

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



Russell Ruffell

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.



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

RECEPTION

12 DEC 2005

LC 16:05

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

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

HAND
DELIVERY

HAVANT BOROUGH
COUNCIL
12 DEC 2005
RECEIVED

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).

Yours faithfully,



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.

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Consultants: D. Boucher ARICS, R. Lester LLB

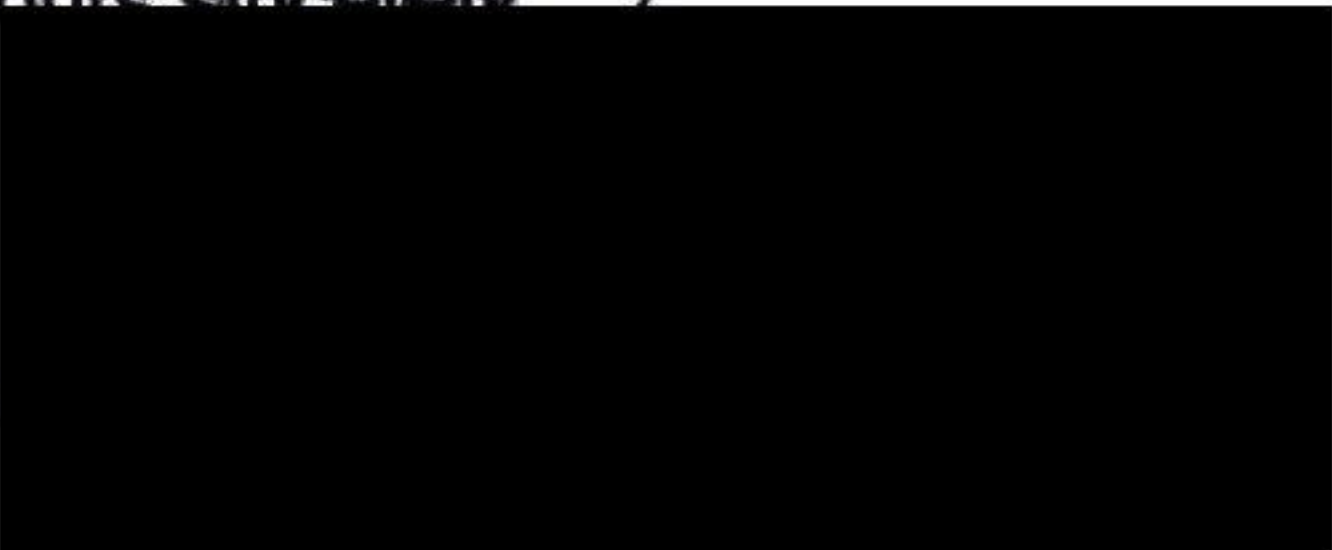
The point did arise in conversation with Ms Shaw that the sworn evidence in support of the residential mobile home Application and the Horsebox and Coachworks Business should be read concurrently because some of the Deponents supporting the Horsebox and Coachworks Business CLD also record details of 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,

R





NATIONWIDE PLANNING AND LEGAL SERVICES

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

TEL: [REDACTED]

05/7/05 00/001

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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Registered Office: Forum House, Stirling Road, Chichester, West Sussex PO19 7DN
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


Richard Lester



NATIONWIDE PLANNING AND LEGAL SERVICES

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

TEL: [REDACTED]

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

HAVANT BOROUGH
COUNCIL

20 FEB 2006

RECEIVED

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.





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.

[REDACTED] gain next week and will write to you further.

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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

