

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.

APPOINTMENTS ONLY

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



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

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

APPOINTMENTS ONLY

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

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.

You

Rich

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.

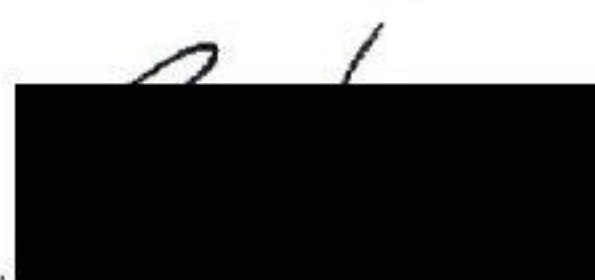
Further Enforcement Notices were also issued in 1983 (copies enclosed) regarding the unauthorised formation of an access which seems to coincide with the current access to the application site and also the use of this land in connection with the previously existing commercial nursery at the rear of 132 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.

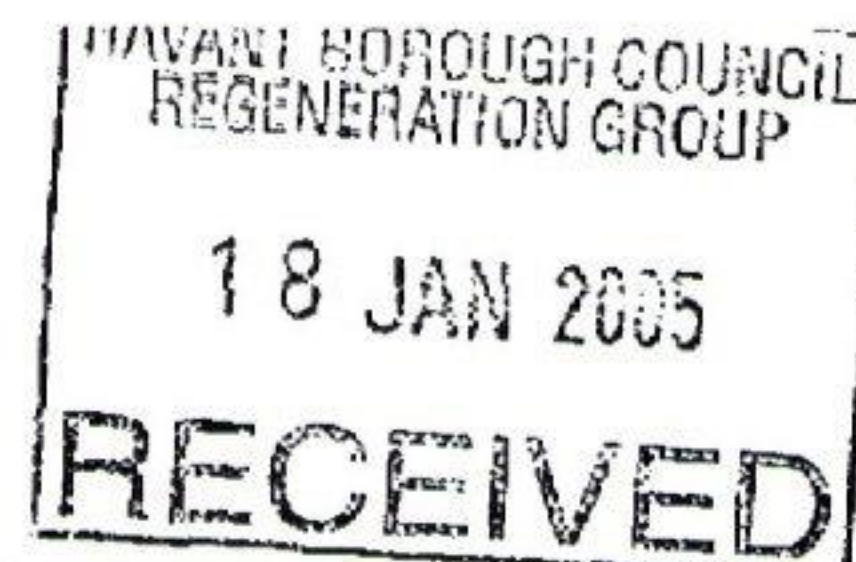
However, I would welcome your comments on the matters referred to above before proceeding to determine this application. You are of course entitled to inspect the current application file and I am also happy to make available to you the aerial photographs I have referred to.

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

Yours faithfully



Simon Fitch
DC Team Leader



NATIONWIDE PLANNING AND LEGAL SERVICES

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

T [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

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

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
1207,
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.

APPOINTMENTS ONLY

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

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.



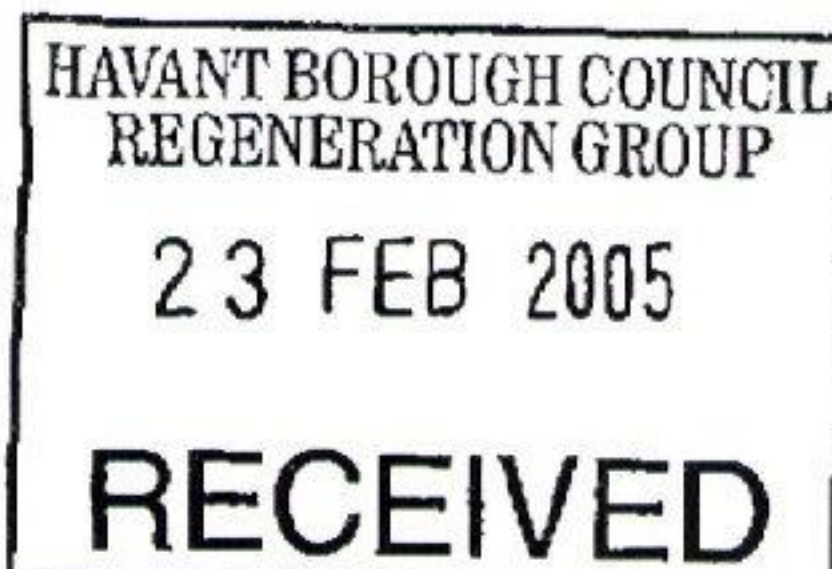
J



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 block]

R

INTMENTS ONLY

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

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

APPOINTMENTS ONLY

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

A large black rectangular redaction box covering the signature area.

Richard 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 Mr. Ruffe

Mr. Ruffe

Dear Mr. Ruffe:

With reference to the barn on land adjacent to 132 Stewart Road
Hampden Island

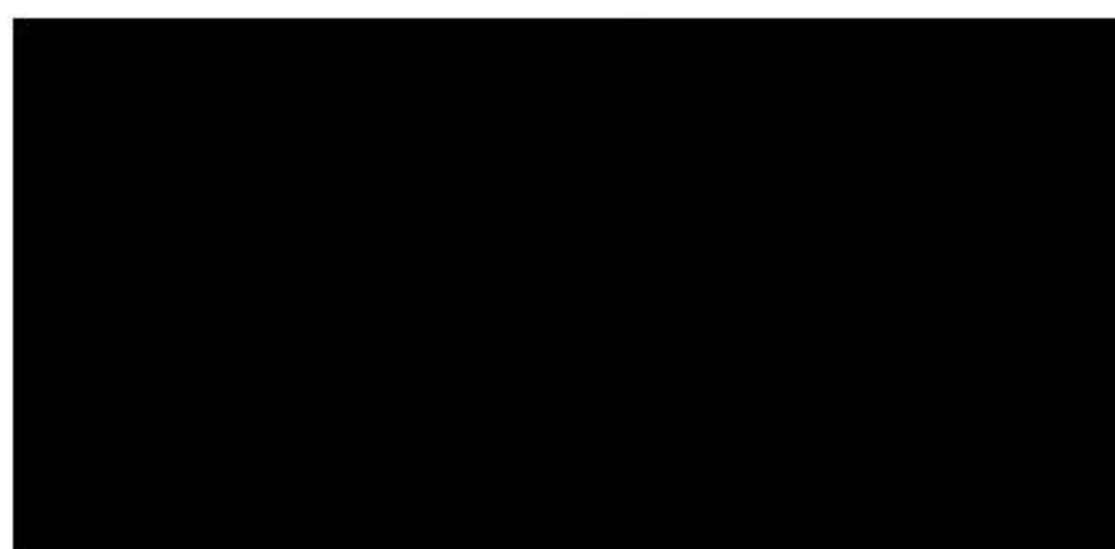
I request with your permission to use the barn for storage. The request
will include a trap for horses & horse manure carts. I can collect &
freelance & use various other horse drawn vehicles.

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 same address. We are in the process of breeding
horses and considered that the meeting would be better out of site
to the general public.

Thanking you for your reply to your 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.

APPOINTMENTS ONLY

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

[Handwritten signature]


Project Director

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

TE [REDACTED]

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.

APPOINTMENTS ONLY

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

10