APPLICATION NO.
CLE/2002/8053

LOCATION:
2 Elliots Green Cottages Broad Common Road, Hurst Reading.

APPLICANT:
Lady Ingam Trust C/O K J Clarke

PROPOSAL:
Application for a certificate of existing lawful use of dwelling for occupation by non agricultural worker.

EARLIEST DATE FOR DECISION. **23/12/2002**

APPLICATION WILL HAVE EXPIRED ON:
16/01/2003

CASE OFFICER: **Daniel Ledger**

Application No : CLE/2002/8053

WOKINGHAM DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990, SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991

TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995: ARTICLE 24

Certificate of Lawful Use or Development

The Wokingham District Council hereby certify that on *19th March 2003* the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, edged & coloured red, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use commenced more than *10 years* before the date of this decision.

Signed .....p.p. (Development Control Manager)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: *19th March 2003*

FIRST SCHEDULE

The building outlined in red on the attached site plan as residential use in breach of condition requiring occupation by an agricultural worker or a person last employed in agriculture.

SECOND SCHEDULE

Land 2 Elliots Green Cottages, Broadcommon Road, Hurst, Berkshire

Notes :

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the Use specified in the First Schedule taking place on the land described in the Second Schedule was have been lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified 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 or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

STATUTORY DECLARATION

On behalf of the Lady Ingram Trustees

In respect of 2 Elliot Green Cottages
Broadcommon Road
Hurst, Berkshire.

I, MRS AILEEN HARRIS of 2 Elliot Green Cottages, Broadcommon Road, Hurst, Berkshire Sincerely and Solemly declare that.

I have occupied the property known as 2 Elliot Green Cottages as an Assured Shorthold tenant since June 1998 firstly with my husband Mr Paul James and thereafter with Mr Kevin Harris.

That during that time, Mr James has been employed as an installer of automatic gates whilst Mr Harris is an accountant with Price Waterhouse Coopers.

That at no time during the period of my occupancy have I or has anyone occupying the cottage been involved in agriculture.

I make this Solemn Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Signed A Harris

Date 22/10/02

Sworn before me A. M. Dolles

Solicitor

Address Clifton Ingram
Wokingham

CLIFTON INGRAM
SOLICITORS
22-24 BROAD STREET
WOKINGHAM
BERKS RG40 1BA

21.NOV.2002 8053

STATUTORY DECLARATION

On behalf of the Lady Ingram Trustees

In respect of 2 Elliot Green Cottages
Broadcommon Road
Hurst, Berkshire.

I, **MR CLIFFORD LUKEMAN** of 1 Lionel Court, Wargrave Road, Twyford, Berkshire Sincerely and Solemly Declare that:

I occupied the property known as 2 Elliot Green Cottages, Broadcommon Road, Hurst as a tenant from March 1984 through to June 1998.

That during that time, I was employed as a postman.

That at no time during the period of my occupancy have I or has anyone occupying the cottage been involved in agriculture.

I make this Solemn Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Signed .....

Date 17.10.02

Sworn before me .....

Solicitor

Address 11 Wargrave Rd

Twyford Berks

Solicitor

WOKINGHAM DISTRICT COUNCIL

LEGAL SERVICES

MEMORANDUM

FROM: Mary Severin
Solicitor

MY REF: MS/SR
EXT: 6546

TO: Dan Ledger
Planning Enforcement

DATE: 18 March 2003

2 ELLIOTS GREEN COTTAGES, BROADCOMMON ROAD, HURST, BERKSHIRE APPLICATION FOR A CERTIFICATE OF LAWFUL USE

Dan

I have looked through the papers and statutory declarations submitted as part of the application and agree that the property has been in residential use not associated with agriculture since 1984.

I am therefore happy for you to issue the certificate. I enclose your planning file.

Mary

Mary Severin

CLE/2002/8053
LOCATION:
2 Elliots Green Cottages, Broadcommon Road, Hurst, Berkshire

PROPOSAL:
Application for a certificate of lawful use of dwelling for occupation by non-agricultural worker.

EARLIEST DATE FOR DECISION:
23/12/02

APPLICATION EXPIRES:
16/01/03

CHECKLIST:
Planning History
Enforcement History
Aerial Photographs
Consultations

INFORMATION PROVIDED BY APPLICANT

Statutory Declaration by Mrs Aileen Harris
Mrs Harris occupied the property since 1998 first with a Mr Paul James and then with Mr Kevin Harris. During her time there no occupier had been involved with agriculture and all were employed in other businesses.