T

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





NATIONWIDE PLANNING AND LEGAL SERVICES

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

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

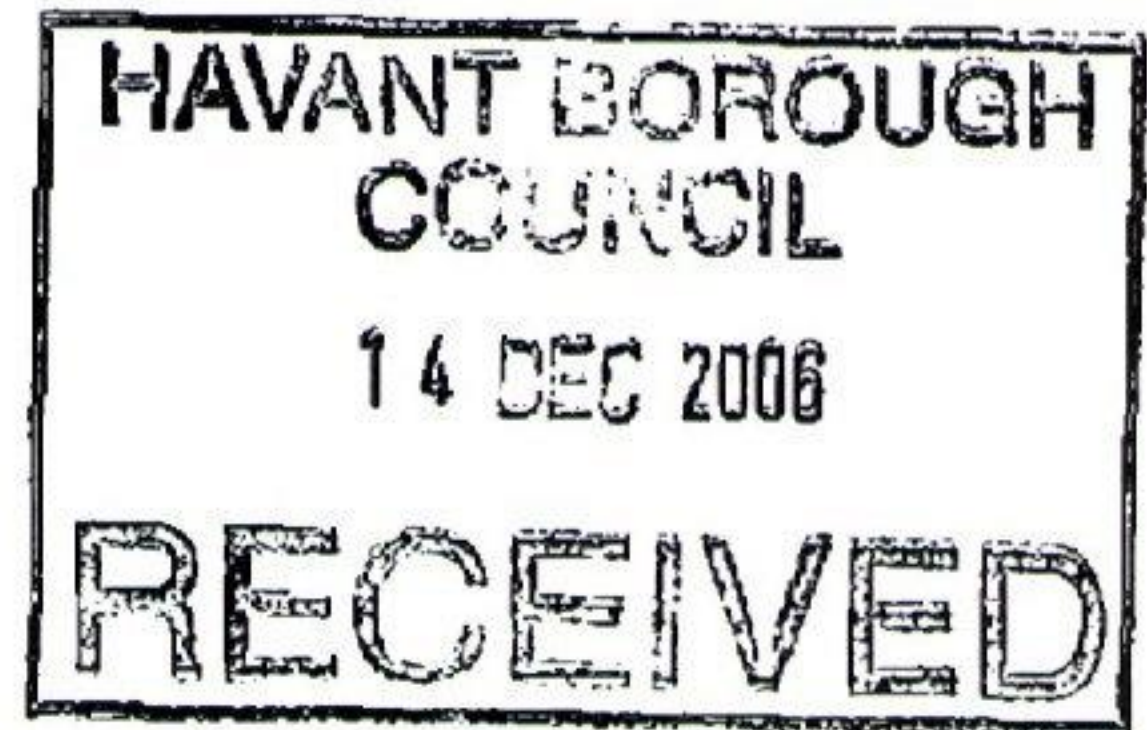
Applicant: Mr Roy William Ruffell of Oaktree Horseboxes

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.

You

Rich



NATIONWIDE PLANNING AND LEGAL SERVICES

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

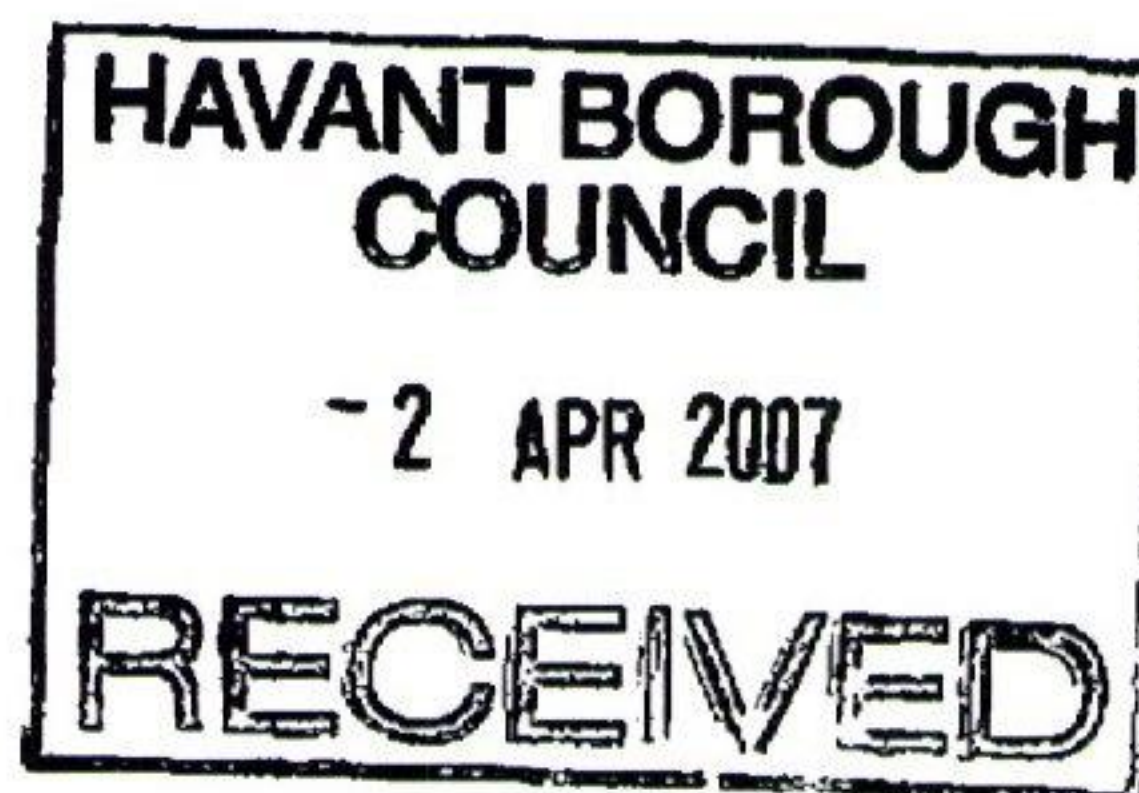
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Mr I Donoghue
Development Control Team Leader
Havant Borough Council
Civic Offices
Havant
Hants
PO9 2AX

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

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.

