

Our ref: 51007/KM/KC

Planning Service
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

05 November 2025

Dear Sir/Madam,

APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OF PART OF THE BARN (KNOWN AS BARN COTTAGE) AS A DWELLING.

On behalf of our client, we submit herewith an application for a Certificate of Lawfulness of Existing Use at Holme Park Farm, Holme Park Farm Lane, Sonning, RG4 6SX, for the existing use of part of the barn (known as Barn Cottage) as a dwelling.

This is an application made under Section 191 (a) of the Town and Country Planning Act 1990 (as amended). The existing use of Barn Cottage as a dwelling, is lawful by virtue of Section 191(2)(a) in that the time for taking enforcement action has expired, in this case being 4 years, and therefore a certificate should be issued under Section 191 (4) of the Act.

The application is submitted through the Planning Portal (reference PP-14393725) and comprises of the following:

- Application form
- Location Plan and existing site plan (ref: S3-E2-02-v1)
- Existing elevations and floorplans (ref: S3-E2-02 v1)
- Statutory declaration from James Fisher
- Statutory declaration from [REDACTED]
- Written statements from past occupiers of the dwelling x 6
- Council tax bills

This letter is also submitted in support of the application.

The Statutory declarations are in PDF format. The originals can be provided to you should this be required.

The requisite application fee of £588 will be paid by the Applicant via the Planning Portal.

Background Information

The northern part of the barn as shown on the submitted plans has been used as a dwelling since 1980, and is known as Barn Cottage.

It contains a kitchen, living room, bedroom and bathroom on the ground floor, and two bedrooms and a bathroom at first floor level as shown on the existing floorplan drawings.

It is used independently from Holme Park Farmhouse. It has been occupied by grooms/students in association with the equestrian business run from Holme Park Farm.

Summary of the Applicant's evidence

Statutory declaration from James Fisher

This statutory declaration from the Applicant/owner of explains how it has been used/occupied. The information within the statutory declaration can be summarised as:

- James Fisher together with his family, has owned Holme Park Farm since 1975; Barn Cottage was already in partial domestic use at this time.
- During the 1970s James took up showjumping as a serious hobby and subsequently developed an equestrian business at Holme Park Farm which required an onsite dwelling for grooms/students. Barn Cottage was ideal for this purpose, and it has been used as a dwelling since around 1980.
- Barn Cottage has its own kitchen, bathroom, living room and three bedrooms, and has always been used as a separate dwelling to Holme Park Farmhouse.

Statutory declaration from [REDACTED]

This statutory declaration from the Applicant/owner of explains how it has been used/occupied. The information within the statutory declaration can be summarised as:

- [REDACTED] together with his family, has owned Holme Park Farm since 1975; Barn Cottage was already in partial domestic use at this time.
- His brother, James, developed an equestrian business at Holme Park Farm which required an onsite dwelling for grooms/students. Barn Cottage was ideal for this purpose, and it has been used as a dwelling since around 1980.
- Barn Cottage has its own kitchen, bathroom, living room and three bedrooms, and has always been used as a separate dwelling to Holme Park Farmhouse.

Written statements from past occupiers of the dwelling

The Applicant has been able to obtain some statements from the past occupiers of the dwelling explaining how it has been used/occupied. They explain that Barn Cottage has been used as a dwelling and occupied by grooms/students associated with the equestrian business at Holme Park Farm. Statements cover the period of 1987-1989, 1994-1998, 2000-2003, 2008-2009, 2009-2013, and 2024-2025.

These statements corroborate the information in the statutory declarations.

Council tax bills

Council tax bills have been provided covering a period of 2022 to current day, which corroborate the information in the statutory declarations and other written statements that Barn Cottage has been used as a dwelling.

Assessment

The Courts have held that the relevant test of the evidence is 'the balance of probability'. As set out in paragraph 006 of the NPPG section on Lawful Development Certificates, the Applicant's own evidence does not need to be corroborated by independent evidence; if the local planning authority has no evidence of its own, or 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.

The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 were made on 2 April 2024. These are the regulations that bring the enforcement package set out in LURA into force, and subject to transitional provisions, they came into force on 25 April 2024. The four-year time limit for bringing enforcement action against changes of use to a single dwelling-house has been removed and a single 10-year tariff now applies to all breaches of planning control.

However, in accordance with the transitional provisions, the ten year limit for bringing enforcement action only applies where the date of an alleged change of use to a single dwellinghouse was on or after 25 April 2024. Therefore, as the change of use was before 25 April 2024, in this case the four year rule applies. Notwithstanding this, the change of use to a separate dwelling began in 1980.

Barn Cottage has been used as an independent dwellinghouse, separate from Holme Park Farmhouse, continuously since 1980. It has been occupied by grooms/students associated with the equestrian business at Holme Park Farm. It has not been used for any other use.

The weight and detail of evidence, including two statutory declarations, written statements and Council tax bills clearly shows that part of the barn has been used as a separate dwelling for over four years, and is sufficiently precise and unambiguous to justify the grant of the Certificate.

Conclusion

The weight and detail of evidence submitted by the Applicant is sufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the uses of part of the barn as a dwelling is lawful by virtue of Section 191(2)(a) of the Town and Country Planning Act 1990 (as amended). The time for taking enforcement action has expired, and a certificate should be issued under Section 191 (4) of the Act.

We request that all evidence submitted in support of this application (including all names, addresses, contact details, account numbers, and signatures etc) will be appropriately redacted before being placed in the public domain.

Please let us know if the Council requires any further clarification of the application or any further information.

Yours faithfully,

KERRI CRUTCHFIELD MRTPI
ASSOCIATE DIRECTOR
KerriC@pro-vision.co.uk