Applicant: Mr R Ruffell

I am writing further to my letter of 27th January by way of interim Report.

I have sent out draft Statutory Declarations in support of the follow-up Section 191 Application for the Mobile Home.

I was about to prepare the Application when I noticed that John Parnell of Parnell Design, who prepared the earlier Drawings submitted in relation to the withdrawn CLD, had not provided a Floorplan and Elevations of the Mobile Home, which I have requested him to do. At the same time I have asked Mr Parnell to prepare Floorplans and Elevations for the Storage Building/structures on Site B. so that his further site visit need not be duplicated - which means that whilst the first Application for Site A. will now be slightly delayed, the issues in relation to Site B. are being addressed in parallel and therefore accelerated.

There is also a further issue on the aerial photography which I am presently clarifying with Infoterra and Simmons Aerofilms.

I will write to you further as soon as possible.

Yours sincerely

[Redacted signature]

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Consultants: D Boucher ARJCS, R Lester LLB



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

T [REDACTED]

Mr S Finch
D C Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX

05/58256/002



Our Ref: RL/st/Ruffell/MH

Your Ref: 04/58256/001

29 March 2005

Dear Mr Finch

Town and Country Planning Act 1990 As Amended: Section 191

Siting of Mobile Home

Site at: 132 Havant Road, Hayling Island, Hants, PO11 9LJ

Applicant: Mr R Ruffell

Further to our Meeting and subsequent discussions by telephone, I am now in a position to submit the first of the follow-up Section 191 Applications, which relates to the siting of the mobile home at the Application Site, and I accordingly enclose:-

1. Completed and signed Section 191 Application (4 copies)
2. Certificate Under Article 7 (1 copy)
3. Drawing No.27619/05, Location Plan, Scale 1:1250 at A3 (4 copies)
4. Drawing No.27619/02, Site Plan, Scale 1:200 (4 copies)
5. Aerial Photograph, Ref. 125/93, dated 21st October 1993 (4 certified copies)
6. Original sworn Statutory Declaration with Exhibits of Roy William Ruffell and Certified copy
7. Original sworn Statutory Declaration with Exhibits of Jim Huckings

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Consultants: D. Boucher ARICS, R. Lester LLB

05/58256/002

8. Original sworn Statutory Declaration with Exhibits of Alexander Frederick Bexley
9. Original sworn Statutory Declaration with Exhibits of Stephen Joseph Guest

You are already holding the Application fee of £220.00.

Kindly acknowledge safe receipt and confirm validation of this Application.

I am in the course of preparing the second and subsequent Section 191 Applications which will follow as soon as possible.

Yours sincerely/

A large black rectangular redaction box covering the signature and name of the sender.

Frederick Bexley

Mr R Lester LLB
Nationwide Planning and Legal Services
Forum House
Stirling Road
Chichester
West Sussex
PO197DN

Our Ref: 04/58256/001
Direct Line: (023) 9244 6509
Ask For: Mr S Finch
Email:planning.development@havant.gov.uk
04 April 2005

Dear Sir/Madam

The Town and Country Planning Act 1990

Site Address: 132 Havant Road, Hayling Island, PO110LJ

Proposed Development: Application for Certificate of Lawfulness for use of land for: 1 - Commercial Sales Yard, 2 - General Dealers Yard, 3 - Builders Yard.

Thank you for your letter in connection with the above proposed development.

Following your request for the application to be withdrawn, please find enclosed all documents relating to the application.

Yours faithfully

Mrs J A Batchelor
Head of Planning and Development
Our Ref:04/58256/001

Enc

APPLICANT - MR RUFFLE

S.O.H.
PERMIT

Attention of Miss. Davis

28 Jan 1974

Dear Miss Davis

With reference to the barn on land adjacent to 132 Howard Road
Hampshire Island

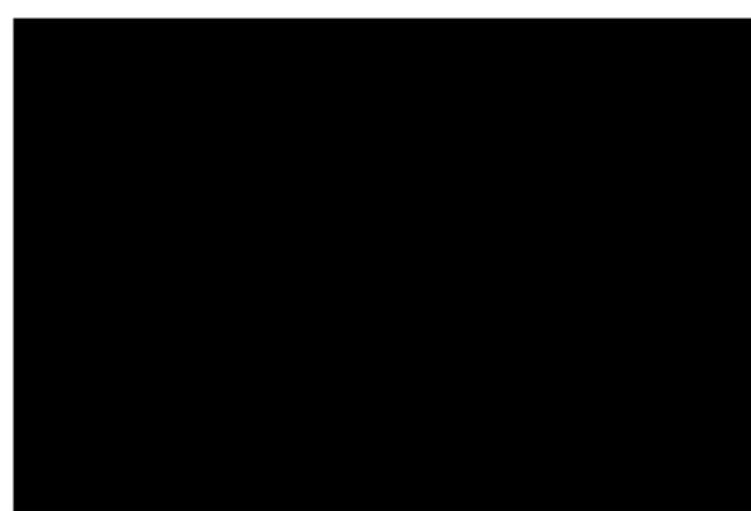
I would like to permit you to use the barn for storage. The rooms
will include a trap, a larder & horse feeding carts. I could also use
tractors & the various other horse drawn vehicles.

I would also like to store varying amounts of straw and
horse feed.

In answer to your enquiry regarding the enclosed fencing around
the barn at the above address. We are in the process of breeding
horses and considered that the riding would be better out of site
to the general public.

Thank you for your letter to give permission for the above storage

Yours Sincerely





NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

Mr S Finch
D C Team Leader
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

Our Ref: RL/st/Ruffell

Your Ref: 05/58256/002

4 May 2005



Dear Mr Finch

Town and Country Planning Act 1990

Application for Certificate of Lawfulness for continued siting of Mobile Home

Site at: 132 Havant Road, Hayling Island, PO11 0LJ

Applicant: Mr Roy William Ruffell

Thank you for your letter of 26th April.

To recap, there is a current Application for a Certificate of Lawfulness before the Council for Determination relating to the continued siting of the mobile home on Site A.