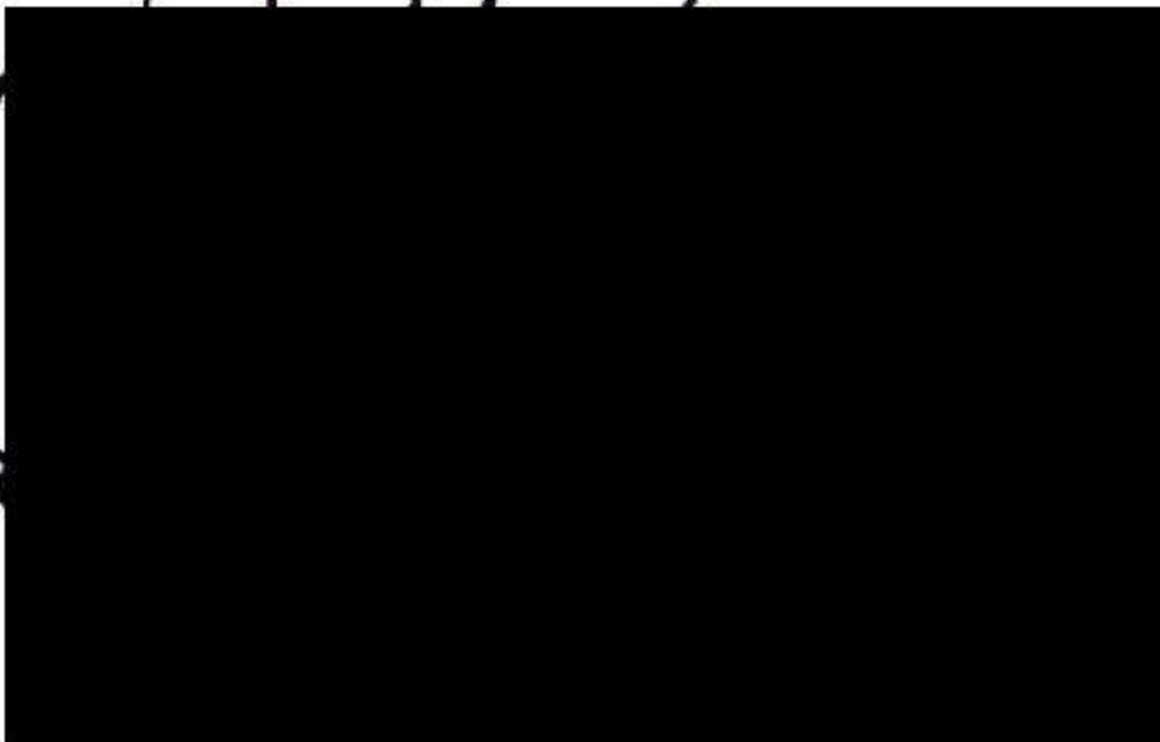
These facts and matters were placed before you to await the Certificate of Lawful Use reflecting the low-key overall intensity of the Horsebox and Coachworks Business.

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.

Y
R



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

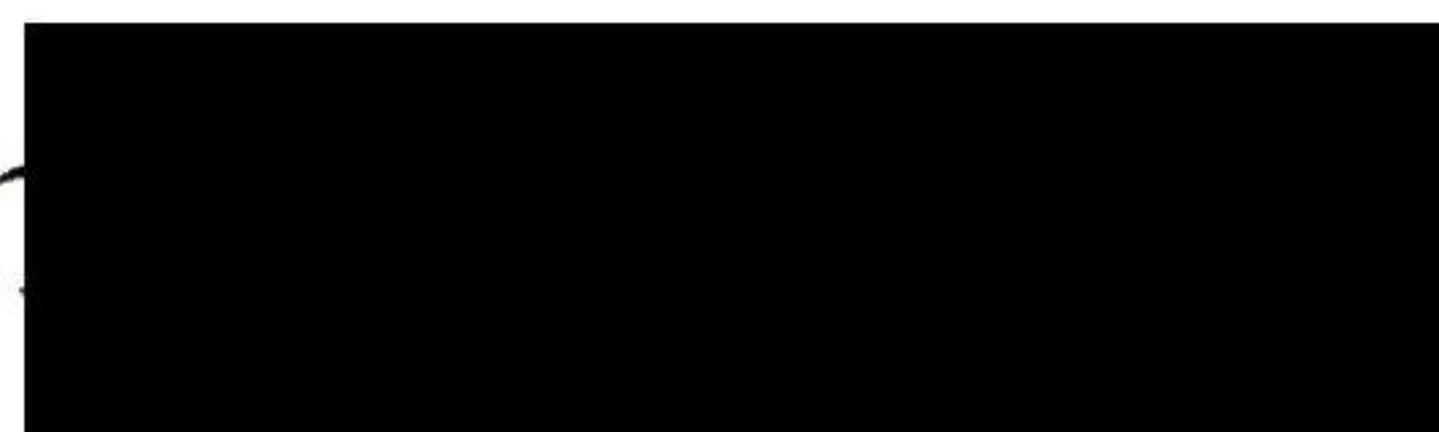
For: Mr R W Ruffell

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.