Statutory Declaration by Mr Clifford Lukeman

States he occupied the property from March 1984 till June 1998 and during this time neither he, nor any other occupiers had any other connection with agriculture.

INFORMATION PROVIDED BY THIRD PARTIES

Hurst Parish Council
Have no objections.

No representations made by local residents

INFORMATION PROVIDED BY THE LOCAL PLANNING AUTHORITY

Planning History

988/72	O/L Pair of Staff Cottages	Approved with Conditions
1834/72	Pair of Staff Cottages	Approved with Conditions

No further planning applications made

Enforcement History
No Enforcement History exists on the site.

Aerial Photographs
Aerial photograph from 1996 and 1991 have been studied, however, not possible to discern use of building.

APPRAISAL

An agricultural occupancy condition was attached to the outline and full planning permission for the staff cottages in 1972. There have been no representations from neighbours indicating that the dwelling has not been occupied by non-agricultural workers for the last 10 years. There have also been no representations from the Parish Council or other Council Departments disputing the amount of time it has been in use. The statutory declarations made on behalf of the applicant suggest that the dwelling has been in continuous occupation by non-agricultural workers, in breach of the planning condition since 1984. There does no appear to be any other evidence to refute this.

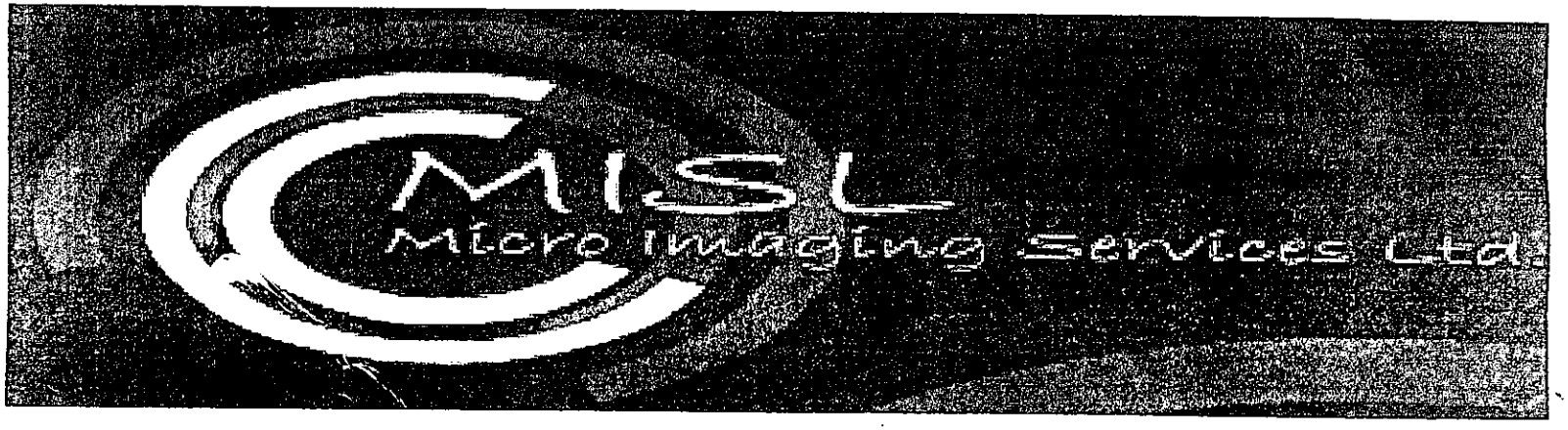
In view of the above I consider that on the balance of probability the dwelling has been occupied by non-agricultural workers for a period of time in excess of 10 years.

RECOMMENDATION

A certificate for the following should be issued:

Certificate of Lawful use for the building outlined in red on the attached site plan to be occupied by non-agricultural workers.

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

Town and Country Planning ...

WOKINGHAM RURAL DISTRICT COUNCIL
COUNCIL OFFICES,
SHUTE END,
WOKINGHAM, BERKS

To Lady Ingram,
c/o Messrs. Bird & Tyler Associates,
Chenies Place,
Chenies,
RICKMANSWORTH. Herts.

Application No 1831/72

Proposal Erection of pair of staff cottages with garages at Elliots Green, Hurst, Berks.

The Rural District Council of Wokingham, acting as Agents for the Berkshire County Council under the above Act, hereby PERMIT the above development to be carried out in accordance with the accompanying plans submitted by you and approved by the Council on the 23rd day of November, 1972, subject to compliance with the conditions specified hereunder.

