

TOWN & COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

**BUILDING TO THE REAR OF POUND LANE COTTAGE
POUND LANE
HURST
BERKSHIRE
RG10 0RS**

Lawful development certificate for the retention of a building used for domestic storage

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1. INTRODUCTION

- 1.1 This statement is submitted in support of an application for a lawful development certificate for an existing building at land to the rear of Pound Lane Cottage, Pound Lane, Hurst, RG10 0RS. The certificate relates to the building and its domestic usage in association with the host property, Pound Lane Cottage which lies directly to the north. The building and its use have been continuous for a period in excess of 10 years and as such is now considered to be lawful.
- 1.2 This submission is accompanied by 5no. statutory declarations which includes numerous family members, acquaintances and business connections who would regularly attend the building for various reasons. These are attached at appendices 1-5 to this statement. At appendix 6 are a series of historic aerial photographs which clearly shows the building as being in place for the period claimed in this application.
- 1.3 This statement is therefore divided into the following sections:
 - Site History
 - Analysis of the Evidence
 - Summary and Conclusions

2 SITE HISTORY

2.1 The planning history of the site can be summarised as follows:

1368/73 – Additions to provide shower room and bedroom and sitting room. Granted 21/09/1973.

1909/73 – Double garage. Granted 23/01/1974.

28983 – Construction of single storey rear extension. Granted 13/10/1987.

29706 – Rear extension to existing detached garage to form garden store. Granted 26/02/1988.

CLP/2005/5719 – Application for a certificate of proposed lawful development for the erection of an outbuilding. Considered to be permitted development on 01/11/2005.

152276 – Application for a certificate of proposed lawful development for the erection of an extension to an existing outbuilding. Considered to be permitted development on 22/09/2015.

153159 – Householder application for a proposed single storey rear link extension and conversion of existing outbuilding to residential accommodation. Granted 08/01/2016.

160300 – Householder application for a proposed single storey rear link extension and conversion of existing outbuilding to residential accommodation. Granted 17/03/2016.

3 ANALYSIS OF THE EVIDENCE

3.1 Subsection 1 of section 191 of the 1990 Act provides as follows:

'(1) If any person wishes to ascertain whether-

- (a) Any existing use of buildings or other land is lawful;*
- (b) Any operations which have been carried out in, on, over or under land are lawful; or*
- (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.'

3.2 Subsections (2) and (3) provide so far as material that for the purposes of the Act, any existing uses and operations, or failure to comply with a condition, are lawful if at any time the time limit for enforcement action in respect of the use, operations or failure, has expired. The relevant time limit is 10 years.

3.3 Subsection (4) provides that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application, they shall issue a certificate to that effect and in any other case they shall refuse the application.

3.4 Subsection (5) states that a certificate shall:

- i) Specify the land to which it relates;
- ii) Describe the use, operations or other matter in question;
- iii) Give the reasons for determining the use, operations or other matter to be lawful; and

iv) Specify the date of the application for the use for the certificate.

3.5 This application concerns the erection of a building as domestic storage. The application is supported by 6no. attached statutory declarations and photographs.

3.6 The key points in respect of the use are as follows:

- i) The building was constructed and completed in August 2014 since when it has been used continuously by the current owner for domestic storage in association with the property directly to the north known as 'Pound Lane Cottage';
- ii) The dates and use are supported by other family members and visitors who regularly frequented the property and building including the applicant's parents (Ian and Elizabeth Philips – appendices 2 and 3) who stored some of their own domestic belongings inside the building in 2021;
- iii) Patricia Richards (appendix 5) confirms that her daughter moved to the property with her husband and that construction commenced in the early part of 2013/1014 with completion being mid to late 2014. This is consistent with the recollections of other family members and the aerial photographs at appendix 6.
- iv) Other visitors such as Alistair Kippax (appendix 4) have regularly borrowed domestic gardening equipment stored within the building throughout the period.
- v) Tom Ellery (appendix 1) also confirms that the building was completed in August 2014 and that he knows this as he would maintain the grounds surrounding the structure as well as having regular access into the interior of the building. He also regularly attended social events at the property and confirms that it has been in use for domestic storage through the period.

4 SUMMARY AND CONCLUSIONS

- 4.1 There is overwhelming evidence in the form of signed statutory declarations and supporting documentation (photographs) to confirm the fact that the building was completed and used for domestic storage for a period in excess of 10 years on a continuous basis. If the Council agree with the evidence provided (on the balance of probability), and they have no contradictory evidence that conflicts with the facts presented, then a certificate of lawfulness should be granted.

APPENDIX 1

Statutory Declaration

I do solemnly declare the following

I Tom Ellery (DOB: 07/02/1985) of 55 Ashford Ave, Sonning Common, RG4 9LR can confirm the existence and continuous use of the "barn" at Pound Lane Cottage, Pound Lane, Hurst, RG100RS.

This barn was built and completed in August 2014 and used continuously by my friend and client as personal storage to the Present date.

I'm work as a landscape gardener and garden maintenance contractor and have maintained both the main garden and the paddock area surrounding the barn at Pound Lane Cottage on an "as and when" basis since around 2013.

Over the last 12 years I have witnessed this barn being built, I began using my friends ride on mower and some other maintenance tools that I was yet to purchase so would have regular access to the barn, to my knowledge this space has been used continuously by my friend and his family for the storage of personal belongings.

Mr Phillips uses my services in both landscaping and garden maintenance on both a professional and a personal working basis, throughout this time we have become good friends and our families often socialise together. As family friends we often attend Pound Lane Cottage for social events where I regularly access the barn, generally to take out tables and chairs to help set up for a bbq etc or once or twice a year we all go away camping and due to my lack off personal storage space at home I store my family tent and chairs within the barn.

