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town planning

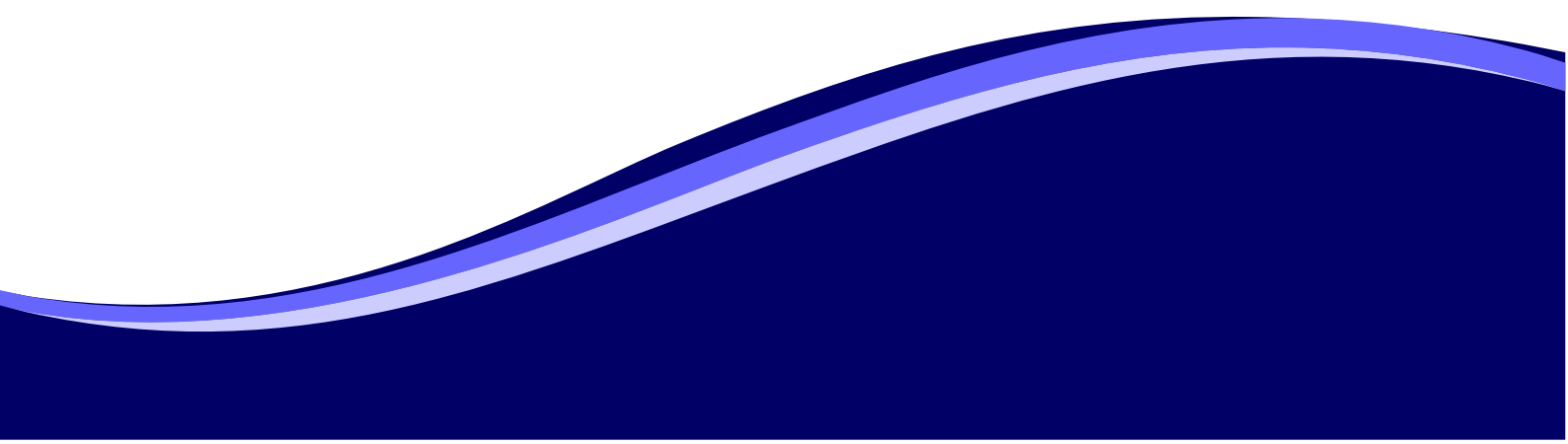
# Supporting Statement

41 Hart Plain Avenue

Waterlooville

PO8 8RX

In respect of an Application for a  
Certificate of Lawfulness for the existing  
buildings and use of the site as a vehicle  
repair garage

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**Pure Town Planning Limited** | Chartered Town Planners

[info@puretownplanning.co.uk](mailto:info@puretownplanning.co.uk) | [puretownplanning.co.uk](http://puretownplanning.co.uk)

**Dorset Office** | 01202 585524 | Studio 2 The Focus Building | 1 Crimea Road | Bournemouth | BH9 1AP

**Hampshire Office** | 01962 435050 | 1 Hill Rise | Twyford | Winchester | Hampshire | SO21 1QH

## 1 Introduction

- 1.1 This Planning Statement has been written on behalf of the applicant John Lawson in support of an application for a Certificate of Lawfulness of Existing Use or Development submitted under Section 191 of the Town and Country Planning Act 1990 (as amended) in respect of existing buildings and use of the land as a vehicle repair garage.

## 2 Background

- 2.1 The application site is located on the southern side of Hart Plain Avenue in WaterlooVille. The site itself lies to the side and rear of the residential dwellinghouse known as 41a Hart Plain Avenue. A plan of the site is attached at Appendix A.
- 2.2 The site has been used by the applicant Mr Lawson for many years as a vehicle repair garage. The trading name of the business is J.F. Lawson and Sons Motor Engineers reflecting that the applicant's sons also work with him on the business. The business continues to operate at the site.
- 2.3 In May 1971 planning permission (ref 21263) was granted to Mr Lawson for a "garage" at 41 Hart Plain Avenue (at that time there was no 41a).
- 2.4 In June 1980 planning permission (ref 21263/4) was granted to Mr Lawson for "*Detached garage for part domestic and part commercial use (as amended by letter dated 2<sup>nd</sup> April 1980)*" at 41 Hart Plain Avenue. This brick-built garage replaced the previous smaller garage as permitted above. It remains in situ on the site as shaded blue on the plan attached at Appendix A. A copy of the decision notice is attached at Appendix B. Permission was granted subject to ten planning conditions.
- 2.5 The property quickly developed into a full commercial premises with a separate planning unit to the house (which was renamed 41a Hart Plain Avenue). The existing garage was extended to the side and rear with timber extensions and the remaining area of the site

was surfaced in concrete used in association with the vehicle repair garage. Several of the conditions attached to the above permission (ref 21263/4) were breached throughout the history of the site and certainly continuously for the last 10 years namely:

- Condition 3: The garage has never been used for purposes incidental to the enjoyment of the dwellinghouse.
- Condition 4: The business has since the very beginning left more than two motor vehicles associated with the vehicle repair business parked in the open outside the garage.
- Condition 5: Vehicle repairs have been carried out in the open as well as in buildings other than the original garage permitted under this consent.
- Condition 6: The business has always (and continues to be) open between the hours of 08:00 and 17:30 Monday to Friday and closed on weekends (and public holidays) – thus breaching this condition.
- Condition 10: The commercial use of the garage has extended beyond Mr Lawson to include his sons and other employees.



The front of the original garage building with timber extension to the right (the tile roof to the right is an outbuilding in the curtilage of 43 Hart Plain Avenue)



Timber workshop extensions to the rear of the original brick garage

### 3 Evidence

- 3.1 Appendix **C** is a Statutory Declaration by the applicant John Lawson who has lived at the house known as 41a Hart Plain Avenue since June 1971.
- 3.2 Appendix **D** is a Statutory Declaration by [REDACTED] John who grew up at 41 Hart Plain Avenue, who has worked at the site for many years and has lived a [REDACTED]  
[REDACTED]
- 3.3 Note the above documents are certified as true copies of the original documents. The original documents can be made available to the Council on request.
- 3.4 Both these documents confirm the above facts about the site.
- 3.5 Appendix **E** is a series of datable aerial photographs (sourced from Google Earth) showing the site over the last c25 years. These are each shown as original and also overlaid with the red line application site and annotated to point out features present.
- 3.6 These images corroborate the history of the site specifically showing that the physical extensions to the original building and the hard surfacing all took place more than 20 years ago (see aerial photo from 2005) and the extent of the site has not changed for over 10 years (see aerial photo 22/04/2015). They also clearly corroborate the continuous breach of Condition 4 on the original permission (no more than two cars outside the building) from the earliest photograph (1999) and every photograph since.
- 3.7 Appendix **F** has a series of datable photographs from Google Streetview showing the site over the last c17 years. These also corroborate the continuous breach of the “no more than two cars” condition.

## 4 Conclusion

4.1 The evidence shows that on the balance of probabilities:

- the application site has been used for in excess of 10 years as vehicle repair garage; and
- the extensions to the original garage building were completed more than 4 years ago

and hence the existing use and the existing building are lawful by virtue of Town and Country Planning Act 1990 (as amended) Section 191 (2).