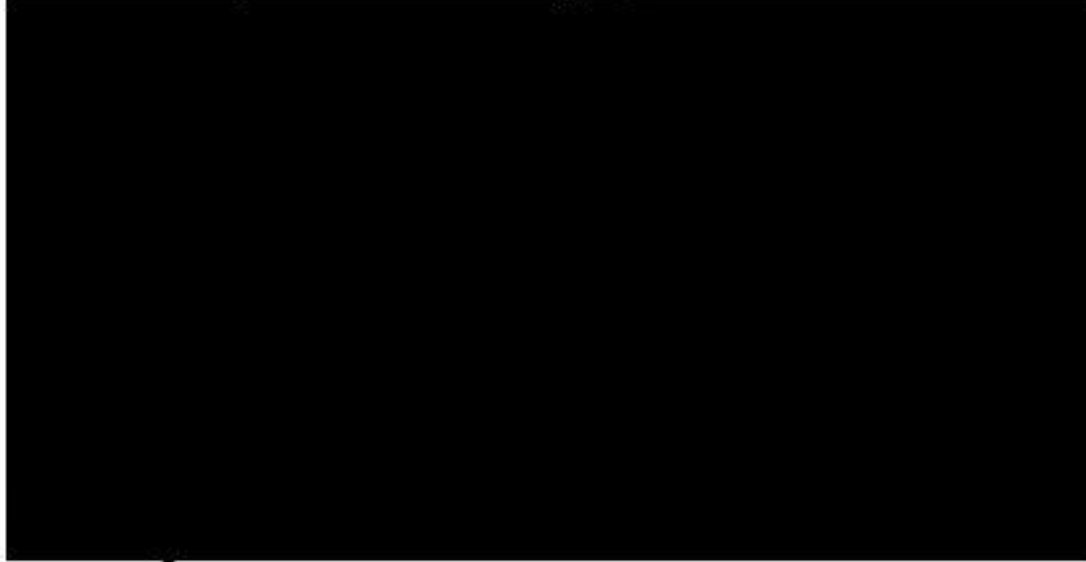
Earlier this year, I commissioned preparation of further sets of Plans by Parnell Design, to include a Floor Plan of the mobile home, plus Plans relating to Site B, which I shall be addressing shortly.

I have now heard from John Parnell with the enclosed Drawing No.27619/09 which shows the mobile home Floor Plan, scale 1:100, of which I enclose four sets in case these should be needed in conjunction with the current CLD.

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Consultants: D. Boucher ARICS, R. Lester LLB

In the meantime, I am preparing the evidence in relation to the second Application for Site A, which relates to the coachworks building and open storage, and which follows.



The Occupier/Owner
132 Havant Road
Hayling Island
Hants
PO110LJ

Our Ref: 05/70380/001
Direct Line: (023)9244 6509
Ask For: Mr S Finch
Email: planning.development@havant.gov.uk
02 September 2005

Dear Sir/Madam

The Town and Country Planning Act 1990

Site Address: Land Adjacent to, 132 Havant Road, Hayling Island, PO110LJ

Proposed Development: Application for Certificate of Lawfulness regarding the use of a building and hard standings in relation to a Horsebox and Coachworks business.

I refer to my recent letter informing you of receipt of an application and it appears that you have been misinformed as to details of the development.

Please note that the application number has been revised and the correct number is stated above. I apologise for any inconvenience caused.

If you wish to comment on the application may I remind you that any letters should be received in these offices no later than 21 September 2005.

Yours faithfully

J Batchelor

Mrs J A Batchelor
Head of Planning and Development



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN



Mr Simon Finch
Team Leader
Development Control
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX

ADDITIONAL

Rec. Del. encl.

Our Ref: RL/st/Ruffel/WS

Your Ref: SF/05/58296/002

12 October 2005



Dear Mr Finch

Town and Country Planning Act 1990 (as amended)

(1) Application for Certificate of Lawfulness for the Continued Siting of Residential Mobile Home at Oaktree Farm, 132 Havant Road, Hayling Island, PO11 0LJ

Applicant: Mr R Ruffell

Further to our telephone conversation, I have already supplied the additional photography and now enclose a batch of sundry receipts in relation to the evidence of the residence of the Caretaker, Mr Jim Huckins, in the residential mobile home, going back to 1994.

It is no easy matter to identify and then make contact with various Suppliers of services to the Application Site which bear Mr Huckins' details because this means, for example, that when a Supplier has delivered a chassis cab to Oaktree Farm in the past, the receipt (if any) then forms part of the Suppliers' records which must then be examined at another address.

I will endeavour to supply some additional information and further copy receipts.

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Consultants: D. Boucher ARICS, R. Lester LLB

(2) CLD for Horsebox and Coachworks Business - Ref: 05/70380/001

This Application has already been lodged and the remaining five Statutory Declarations in support are now out for swearing and will be delivered to the Council with Certified copies as soon as possible.

Yours sincerely

A large black rectangular redaction box covering the signature area.Handwritten initials, possibly 'WJ', visible below the redacted signature.

Additional



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

Mr Simon Finch
Team Leader
Development Control
Havant Borough Council
Civic Offices
Havant
Hants PO9 2AX

Our Ref: RL/st/Ruffell/WS

Your Ref: SF/05/58296/002

21 November 2005



Dear Mr Finch

Town and Country Planning Act 1990 (as amended)

1) Application for Certificate of Lawfulness for the continued siting of residential Mobile Home at Oaktree Farm, 132 Havant Road, Hayling Island, PO11 0LJ

2) CLD for Horsebox and Coachworks Business Ref: 05/70380/001

Applicant: Mr R Ruffell

With respect to the continued siting of the residential mobile home, Mr Ruffell is currently on leave.

Given the receipts in relation to the Caretaker's occupation of the residential mobile home going back to 1994, are you now satisfied that this evidence has discharged the burden of proof on the balance of the probabilities?

Meanwhile, the CLD for the Horsebox and Coachworks Business has been lodged but you are still short of sworn SDs from four Deponents. In this connection, I have spoken with all of them today and they promise to expedite.

However, I am pleased to enclose the original sworn Statutory Declaration of Andrew George Davies, together with Certified copy.

Y
R

APPOINTMENTS ONLY

Registered Office: Forum House, Stirling Road, Chichester, West Sussex PO19 7DN
Consultants: D. Boucher ARICS, R. Lester LLB



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

Team Leader (Mr [REDACTED])
Development Control
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX



Our Ref: RL/st/Ruffell

Your Ref: 05/70380/001

12 December 2005

Dear Sir/Madam

Town and Country Planning Act 1990 (As Amended)

**Section 191 Application for Certificate of Lawfulness for Continued Use
Of Building in relation to Horsebox and Coachworks Business together
With retention of existing Hardstandings for Open Storage, Parking,
Turning, Loading, Unloading and Access associated with the Horsebox
And Coachworks Business**

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants, PO11 0LJ

Applicant: Mr R W Ruffell

This Application was lodged on 19th August together with supporting documents, save for the undermentioned sworn Statutory Declarations, and I have subsequently held discussions with Mr Simon Finch, former Team Leader, who has, I understand, left the Authority for a new post with Winchester City Council.