I can confirm the barn has always been used for domestic storage, items are generally safe keep items - boxes of kid's memorabilia, house and garden furniture alongside the mentioned garden maintenance items.

Plans relating to Pound Lane Cottage (Barn) attached.

I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE
SAME TO BE THE TRUTH AND BY VIRTUE OF THE PROVISIONS OF THE
PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835

DECLARED by the said **Tom Ellery**

Signed: 

Date: 

Witnessed before:

Name **Jessica Blackwell**

Address **THP Solicitors Limited**

2 Duke Street

Henley-on-Thames

Oxfordshire

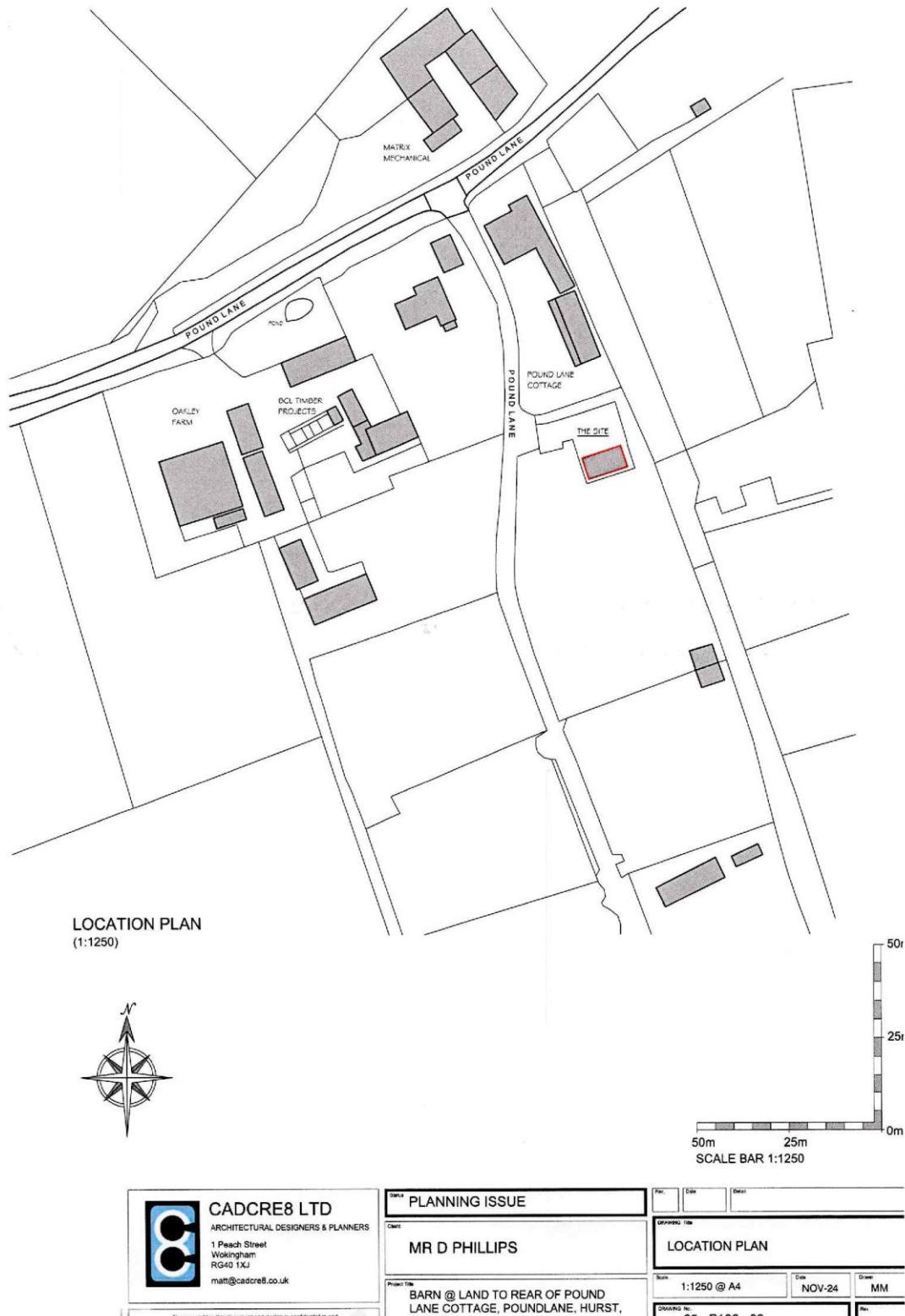
RG9 1UP

Signed: 

Date **Solicitor**

J Blackwell

22/12/2025



APPENDIX 2

Statutory Declaration

I do solemnly declare the following

I Ian Phillips (DOB: 30/12/1954) of Wisteria Lodge, 83 Magna Road, Poole, BH11 9NE have personal knowledge and can confirm the existence and continuous use of the barn at Pound Lane Cottage, Pound Lane, Hurst, RG100RS.

This barn was built and completed in August 2014 and used consistently by my son and his family as personal storage to the Present date.

I am father to the owner; my wife and I have lived at Pound Lane Cottage numerus times for various timescales and during these occasions watched as this barn was built. We first lived with my son and his family between February 2014 - May 2014 during our own personal home refurbishment project, then again in January 2021 - April 2021 during a relocation process from Marlow to Poole. On the later occasion we also utilised the barn space to store our belongings prior to moving.

In between the dates listed above and after April 2021, I have visited my son and his family on a regular basis, usually once or twice a month mainly during long weekends as we often attend our grandchildren's sporting activities.

The building has always remained and in the times that I have needed to enter the barn such as listed above and during family gatherings etc, it has always been utilised for domestic storage such as house and garden furniture, personal belongings, boxed safekeeping memories and garden maintenance items - lawn mower, strimmer, hedge trimmers etc.

