

Development Management Team,
Wokingham Borough Council,
PO Box 157,
Shute End,
WOKINGHAM.
RG40 1BN

30845/A3/MO/dw

VIA PLANNING PORTAL

5th May, 2021

Dear Sir/Madam,

**CERTIFICATE OF LAWFULNESS OF EXISTING USE DEVELOPMENT - OLDHOUSE FARM,
CUTBUSH LANE, SHINFIELD**

We write to you, on behalf of our client Shinfield Studios Limited, to submit a Certificate of Lawfulness for Existing Use Development (CLEUD) under section 191 of the Town & Country Planning Act 1990 (as amended) for continuous use of Oldhouse Farm, Cutbush Lane, Shinfield (known as 'The Property') for light industrial processes and training with ancillary offices (previously Use Class B1(b) and B1(c) now forming part of Use Class E(g)) and car parking.

The Property is located at the end of a private road running south from Cutbush Lane, approximately 1km northwest of Shinfield, south of Reading.

This application is supported by the following:

- Application Form;
- Site Boundary Plan (Ref: RG-M-32);
- Block Plan (Ref: RG-M-35);
- Certified Statutory Declaration of Nigel Frankland (Strategic Estates Manager, University of Reading), dated 10th March, 2021;
- Certified Statutory Declaration of Stephen Jenkins (Building & Investment Projects Surveyor, University of Reading), dated 10th March, 2021; and
- CIL Compliance Form.

Legislation and Policy Overview

The statutory framework covering "lawfulness" for lawful development certificates is set out in Section 191 of the Town & Country Planning Act 1990 (as amended). In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limit for 'other development' (i.e. non-residential) is 10 years. Once these time limits have passed, the development becomes lawful, in terms of planning. On this basis, a Certificate of Lawfulness for Existing Use Development application needs to be supported by proof that any use has been carried on continuously for a period of 10 years.

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of a Certificate of Lawfulness for Existing Use Development application and how it must be submitted. It states (39(2)) that an application must be accompanied:

- (a) a plan identifying the land to which the application relates drawn to an identified scale and showing the direction of North;
- (b) such evidence verifying the information included in the application as the applicant can provide; and
- (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

The Planning Practice Guidance (Paragraph: 006 Reference ID: 17c-006-20140306) states that the applicant is responsible for providing sufficient information to support an application, and in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Evidence of Existing Lawful Use

In consideration of Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, this application is supported by the following evidence that the Property has been in continuous use for a period of over 10 years, for light industrial processes and training with ancillary offices:

- Certified Statutory Declaration of Nigel Frankland (Strategic Estates Manager, University of Reading), dated 10th March, 2021. From 2007 until 2014 Nigel Frankland was responsible for obtaining the necessary approvals within the University to use the Property for commercial lettings on behalf of the University; and
- Certified Statutory Declaration of Stephen Jenkins (Building & Investment Projects Surveyor, University of Reading), dated 10th March, 2021. From 2014 to current day, Stephen Jenkins has managed the lettings at the Property on behalf of the University.

As indicated within the Statutory Declarations, the University of Reading purchased the freehold interest in the Property in 1949 as part of its acquisition of the Shinfield Grange Estate (The Land Register Title is included as Exhibit NF3 within the Certified Statutory Declaration of Nigel Frankland).

Around 2007 the Units forming part of the Property became surplus to the requirements of the University department of agriculture. As indicated at paragraph 10 of Nigel Frankland's Certified Statutory Declaration, up until this change in 2007, the Property (other than a cast iron dutch barn that existed at that time which was used for agricultural purposes) had been used for a mixture of University research and workshop uses, therefore the Property had been in continuous existing use prior to 2007.

From 2007 until 2014, Nigel Frankland, who at the time was responsible for obtaining the necessary approvals within the University to use the Property for commercial lettings on behalf of the University, initiated the strategy for letting out the Units to local business. A copy of a Wren report from August 2008 (Exhibit NF5 within the Certified Statutory Declaration of Nigel Frankland) confirms the establishment of a project to deal with the redevelopment of the Property for investment purposes. This Wren report refers to clearing out a laboratory and workshop therefore evidences research and light industrial/workshop uses at the Property at this stage. As indicated above, the Property had been in continuous existing use prior to 2007 however for the sake of the application form (part 6), it is not clear as to the specific date for when the use begun at the Property therefore this has been shown as the date of the Wren report (18th August, 2008).

A fire in November 2009 resulted in the only building/part of the Property in agricultural use (the cast iron dutch barn) being burnt down along with an adjoining tool store and switch room.

Three examples of early leases (Exhibit NF6, NF7 and NF8) are included as part of the Certified Statutory Declaration from Nigel Frankland which confirms that:

- Unit 13 has been used as a training room and /or office since 11th May, 2010;
- Unit 11 has been used for a car body repair business (B1 light industrial use) since August 2009; and
- Unit 6 has been occupied for light industrial use since 24th January, 2011.

Three examples of current leases (Exhibit SJ4, SJ5 and SJ6) are included as part of the Certified Statutory Declaration from Stephen Jenkins which confirms that Units 7, 9 and 14 are for use as light industrial. These lease examples therefore show that the Property has been in use for light industrial processes for over 10 years.

Conclusion

As indicated above, this Certificate of Lawfulness for Existing Use Development (CLEUD) has been submitted to demonstrate the continuous use of Oldhouse Farm, Cutbush Lane, Shinfield (known as 'The Property') for light industrial processes and training with ancillary offices (previously Use Class B1(b) and B1(c) now forming part of Use Class E(g)) and car parking.

Alongside a Site Boundary Plan and Block Plan, this application is supported by Certified Statutory Declaration from Nigel Frankland (Strategic Estates Manager, University of Reading) and Stephen Jenkins (Building & Investment Projects Surveyor, University of Reading), both of which are dated 10th March, 2021, providing evidence (as summarised above) that the Property has been in continuous use for at least 10 years for light industrial processes and training with ancillary offices (previously Use Class B1(b) and B1(c) now forming part of Use Class E(g)) and car parking.

A notice letter (a copy attached) has been sent to the University of Reading (as landowners) to inform them of the submission of this application.

If you do require any further information or clarification regarding this application, then please contact the writer.

Yours faithfully,



MARK OWEN
Associate

cc. C. Howard, Esq. - Wokingham Borough Council

N. Frankland, Esq.,
University of Reading,
Whiteknights,
PO Box 217,
READING.
RG6 6AH

31757/A3/MO

BY EMAIL

5th May, 2021

Dear Nigel,

OLDHOUSE FARM, CUTBUSH LANE - CERTIFICATE OF LAWFULNESS OF EXISTING USE DEVELOPMENT APPLICATION – NOTIFICATION LETTER

This letter is to formally notify the University of Reading, that on behalf of Shinfield Studios Limited, a Certificate of Lawfulness of Existing Use Development, under section 191 of the Town & Country Planning Act 1990 (as amended), has been submitted to Wokingham Borough Council for the continuous use of Oldhouse Farm, Cutbush Lane, Shinfield (known as 'The Property') for light industrial processes and training with ancillary offices (previously Use Class B1(b) and B1(c) now forming part of Use Class E(g)) and car parking.

We would be grateful if you could please confirm receipt of this letter by sending an email to mark.owen@bartonwillmore.co.uk.

Yours sincerely,



MARK OWEN
Associate Planner

Encs.

cc. I. Johnson, Esq. - Shinfield Studios
N. Smith, Esq. - Shinfield Studios