I am now in a position to enclose the undermentioned documents:-

1. Original sworn Statutory Declaration of David Morley and Certified copy
2. Original sworn Statutory Declaration of Andrew Davis and Certified copy ✓ SENT 21/11/05

APPOINTMENTS ONLY

Registered Office: Forum House, Stirling Road, Chichester, West Sussex PO19 7DN
Consultants: D. Boucher ARICS, R. Lester LLB

*HAND
DELIVERY*



3. Original sworn Statutory Declaration of Clem Rees and Certified copy
4. Original sworn Statutory Declaration of Derek Willis and Certified copy
5. * Original sworn Statutory Declaration of Mark Brett-Hyde and Certified copy

This concludes the sworn evidence in support of the Section 191 Application in relation to the Horsebox and Coachworks Business.

May I respectfully remind you that I am still awaiting word regarding delivery of the CLD for the Mobile Home (Ref: 05/58256/002).

/



1

Residential Planning and Development Services

05/70380/001



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

ADDITIONAL

Mr Steven Weaver
Team Leader
Development Control
Havant Borough Council
Civic Offices
Havant
Hants
PO19 2AX

**HAVANT BOROUGH
COUNCIL
15 DEC 2005
RECEIVED**

Our Ref: RL/st/Ruffell

Your Ref: 05/70380/001

13 December 2005

Recorded Delivery

Dear Mr Weaver

Town and Country Planning Act 1990 (as amended)

Section 191 Application for Certificate of Lawfulness for continued use of building in relation to Horsebox and Coachworks Business together with retention of existing Hardstandings for Open Storage, Parking, Turning, Loading, Unloading and Access associated with the Horsebox and Coachworks Business

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants, PO11 0LJ

Applicant: Mr R W Ruffell

Further to my letter of yesterday's date with enclosures as specified (save for the missing sworn SD of Mark Brett-Hyde), I confirm that I attended at the Civic Offices to deliver my letter of yesterday's date, along with the other enclosures.

We have since spoken and I have also had the benefit of an initial discussion with Shirly Shaw, Deputy Solicitor.

Overnight, I have received the sworn Statutory Declaration of Mark Brett-Hyde which I now enclose along with Certified copy.

APPOINTMENTS ONLY

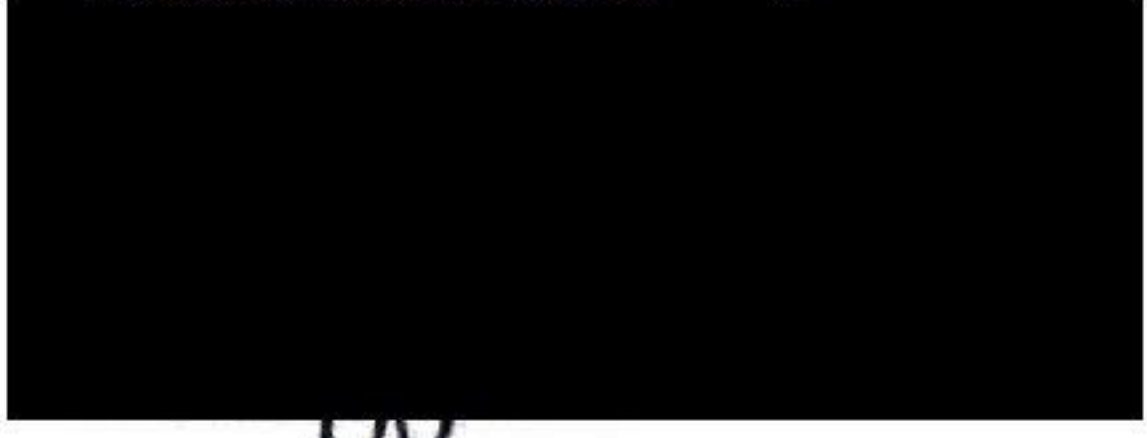
Registered Office: Forum House, Stirling Road, Chichester, West Sussex PO19 7DN
Consultants: D. Boucher ARICS, R. Lester LLB

The point did arise in conversation with Ms Shaw that the sworn evidence in support of the residential mobile home Application and the Horsebox and Coachworks Business should be read concurrently because some of the Deponents supporting the Horsebox and Coachworks Business CLD also record details of their recollection of the occupation by the residential mobile home for a continuous period of upwards of 10 years down to the Application date.

I have enclosed an extra copy of this letter for Ms Shirley Shaw.

I await hearing from you.

Yours sincerely



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NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

TEL: [REDACTED]

05/70380/001

Mr Simon Finch
Team Leader
Development Control
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

Our Ref: RL/st/Ruffell

19 August 2005



Dear Mr Finch

Town and Country Planning Act 1990 (As Amended)

Application for a Certificate of Lawfulness for continued use of building in relation to Horsebox and Coachworks Business together with retention of existing hardstandings for open storage, parking, turning, loading, unloading and access associated with the Horsebox and Coachworks Business

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, PO11 0LJ

Applicant: Mr R W Ruffell

In accordance with the arrangements made by telephone, I enclose the undermentioned documents:-

1. Completed and signed Section 191 Application (4 copies)
2. Certificate under Article 7 (1 copy)
3. Drawing No.27619/05, Location Plan, Scale 1:1250 (4 copies)
4. Drawing No.27619/02, Site Plan, Scale 1:200 (4 copies)
5. Drawing No.27619/03, Floor Plan of Horsebox and Coachworks Building, Scale 1:100 (4 copies)

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Consultants: D. Boucher ARICS, R. Lester LLB

6. Drawing No.27619/04, Elevations of Horsebox and Coachworks Building, Scale 1:100 (4 copies)
7. Original sworn Statutory Declaration of Roy William Ruffell with Exhibits, and Certified copy