Plans relating to Pound Lane Cottage (Barn) attached.

I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE
SAME TO BE THE TRUTH AND BY VIRTUE OF THE PROVIONS OF THE
PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835

DECL

Signe

Date: 12/12/2025

Witnessed before:

Name Karen Brown - FILEX

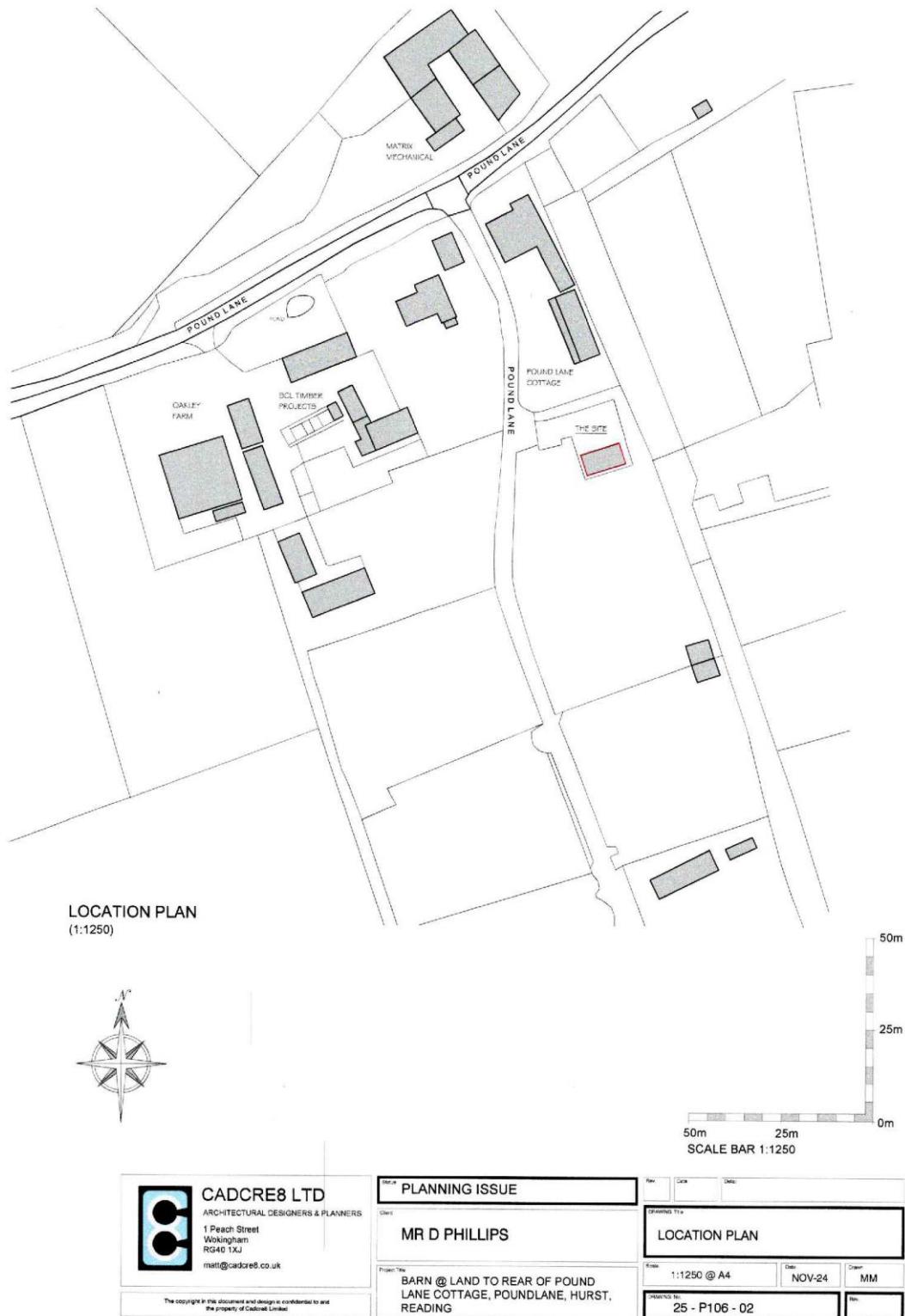
Address THP Solicitors

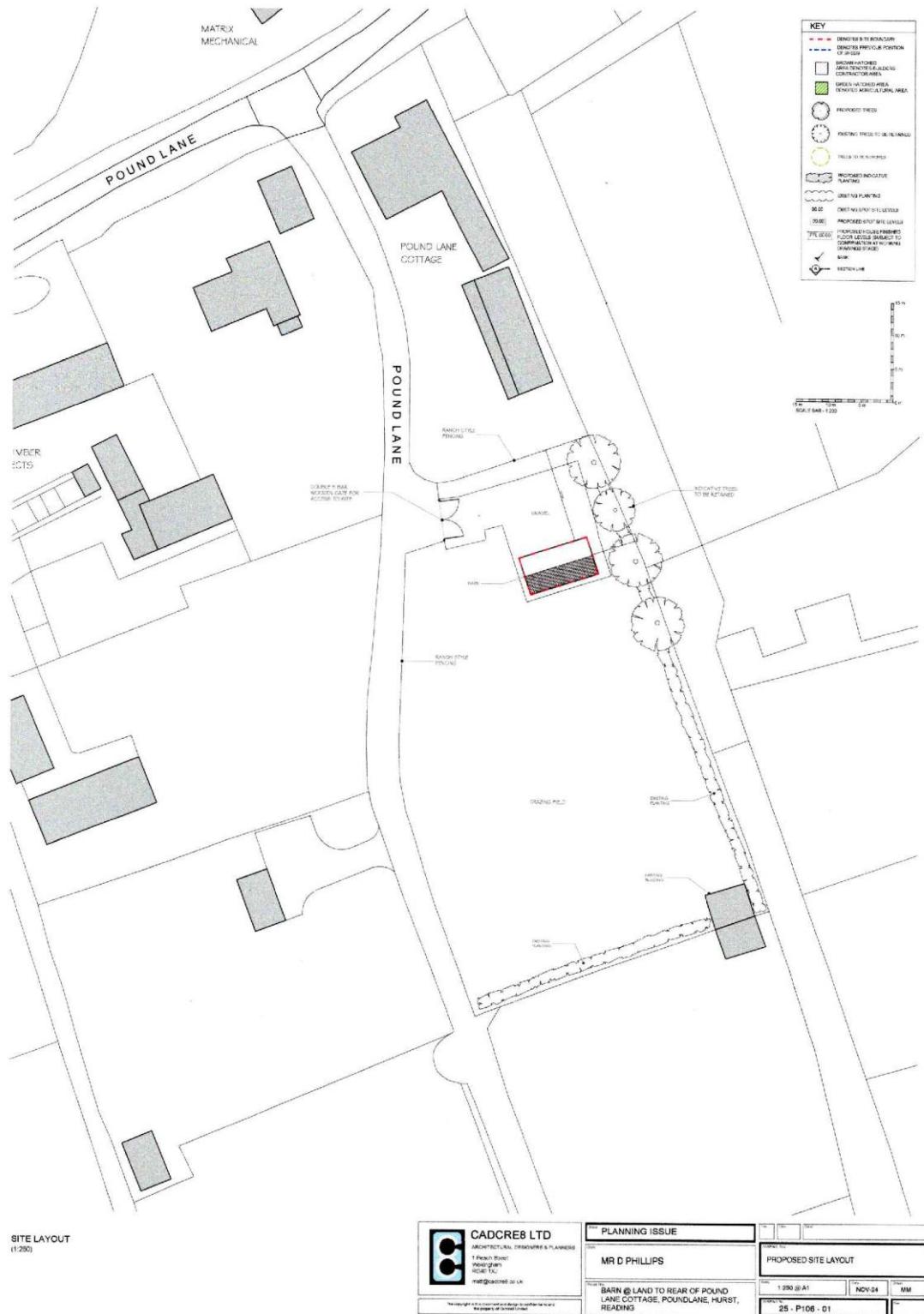
9 Chalfont Court, Lower Earley

Position Reading, Berkshire, RG6 5SY
chartered Legal Executive

Signe

Date 12 December 2025





APPENDIX 3

Statutory Declaration

I do solemnly declare the following

I **Elizabeth Phillips (DOB: 07/01/1956)** of **Wisteria Lodge, 83 Magna Road, Poole, BH11 9NE** have personal knowledge and can confirm the existence and continuous use of the barn at Pound Lane Cottage, Pound Lane, Hurst, RG100RS.

This barn was built and completed in August 2014 and used consistently by my son and his family as personal storage to the Present date.

I am Mother to the owner; we visit the property on average once or twice a month for weekend breaks with the family.

I regularly enter the barn to access gardening tools as I enjoy pottering around maintaining the flower beds etc.

We lived with my son and his family while carrying out refurbishment works to our own house during 2014 at which time my son was heavily involved with building the barn which he completed in August 2014.

In January 2021 we again moved into my son's house during a relocation period, we utilised the barn space for some of our own personal belongings. Our new house went through in April 2021 and we retired to Poole.

I confirm that the building has always been utilised for the purpose listed and continues be used as personal storage to the present date.

Plans relating to Pound Lane Cottage (Barn) attached.

I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE
SAME TO BE THE TRUTH AND BY VIRTUE OF THE PROVISIONS OF THE
PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835

DECLARED by the said **Elizabeth Phillips**

Signed

Date: 12/12/25

Witnessed before:

Name Karen Brown - FILEX

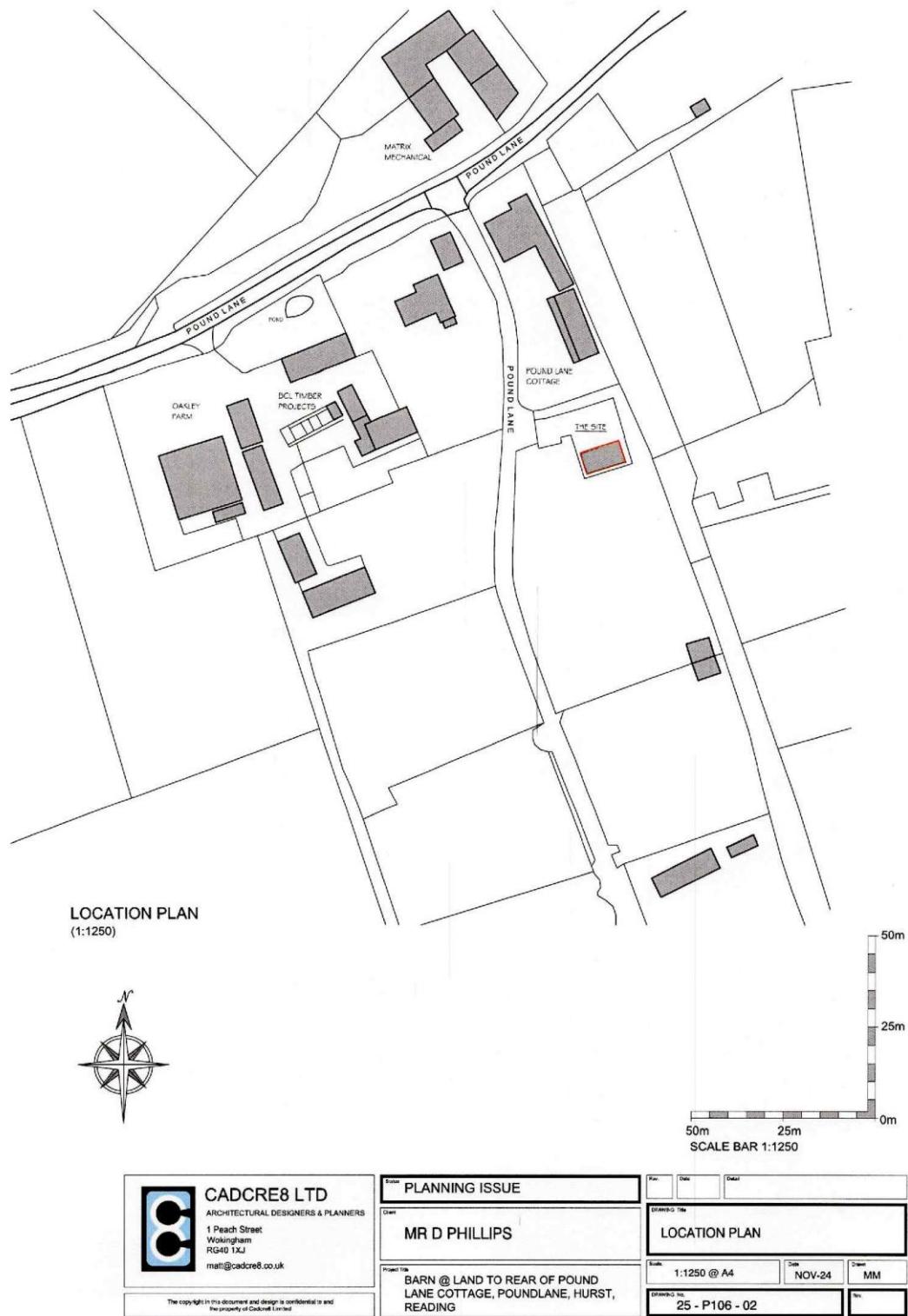
Address THP Solicitors

9 Chalfont Court, Lower Earley

Position
Signed

Wshire; RG6 5SY
Legal Executive

Date 12 December 2025



APPENDIX 4

Statutory Declaration

I do solemnly declare the following

I Alistair Kippax (DOB: 29/12/1981) of 23 Redgrave Place, Marlow, SL7 1JZ can confirm the existence and continuous use of the barn at Pound Lane Cottage, Pound Lane, Hurst, RG100RS.

The barn was built and completed in August 2014 and used continuously by my friend as personal storage to the Present date.

Mr Phillips and I are old school friends - I helped the family with removals when they re-located to this property in 2012 and have been a frequent visitor to the property ever since.

I regularly access the barn as I often borrow my friend's lawn mower, lawn scarifier etc. I can corroborate the claim towards the use of this area to be personal domestic storage.

As a very close friend of Mr Phillips's, I did what all good friends do and offered up some of my time and helped with some general labour duties while the barn was being built, I have fond memories of our time during this process.

The barn has consistently been used for the same purpose since it was constructed - generally housing old chairs, boxes of old clothes and safe keep memories, garden maintenance items (lawn mower, rakes etc).

Plans relating to Pound Lane Cottage (Barn) attached.

I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE
SAME TO BE THE TRUTH AND BY VIRTUE OF THE PROVIONS OF THE
PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835

DECLARED by the said **Alistair Kinnax** [REDACTED]

Signed: [REDACTED]

Date: 12.01.2026

Witnessed before:

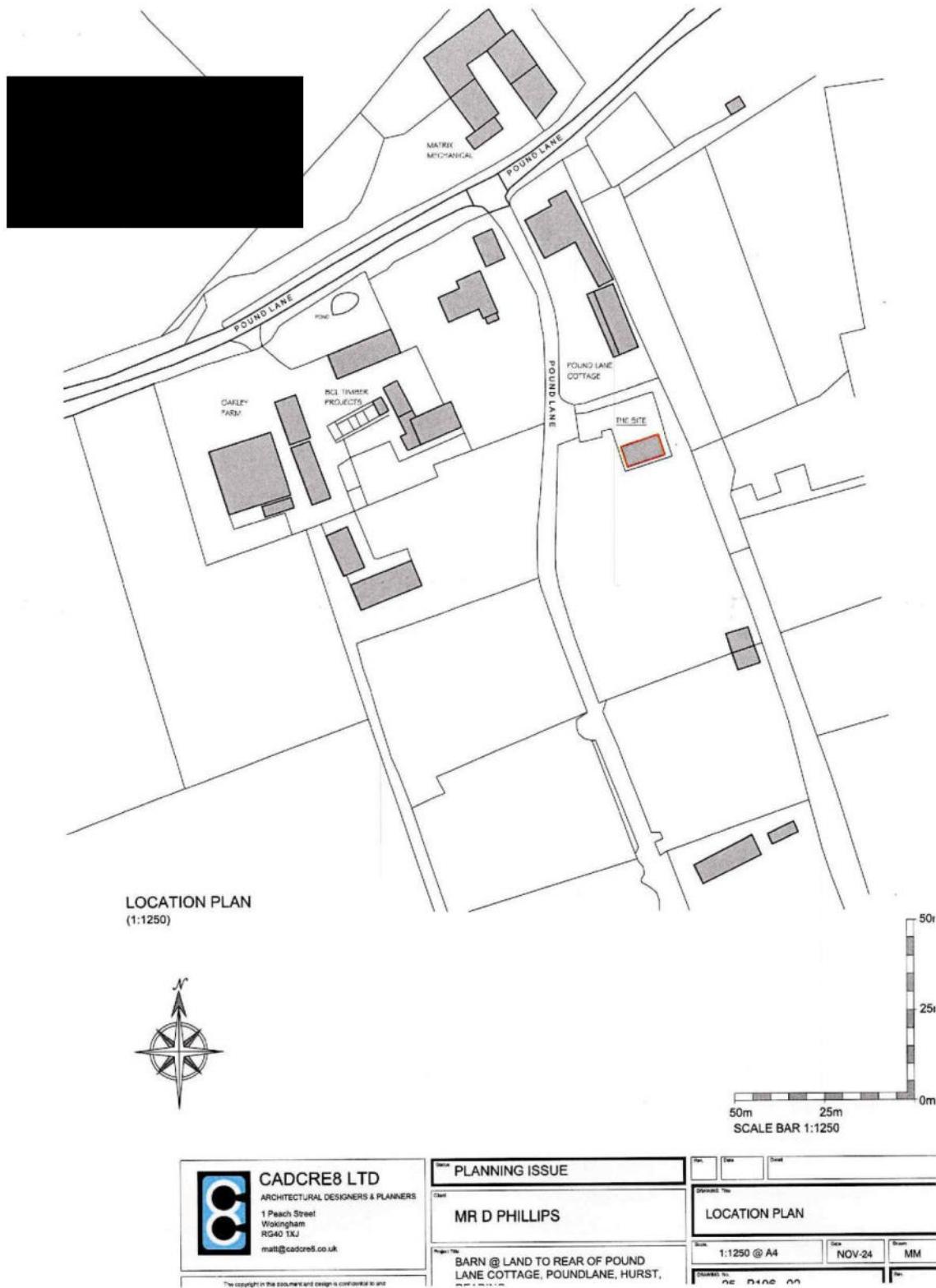
Name **JESSICA BLACKWELL**

Address **THP Solicitors Limited
2 Duke Street
Henley-on-Thames**

Position **Oxfordshire
RG9 1UP**

Signed: **J. Blackwell - SOLICITOR**

Date **12.01.2026**



APPENDIX 5

Statutory Declaration

I do solemnly declare the following

I Patricia Richards (DOB: 27/04/1956) of Lake Lodge, Henley Road, Wargrave RG10 8PH can confirm the existence and continuous use of the "barn" at Pound Lane Cottage, Pound Lane, Hurst, RG100RS.

My Daughter and her husband moved to Pound Lane Cottage in 2012, from memory my son in law began building the barn as additional storage space in the early part of 2013/14 and completed this project in mid to late 2014.

I visit the property 3-4 times a week as I help with childcare, I often stay at the property for various reasons either to look after the animals while the family are away or as childcare when my daughter and her husband are away.

I regularly access the barn when looking after my grandchildren as this is where their bikes and scooters are kept.

I can confirm that this space has been used continuously for the purpose of additional storage from the date it was initially built to the present date.

Plans relating to Pound Lane Cottage (Barn) attached.

I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE
SAME TO BE THE TRUTH AND BY VIRTUE OF THE PROVISIONS OF THE
PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835

DECL [REDACTED] rds

Signe [REDACTED]

Date: 12 December 2025

Witnessed before:

