

David Eaves

From: David Eaves
Sent: 04 January 2016 11:20
To: 'Les Weymes'
Subject: Land Adjacent to 132 Havant Road, Hayling Island - Certificate of Lawfulness

Dear Mr Weymes,

I would like to re-visit the application site to check the current uses of the land at the application stage. Could I arrange a visit for Monday 11th (10am or 2pm) or Wednesday 13th (10am) January.

Please let me know if the dates/times are ok.

Regards

David Eaves

David Eaves
Principal Planning Officer
Development Management
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549
David.eaves@havant.gov.uk
www.havant.gov.uk
www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

David Eaves

From: David Eaves
Sent: 21 April 2016 17:22
To: Les Weymes
Subject: Certificate of Lawfulness APP/15/01234 132 Havant Road

Dear Mr Weymes,

I refer to the above application for a Certificate of Lawfulness which is expected to be determined next week. Prior to the final determination I wanted to give you an opportunity to provide any additional information in relation to the following matters:

- Please provide dated copies of the submitted aerial photos from Google Earth. The versions that I have are undated.
- I note that there is a Stat Declaration from Steve Guest (All Hours Drain and Plumbing Service Ltd). This states that they have been in occupation for the last 15 years but have parked for the last 5 years in the area marked 5 on the plan. Please provide any evidence of occupation over the 10 year period and state where within the site this took place prior to the use of area 5. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?
- Stat Declaration Mark Battye (Trojan Cars) states that they rented lots 4, 5, 7 and 8 since 2003. Please provide any additional evidence of this occupation over the 10 year period. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?
- Stat Declaration A Murphy (AJ & MJ Plant Sales). For 10 year period please provide any additional evidence of the use of areas 4, 5, 8 and 12 for this company. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?
- Stat Declaration Graham Pedelty (Grahams Scaffolding) states that they have operated in area 7 since 2000 and continues to do so. Please provide any additional evidence of this occupation over the 10 year period. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?

In my view, the likely outcome of the application is that we will be able to grant a Certificate of Lawfulness for **some** of the uses over part of the site (those established on the balance of probability for the 10 year period). I shall be discussing the application with the Councils legal team prior to the determination.

Regards

David Eaves

David Eaves
Principal Planning Officer
Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549
David.eaves@havant.gov.uk
www.havant.gov.uk
www.facebook.com/havantboroughcouncil

David Eaves

From: [REDACTED]
Sent: 22 April 2016 12:07
To: David Eaves
Cc: Roly Ruffell
Subject: Re: Certificate of Lawfulness APP/15/01234 132 Havant Road
Attachments: 1 January 1999.jpg; 1 January 2001.jpg; 12 November 2004.jpg; 1 January 2005.jpg; 21 April 2007.jpg; 19 October 2011.jpg; 22 April 2015.jpg; Home Farm Hayling 1.pdf

Good morning David

I have just concluded a meeting with Mr Roly Ruffell to discuss the questions raised in your email dated 21 April 2016.

You request copies of the Google Earth aerial photographs including their printed dates. After a little help I am able to forward these as saved images.

I can see why you request further clarification of the use of the various areas - namely 4, 5, 6, 7, 8 and 12. Mr Ruffell has explained that throughout his ownership he has managed the location of occupiers on a flexible basis. Space was not originally allocated and an aspect of the use of the land by Mr Ruffell required occupiers to leave vehicle keys with him so that vehicles could if necessary be moved by himself or a member of his staff. As a consequence of his flexible management some occupiers on occasions were directed to different areas of the storage yard.

Following my site inspection the numbered drawing was prepared by me to accompany the CLU application and this drawing was given to each of those persons providing Affidavits - which I believe resulted in them indicating the use of the various numbered areas while occupying and using the yard.

Mr Ruffell is much more site management orientated now and as a result some areas are actually allocated.

I trust this clarifies the position and I look forward to receiving the formal determination.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]

On 21 April 2016 at 17:22, David Eaves <David.Eaves@havant.gov.uk> wrote:

Dear Mr Weymes,

I refer to the above application for a Certificate of Lawfulness which is expected to be determined next week. Prior to the final determination I wanted to give you an opportunity to provide any additional information in relation to the following matters:

- Please provide dated copies of the submitted aerial photos from Google Earth. The versions that I have are undated.

- I note that there is a Stat Declaration from Steve Guest (All Hours Drain and Plumbing Service Ltd). This states that they have been in occupation for the last 15 years but have parked for the last 5 years in the area marked 5 on the plan. Please provide any evidence of occupation over the 10 year period and state where within the site this took place prior to the use of area 5. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?
- Stat Declaration Mark Battye (Trojan Cars) states that they rented lots 4, 5, 7 and 8 since 2003. Please provide any additional evidence of this occupation over the 10 year period. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?
- Stat Declaration A Murphy (AJ & MJ Plant Sales). For 10 year period please provide any additional evidence of the use of areas 4, 5, 8 and 12 for this company. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?
- Stat Declaration Graham Pedelty (Grahams Scaffolding) states that they have operated in area 7 since 2000 and continues to do so. Please provide any additional evidence of this occupation over the 10 year period. Is there any evidence from the Aerial Photos of the use in your view over the 10 year period?

In my view, the likely outcome of the application is that we will be able to grant a Certificate of Lawfulness for **some** of the uses over part of the site (those established on the balance of probability for the 10 year period). I shall be discussing the application with the Councils legal team prior to the determination.