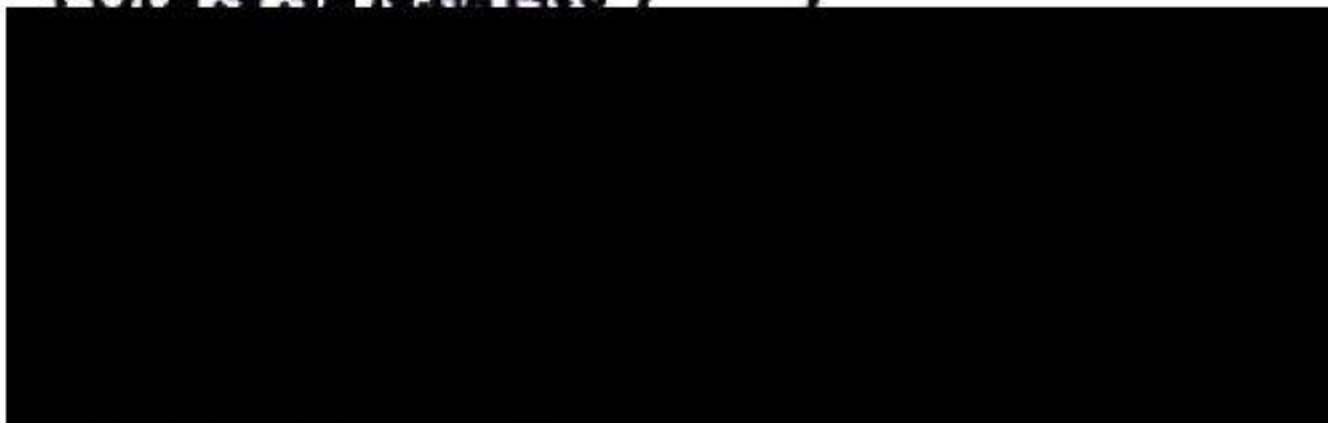
Will you please note that original sworn Statutory Declarations and Exhibits, with Certified copies, follow from the undermentioned Deponents who are providing evidence in support:-

Mr David Morley; Mr Andrew Davis; Mr Clem Rees; Mr Derek Willis;
Mr Hyde.

It was resolved that this follow-up Application would not attract a further fee being made within 12 months.

Kindly acknowledge safe receipt and confirm validation.

Yours sincerely,

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Richard Lester

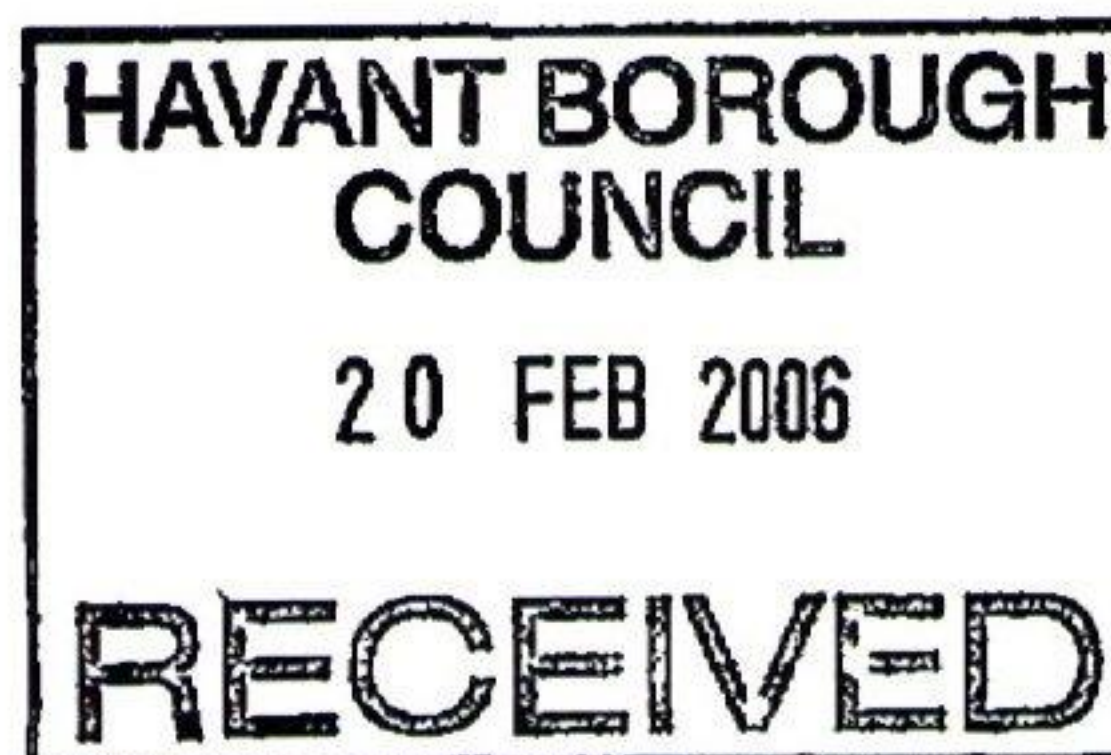


NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

T [REDACTED]

Mr Ian Donoghue
Principal Planning Enforcement Officer
Development Control
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX



Our Ref: RL/st/Ruffell

Your Ref: ID/05/70380/001

17 February 2006

Dear Mr Donoghue

**Town and Country Planning Act 1990 As Amended
Section 191 Application for Certificate of Lawfulness for Continued Use
of Building in relation to Horsebox and Coachworks Business, together
with retention of Existing Hardstandings for Open Storage, Parking,
Turning, Loading, Unloading and Access associated with the Horsebox
and Coachworks Business**

**Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants, PO11 0LJ
(Yard A)**

Applicant: Mr R W Ruffell

Thank you for meeting me on site on 13th January when we inspected Yard A
in the presence of the Applicant, Mr Ruffell.

As I understand it, you are satisfied with the evidence in relation to the
separate CLD Application to retain the siting of the residential mobile home
occupied by the Caretaker whom we both met.

With regard to intensity, you have subsequently telephoned me and I have in
turn telephoned Mr Ruffell to carry out some further research to check
whether he still has his old Order Books available for inspection. The like
remarks apply to Accounts records, although this may be more difficult
because there is no obligation to keep records of Accounts after six years.

I will let you know what transpires.