Name KAREN BROWN - FILEX

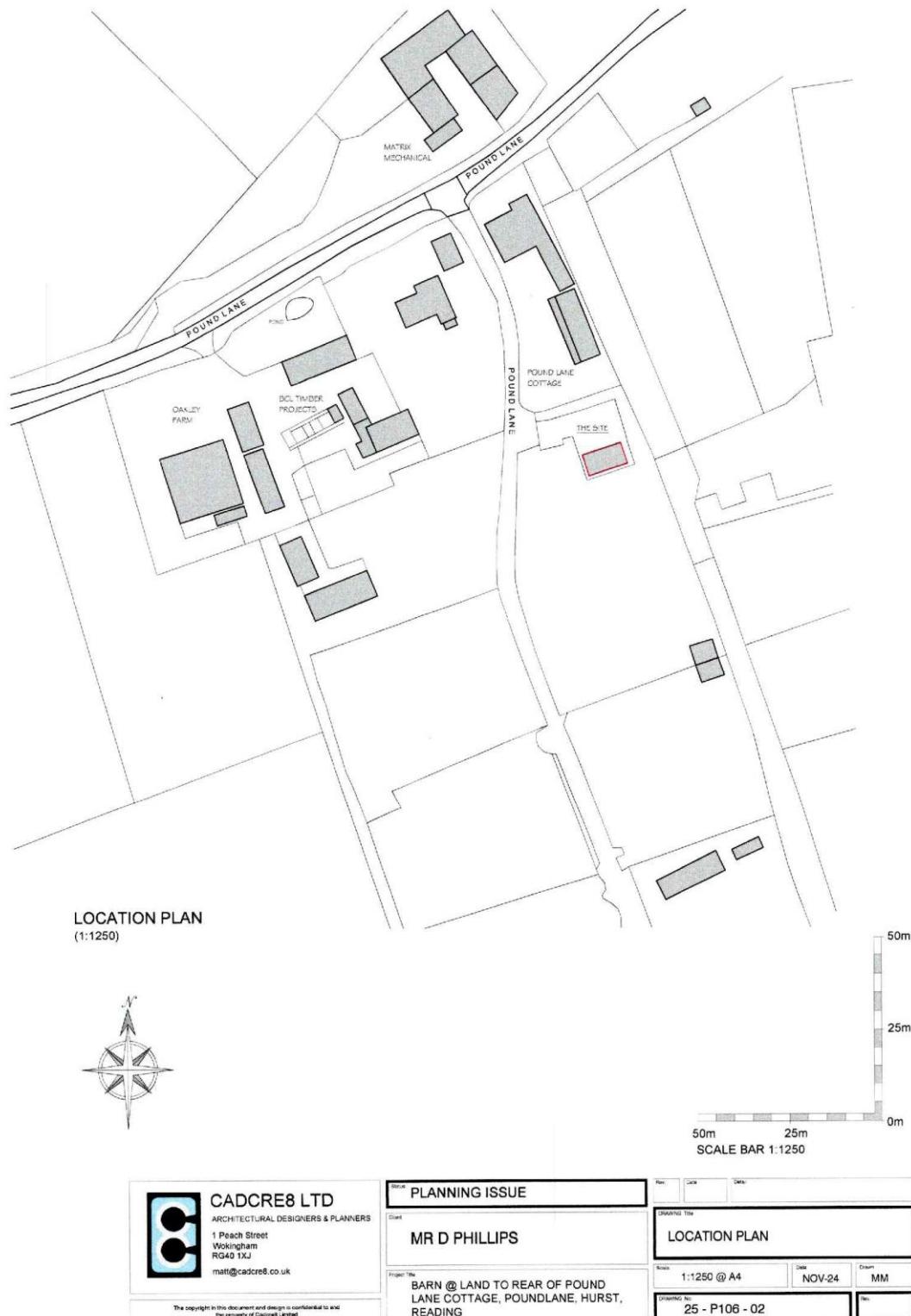
Address

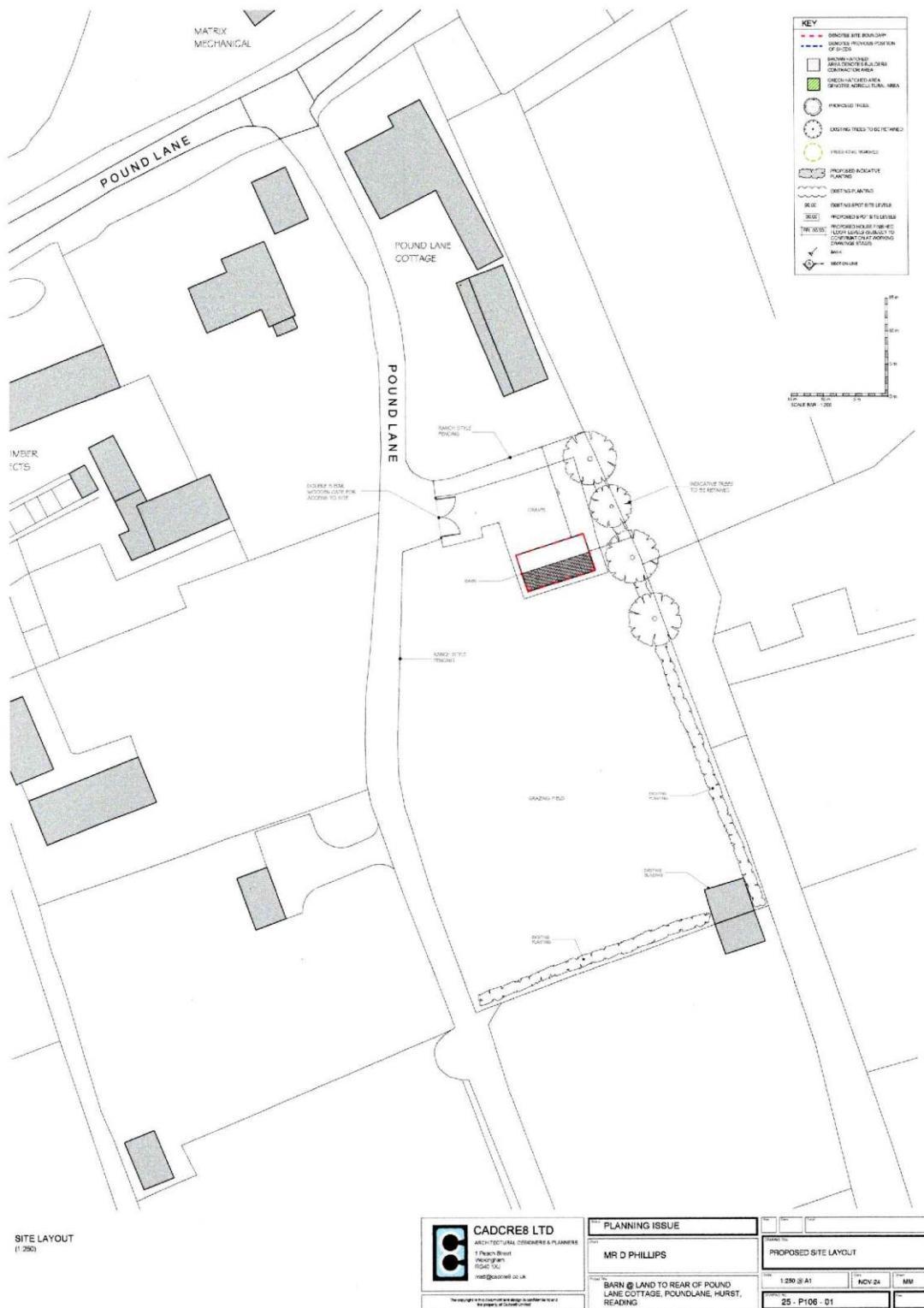
Position Chartered Legal
Executive

THP Solicitors
9 Chalfont Court, Lower Earley
Reading, Berkshire RG6 5SY

Signed: [REDACTED]