Regards

David Eaves

David Eaves

Principal Planning Officer

Planning Services
Havant Borough Council
Public Service Plaza

Civic Centre Road
Havant

PO9 2AX

Direct Line: 02392 446549

David.eaves@havant.gov.uk

www.havant.gov.uk

www.facebook.com/havantboroughcouncil

www.twitter.com/havantborough

Information in this message is confidential and may be privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and delete the message from your system immediately.



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

Mr Weymes
Les Weymes Planning Consultancy Ltd
18 Limberline Spur
Hilsea
Portsmouth
PO3 5HJ

For: Mr Ruffell

Ref No.: APP/15/01234

**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 (Development Management Procedure) (England) Order
2015
Article 24
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Havant Borough Council, as Local Planning Authority, certifies that on 28 October 2015 the use described in the First Schedule to this certificate in respect of land described in the Second Schedule and as shown edged red on the 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:

It appears to the Local Planning Authority on the balance of probability that the uses described in the First and Second Schedules and plan attached to this Certificate, as modified by the Local Planning Authority have taken place for a continuous period of at least ten years up to the date of the current application.

The Authority has considered evidence and additional information submitted by the applicant, representations received in response to the Certificate of Lawfulness application and aerial photographs.

FIRST SCHEDULE:

This Certificate relates to the following uses or operations:

(i) for the provision of Horse Box and associated Coachwork business.

In association with (i) above, the use/operation in the area edged red on the attached plan A is considered to have been demonstrated over the relevant 10 year period.

The use/operations demonstrated are for activities associated with the Horse Box business and the Coachwork relates to work to Horse box and Horse box related vehicles only.

The works associated with the business relate to the modification, repair and maintenance of the Horse Boxes and associated vehicles.

Our Ref: APP/15/01234

SECOND SCHEDULE:

For the purposes of the first schedule (i) above, this relates to the land edged red on the attached Plan A at Land Adjacent to, 132 Havant Road, Hayling Island.

Definitions:

Horse box:

A lorry, van or trailer used for carrying horses

Associated Coachwork Business:

Business related to the modification, repair and maintenance of Horse boxes and associated vehicles.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 191 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the use specified in the First Schedule taking place on land described in the Second Schedule was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus was not liable to enforcement action under section 172 of the 1990 Act on 28 October 2015.
- (3) The certificate only applies to the extent of the use specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) 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.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

29 April 2016



Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
tel 023 9247 4174 fax 023 9248 0263
www.havant.gov.uk



Title:
Plan A
Land adjacent to 132 Havant Road
Hayling Island
Hants
APP/15/01234

Drawn By:
Scale:
1:1000
Drawing No:
Cleaner, Safer, More Prosperous

Reproduced from the Ordnance Survey Digital Data with the permission of the Controller of HMSO, Crown Copyright Reserved 2014. Licence No LA100019217

David Eaves

From: Les Weymes [REDACTED]
Sent: 03 May 2016 17:17
To: David Eaves
Subject: APP/15/01234 - Land adjacent to 132 Havant Road

Hello David

I left a phone message earlier today requesting an explanation underlying the CLU decision notice.

I need to advise the applicant and would appreciate a call.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te:
[REDACTED]

David Eaves

From: David Eaves
Sent: 04 May 2016 09:48
To: 'Les Weymes'
Subject: RE: APP/15/01234 - Land adjacent to 132 Havant Road
Attachments: 132 Havant Road Delegated Report APP-15-01234.rtf

Good morning Les,

Further to your phone message and email yesterday.

I think it is worth reading the Delegated report (attached) which sets out our decision making on this one. Basically we have issued the Certificate on the elements that were considered to be proven on the balance of probability over the relevant period.

I trust that this is helpful. If you wish to discuss the way forward on the other uses please call or drop me an email, obviously we will need to consider these shortly.

Regards

David Eaves

David Eaves
Principal Planning Officer
Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549
David.eaves@havant.gov.uk
www.havant.gov.uk
www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

From: Les Weymes [mailto:]
Sent: 03 May 2016 17:17
To: David Eaves
Subject: APP/15/01234 - Land adjacent to 132 Havant Road

Hello David

I left a phone message earlier today requesting an explanation underlying the CLU decision notice.

I need to advise the applicant and would appreciate a call.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]

David Eaves

From: David Eaves
Sent: 25 May 2016 09:30
To: 'Les Weymes'
Subject: 132 Havant Road meeting

Dear Mr Weymes

I hope you had a good break.

I can offer a meeting date for 9th June at 11.00am in the Plaza, please let me know if this would be acceptable to yourself and Mr Ruffell. Steve Weaver (Development Manager) would also be attending.

Regards

David Eaves

David Eaves
Principal Planning Officer
Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549
David.eaves@havant.gov.uk
www.havant.gov.uk
www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

David Eaves

From: Les Weymes <[REDACTED]>
Sent: 25 May 2016 16:03
To: David Eaves
Cc: Roly Ruffell
Subject: Re: 132 Havant Road meeting

Hi David

Yes had a great holiday and raring to go again.

9 June 2016 at 11 am is OK with both Roly and I.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te:
[REDACTED]

On 25 May 2016 at 09:29, David Eaves <David.Eaves@havant.gov.uk> wrote:

Dear Mr Weymes

I hope you had a good break.

I can offer a meeting date for 9th June at 11.00am in the Plaza, please let me know if this would be acceptable to yourself and Mr Ruffell. Steve Weaver (Development Manager) would also be attending.

Regards

David Eaves

David Eaves

Principal Planning Officer

Planning Services
Havant Borough Council
Public Service Plaza

Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549

David.eaves@havant.gov.uk

www.havant.gov.uk

www.facebook.com/havantboroughcouncil

www.twitter.com/havantborough

Information in this message is confidential and may be privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and delete the message from your system immediately.