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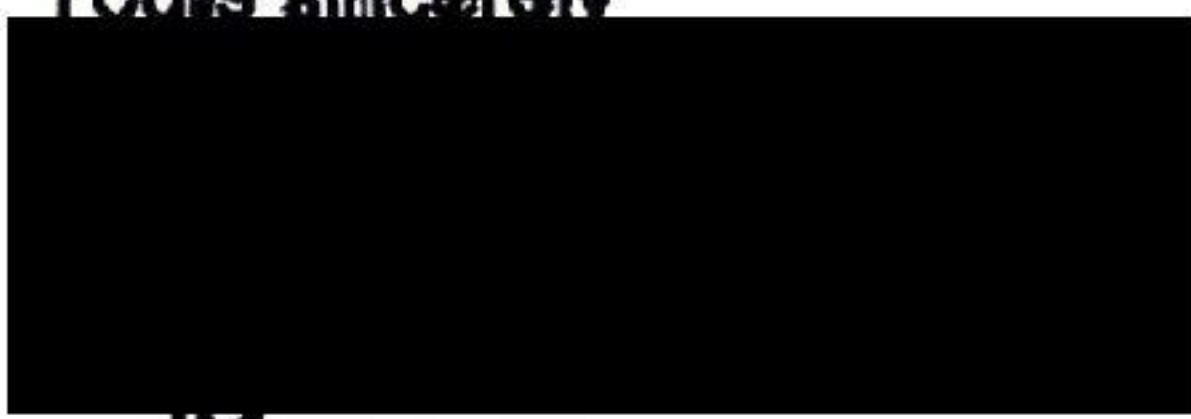
Registered Office: Forum House, Stirling Road, Chichester, West Sussex PO19 7DN
Consultants: D. Boucher ARICS, R. Lester LLB

We all agreed that there was an exceptional collection of horseboxes on the date of our site visit by reason of Mr Ruffell's long absence visiting relatives in Australia, which caused a backlog, plus the fact that our visit was unknowingly arranged just ahead of the Polo Season when there were a number of Cowdray and other boxes awaiting repairs, maintenance, completion and collection. You will recall my comment that Simon Finch should be contacted to recall his own recollection of the site during our earlier visits there together.

For the record, we also identified three unauthorised items, first, the container on wheels by the dog pens, second, the static container alongside the wheeled container and, third, the contemporary lorry body/container in which the new vehicle windows were stored, which is located on the Southern boundary of Yard A, all of which are to be moved off site.

In terms of procedure, it was earlier agreed that we should address (a) the residential mobile home CLD, now awaited, please, and then (b) the Yard A CLD with the Horsebox and Coachworks building and business, before addressing the Planning issues at (c) Yard B.

Yours sincerely



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NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

[REDACTED]
Mr Ian Donohue
Development Control Team Leader
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

Our Ref: RL/st/Ruffell/MH

Your Ref: 05/58256/002

28 April 2006



Dear Mr Donohue

Town and Country Planning Act 1990 (as amended)

Application for Certificate of Lawfulness for continued siting of a Residential Mobile Home

Site at: 132 Havant Road, Hayling Island, PO11 0LJ

Thank you for your letter of 21st April.

I accordingly enclose four copies each of the amended Drawings Ref:27619/05 and 27619/02 with the red line drawn tightly around the location of the mobile home.

I await the Certificate of Lawfulness for the continued siting of the residential mobile home.

I am in the last stages of assembling the outstanding order details in respect of the Horsebox and Coachworks business since the old Order Books have long since been disposed of and it is something of a challenge to re-compile records going back 10 years when there is no Statutory obligation to keep records and accounts after six years and when individual customers/former customers have to be traced and contacted.

I shall be seeing my Client again next week and will write to you further.



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Consultants: D. Boucher ARICS, R. Lester LLB



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

TEL: [REDACTED]

Mr Ian Donohue
Development Control Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX



Our Ref: RL/st/Ruffell

Your Ref: ID/05/58256/002
and 05/70380/001

26 July 2006

Recorded Delivery

Dear Mr Donohue

Town and Country Planning Act 1990 (as amended)

1. Application for Certificate of Lawfulness for Retention and Continued Siting of Residential Mobile Home at Oaktree Farm, 132 Havant Road, Hayling Island, PO11 0LJ

In response to your request of 21st April, I sent you four copies of the amended Drawings Ref: 27619/05 and 27619/02, with my letter of 28th April. These show the red line drawn tightly around the location of the mobile home.

You were proposing to issue the CLD for the continued siting of the residential mobile home subject to receipt of the amended Plans.

I now await the Certificate of Lawfulness in respect of the residential mobile home on this site.

2. Application for Certificate of Lawfulness for Continued Use of Building in Relation to the Horsebox and Coachwork Business, together with Retention of the Existing Hardstandings for Open Storage, Parking, Turning, Loading, Unloading and Access associated with the Horsebox and Coachworks Business at Oaktree Farm, 132 Havant Road, Hayling Island, Hants, PO11 0LJ

Following our site Meeting on 13th February 2006, it was resolved to try to collate the old records in relation to the intensity issue of the Horsebox and Coachworks Business carried on by Mr Ruffell at Oaktree Farm.

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Consultants: D. Boucher ARICS, R. Lester LLB

You will recall that there was an exceptional collection of horseboxes on the day of your visit by reason of Mr Ruffell's previous long absence visiting relatives in Australia, which caused a back-log of work, plus the fact that the visit was unknowingly timed just ahead of the Polo Season when there are an additional number of Cowdray and other boxes awaiting repair, maintenance and collection.

I am pleased to confirm that was an exception and that the site, and particularly the access way, have continued in their normal intensity which is described in the supporting Statutory Declarations.

In the intervening weeks, I have circulated the undermentioned Job Sheet Schedule amongst my Client's customers inviting them to check their records and to respond which they have done in terms of the undermentioned correspondence.

I accordingly enclose:-

1. **Work/Job Summary from March 1993 - December 2005 (4 sets).**

These entries provide an analysis of the horsebox conversion, repair and maintenance work for the above period.
2. **Original letter, dated 18th July 2006, from Derek Willis, Managing Director of Addlestone Commercials (Tenderdale) Ltd. of Addlestone, Surrey (with three copies).**
3. **Original letter, dated 20th July 2006, from John Carter of Carter Commercial Sales Ltd. of Sunbury-on-Thames, (with three copies).**
4. **Original letter, dated 20th July 2006, from Ashford Commercials of Egham, Surrey, (with three copies).**
5. **Original letter, dated 21st July 2006, from Mr Mark Hyde of Polo Transport (with three copies).**
6. **Original letter, dated 17th July 2006, from M&W Motors of Portsmouth (with three copies).**
7. **Original letter, dated 17th July 2006, from David Morley of Cowdray, Petworth (with three copies).**

The Applicant has already addressed the intensity issue in his supplemental Statutory Declaration before you - the relevant Clauses being Nos. 14 - 18 inclusive of his 2005 SD.