Date 12 December 2025





APPENDIX 6

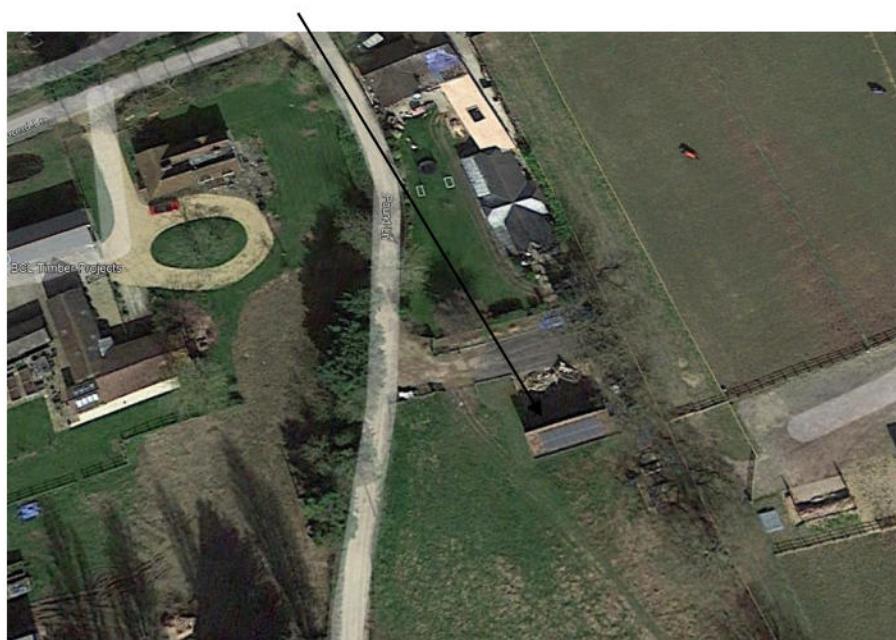
June 2013

Application site



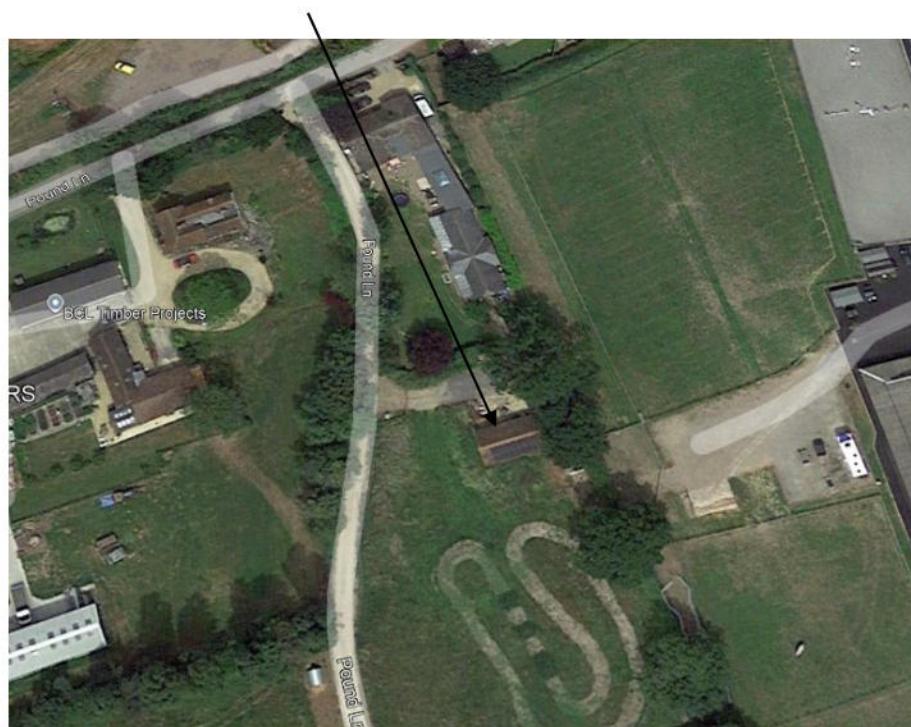
March 2017

Application site



June 2018

Application site



May 2019 (street scene view)



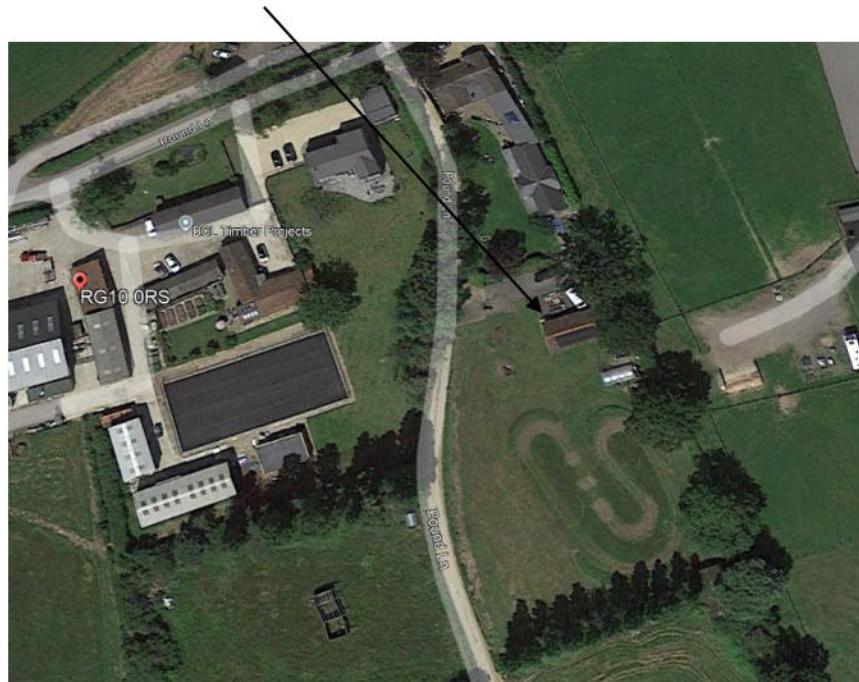
April 2020

Application site



July 2021

Application site



May 2025

Application site