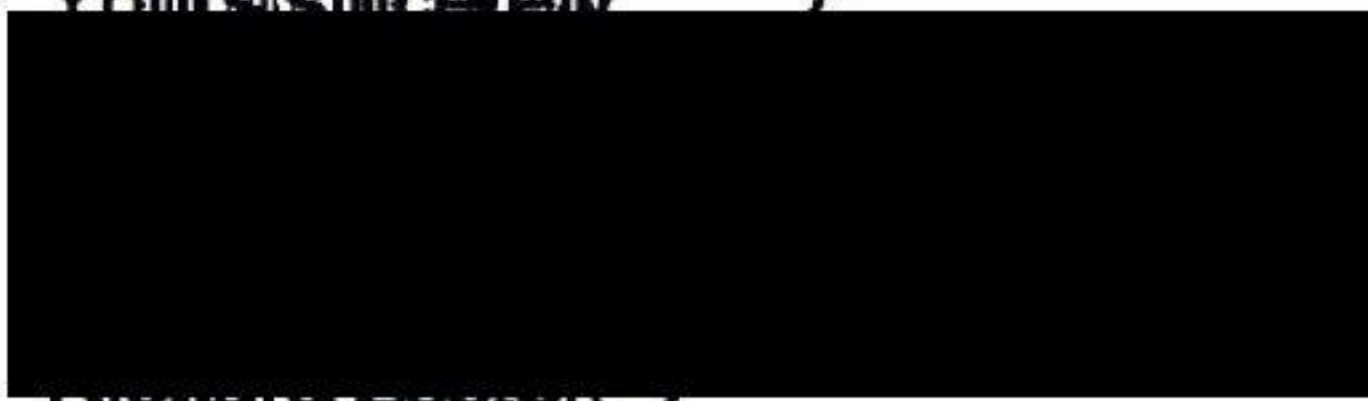
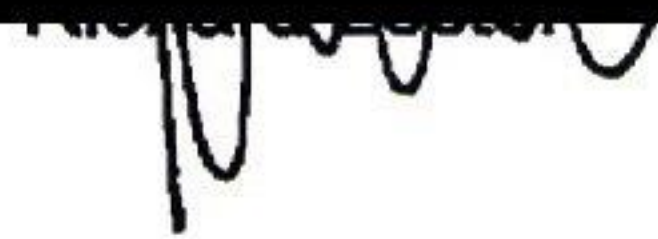
The additional evidence provided herewith underpins Mr Ruffel's evidence.

This now completes the submission of evidence in relation to 05/70380/001 upon which I now invite the Council's determination.

Thereafter I will address Site B.

I would also appreciate a short appointment at the Civic Offices when you have digested these documents and I await hearing from you with some suggested dates and times.

Yours sincerely,

A large black rectangular redaction box covering the signature and name of the sender.A handwritten signature in black ink, appearing to be 'Richard J. [unclear]', written below the redacted signature block.



NATIONWIDE PLANNING AND LEGAL SERVICES

FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

TE [REDACTED]

Mr Ian Donoghue
Development Control Team Leader
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

**HAVANT BOROUGH
COUNCIL**

14 DEC 2006

RECEIVED

Our Ref: RL/st/Ruffell

Your Ref: ID/05/70380/001

11 December 2006

Dear Mr Donoghue

Town and Country Planning Act 1990 (as amended)

Application for Certificate of Lawfulness for continued use of building in relation to the Horsebox and Coachworks Business, together with retention of the existing hardstandings for open storage, parking, turning, loading, unloading and access, associated with the Horsebox and Coachworks Business

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants

Applicant: Mr Roy William Ruffell of Oaktree Horseboxes

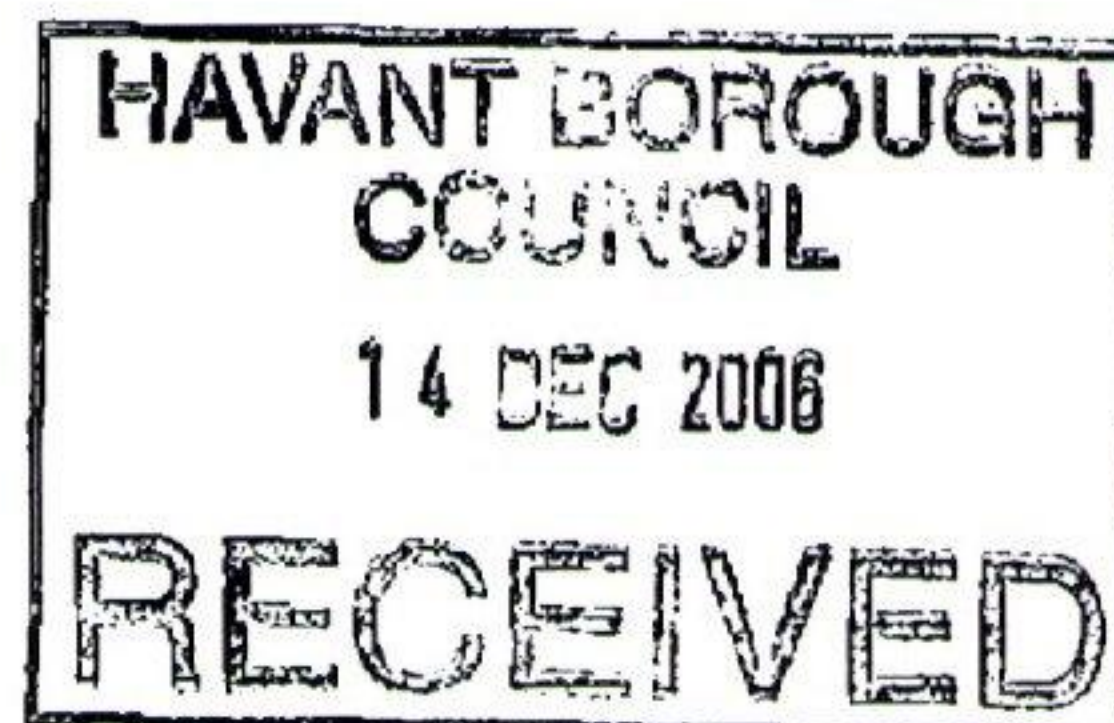
We reviewed the position in depth at the Civic Offices on 3rd November and cleared off the occasion when there was an exceptional collection of Horseboxes on the date of your site visit by reason of Mr Ruffell's long absence visiting relatives in Australia, which had caused a back-log, plus the fact that the visit was unknowingly timed just before commencement of the Polo Season when there were additional boxes from Cowdray awaiting repair, maintenance and collection.

Going back over the site history, I confirm that Simon Finch, your previous Development Control Team Leader, wrote to me on 15th November 2004 reciting that Mr Ruffell had previously written to him on 28th June 1994 declaring that the barn, then currently used for the spraying of horseboxes, etc. (the words of Simon Finch) was being used for the storage of "four traps, four horse-racing carts, another cart, four tractors, two horseboxes and various other horse related vehicles".

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Consultants: D. Boucher ARICS, R. Lester LLB



Further, there are notes of a Meeting with Mr Ruffell and the previous Case Officer when Mr Ruffell confirmed that this was the intended use of the land in 1994, namely in conjunction with his Horsebox and Coachworks Business.

Further, Mr Finch referred to an aerial photograph taken in 1996 which shows the storage of additional items (containers) and a number of vehicles.

Clearly, there is evidence of use of the buildings and land in relation to horseboxes/coachworks going back to 1994.

With respect to intensity, apart from the isolated occasion mentioned above, the Horsebox and Coachworks Business has always been very low key and remains that way.

You will recall from Mr Ruffell's 2005 sworn Statutory Declaration (para 18) that his average annual turnover is three horseboxes a month, plus periodic repairs and servicing of between four and eight boxes a month. In that paragraph, Mr Ruffell confirms that this Horsebox and Coachworks Business continues as a low key operation but one which has nevertheless been established and carried on without interruption continuously at the Application Site in the same low key manner since 1994.

I would respectfully remind you that the Witnesses who have provided supporting evidence include David Morley of Cowdray Park, the National Stud and other leading Stud Farms and Equestrian Centres.

Mr Ruffell states (para 20) in terms of daily traffic at the Application Site that the maximum number of movements is approximately 10 movements in and 10 movements out, including transport by his then four employees (now three), and that these figures represent an absolute maximum and that the **average number** of traffic movements servicing the site is five movements in and five movements out on each weekday (Monday to Friday) between the hours of 8 a.m. and 5 p.m., with periodic movements of lesser intensity on Saturday mornings between 9 a.m. and 12 noon, in case of emergency only, and with no working Sundays or Bank Holidays.

I have reminded Mr Ruffell to keep the barn doors closed during working hours and to replace the current lighting so as to diffuse downwards.

Given all the facts and circumstances, it was agreed that you would be conferring with Mrs Shirley Shaw, Solicitor to the Council, in anticipation of drafting a Certificate of Lawfulness for the existing Horsebox and Coachworks Business in this low key manner.

I will await hearing from you.

The point did arise in conversation with Ms Shaw that the sworn evidence in support of the residential mobile home Application and the Horsebox and Coachworks Business should be read concurrently because some of the Deponents supporting the Horsebox and Coachworks Business CLD also record details of their recollection of the occupation by the residential mobile home for a continuous period of upwards of 10 years down to the Application date.

I have enclosed an extra copy of this letter for Ms Shirley Shaw.

I await hearing from you.

Yours

Richard



NATIONWIDE PLANNING AND LEGAL SERVICES

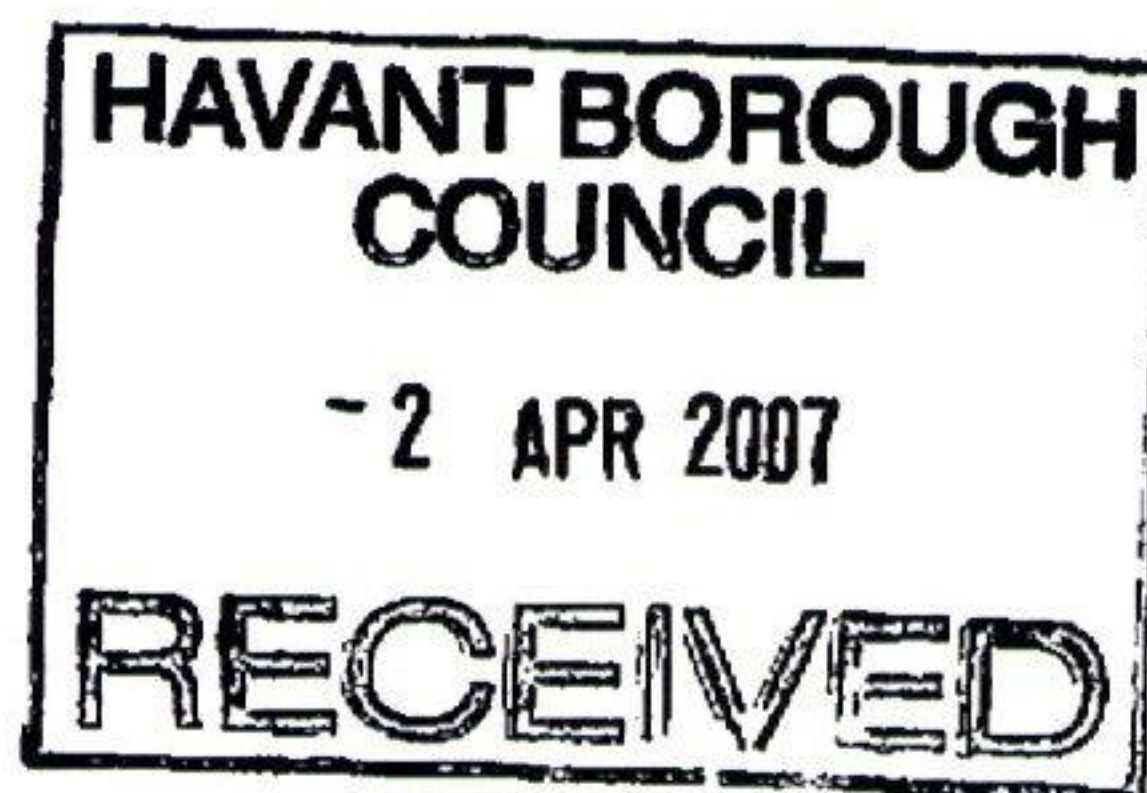
FORUM HOUSE, STIRLING ROAD, CHICHESTER, WEST SUSSEX PO19 7DN

Mr I Donoghue
Development Control Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX

Our Ref: RL/st/Ruffell

Your Ref: ID/05/70380/001

30 March 2007



Dear Mr Donoghue

Town and Country Planning Act 1990 (as amended)

Application for Certificate of Lawfulness for continued use of building in relation to the Horsebox and Coachworks Business, together with retention of the existing hardstandings for open storage, parking, turning, loading, unloading and access associated with the Horsebox and Coachworks Business

Site at: Oaktree Farm, 132 Havant Road, Hayling Island, Hants (Site A)

Applicant: Mr Roy William Ruffell of Oaktree Horseboxes

You will recall that we discussed Oaktree Farm in depth at the Civic Offices on 3rd November last year and I am presently holding a Certificate of Lawfulness for the continued siting of the residential mobile home.

It was left that, given the background and site history, taken together with the sworn evidence and notes of your predecessor, Simon Finch, a Certificate of Lawfulness has been anticipated in relation to the Horsebox and Coachworks Business, based on the intensity set out in Mr Ruffell's 2005 Statutory Declaration, para 18 of which put his average annual turnover at three horseboxes a month, plus periodic repairs and servicing of between four and eight horseboxes a month.

I also reviewed the daily traffic intensity (para 20), which was put at a maximum number of units of ten in and ten out, including transport for the

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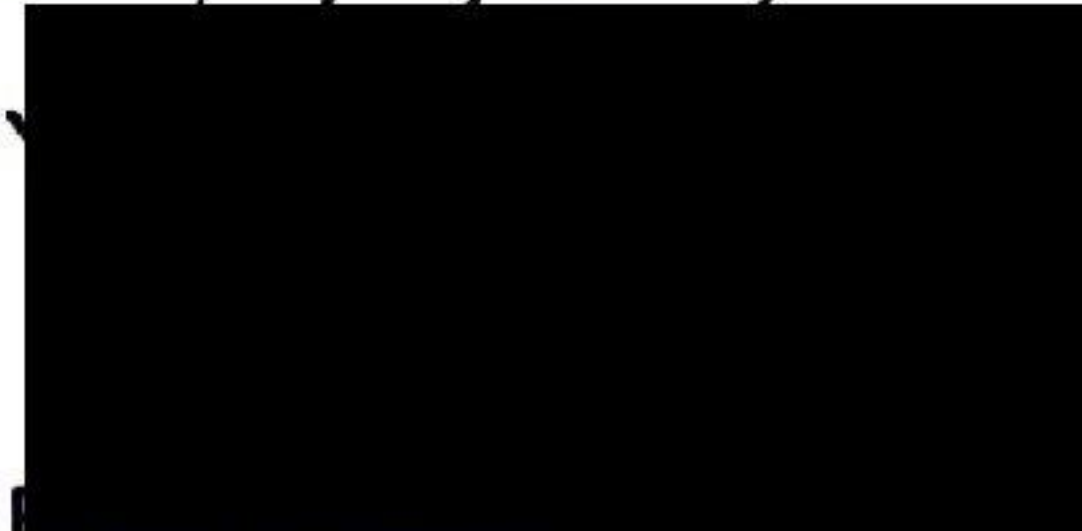
three employees, but when averaged out over the months produces a figure of five movements in and five movements out each week day, Monday to Friday, between the hours of 8 a.m. and 5 p.m., with occasional movements on Saturday morning between 9 a.m. and 12 noon, but no Sunday or Bank Holiday working.

These facts and matters were placed before you to await the Certificate of Lawful Use reflecting the low-key overall intensity of the Horsebox and Coachworks Business.

I await hearing from you with the Certificate with respect to Site A.

With regard to Site B (which adjoins Site A), I am making a start on the evidence but would prefer to clear off Site A beforehand.

If further discussion is required, I would be happy to attend by appointment at the Civic Offices.



Richard Lester

HAVANT BOROUGH
COUNCIL

- 2 APR 2007

RECEIVED

To:
Mr R Lester, LLB
Nationwide Planning & Legal Services
Forum House
Stirling Road
Chichester, West Sussex
PO19 7DN

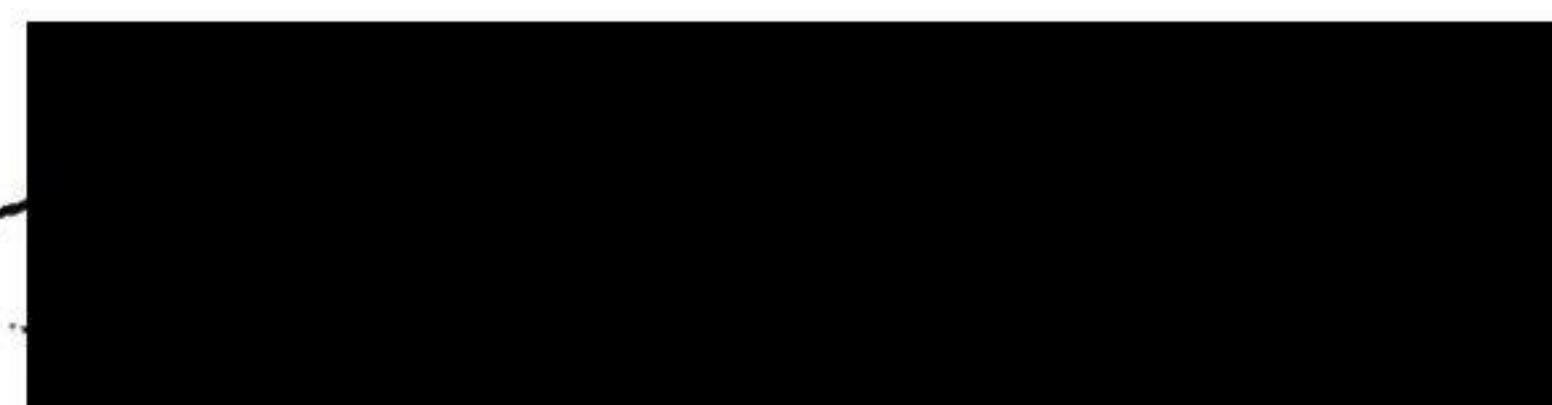
For: Mr R W Ruffell

Ref No.: 05/70380/001

**Town and Country Planning Act 1990: Section 191 and 192 (as amended by
Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (General Development Procedure) Order 1995
Article 24
REFUSAL TO GRANT CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 19 August 2005 the use described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged red on the site plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

- 1 The Local Planning Authority is not satisfied on the balance of probability that the claimed uses of the defined site have continued at a similar intensity and occupying the same area throughout the whole of the necessary 10 year period.



Head of Development & Technical Services

04 July 2007

FIRST SCHEDULE:

This decision relates to the following:

Use of a building and hardstandings for purposes associated with a horsebox and coach works business as described in the written particulars, plans and other documents submitted with your application.

Our Ref: 05/70380/001

SECOND SCHEDULE:

This decision relates to land at Oaktree Farm adjacent to 132 Havant Road, Hayling Island, as shown red on the site plan attached to this certificate.

OTHER IMPORTANT INFORMATION:

- (1) 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.
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/development specified above on land specified above may be liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.