1. The development hereby permitted shall be commenced within five years from the date of this permission.

2. Samples of the materials to be used in the elevations of the proposal shall be submitted to and approved by the Local Planning Authority before building work commences, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application

3. The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act, 1971, or in forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).

4. The access crossovers shall be constructed in accordance with Form 'C' attached.

The reasons for the Council's decision to grant permission for the development subject to compliance with the conditions hereinbefore specified are:-

1. This condition is deemed to be attached by virtue of Section 41 (1) of the Town and Country Planning Act, 1971.

2. To ensure that the materials harmonise with the surroundings.

3. The development is justified only on agricultural grounds.

4. In the interests of road safety.

Informative This permission is given without prejudice to the Council's consideration of the proposal under the Building Regulations 1972.

Except as aforesaid any permission granted is subject to due compliance with the bylaws and general statutory provisions in force in the District.

Date ...

... to the Council

N.B. A statement of applicant's rights is set out overleaf

NOTICE OF CONSENT.

BERKSHIRE COUNTY COUNCIL

Town and Country Planning Act, 1971

WOKINGHAM RURAL DISTRICT COUNCIL,
COUNCIL OFFICES,
SHUTE END,
WOKINGHAM, BERKS.

To Lady Ingram,
c/o Messrs. Dix & Tyler Associates,
Chenies Place,
Chenies,
RICKMANSWORTH,
Herts.

Application No. 988/72

Proposal Outline application for pair of semi-detached
Hurst Lodge, Elliots Green, Hurst, Berks.

The Rural District Council of Wokingham, acting as Agents for the Berkshire County Council under the above Act, hereby PERMIT the above development to be carried out in accordance with the accompanying plans submitted by you and approved by the Council on the 28th day of September 1972, subject to compliance with the conditions specified hereunder:—

SEE ATTACHED SHEET

The reasons for the Council's decision to grant permission for the development subject to compliance with the conditions hereinbefore specified are:—

SEE ATTACHED SHEET

Except as aforesaid any permission granted is subject to due compliance with the byelaws and general statutory provisions in force in the District.

Date

Clerk to the Council

N.B.—A statement of the applicant's rights [illegible]

CONDITIONS FOR APPLICATION No. 988/72 .....

1. Details of the siting, design and external appearance of the buildings and the means of access thereto (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any building operations the subject of this permission shall commence and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority within 3 years of the date of this permission.

3. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

   (a) the expiration of 5 years from the date of this permission,

   (b) the expiration of 2 years from the final approval by the Local Planning Authority of the reserved matters in condition No. 1 above, or in the event of such matters being approved on different dates, from the final approval of the last such matter to be approved.

4. The occupation of the dwellings shall be limited to persons employed, or last employed, locally in agriculture as defined by Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry, or a dependant of such persons residing with them (including a widow or widower of such a person).

5. The development shall comprise one pair of semi-detached houses with garages and shall be sited as near as possible to the existing cottages.

REASONS

1. The application is in outline only and not accompanied by detailed plans.

2.) These conditions are deemed to be attached by virtue of Section 42 (1)
3.) (a) and (b) of the Town and Country Planning Act, 1971

4. The development is justified only on agricultural grounds.

5. In the interests of amenity and road safety.

WORK SHEET FOR : Daniel Ledger

Application Number : CLE/2002/8053

Applicant : Lady Ingam Trust C/O K J Clarke.

Location : 2 Elliots Green Cottages, Broad Common Road, Hurst, Reading.

Proposal : Application for a certificate of existing lawful use of dwelling for occupation by non agricultural worker.

Site Notice Displayed ? :	YES	NO	DATE

Date of Neighbour Notifications : .....

Date of Site Visit : .....

Date Registered : 21/11/2002

Earliest Date for Decision : 23/12/2002

Latest Consultation Date/Site Notice Expiry Date : 23/12/2002

This application will have expired on: 16/01/2003. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

Planning Issues :

Application Number: CLE/2002/8053

Appraisal :

Recomendation : Approval: ☐ **Refusal:** ☐
(tick appropriate box)

Application Number CLE/2002/8053
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal

RECORD OF SITE VISIT

SITE ADDRESS: 2 Elliots Green Cottages Broad Common Road Hurst Reading.

APPLICATION NUMBER: CLE/2002/8053

OFFICER: Daniel Ledger

DATE OF SITE VISIT: 13/12/02

1 SITE/STATUTORY NOTICE DISPLAYED ?

2. DESCRIPTION OF SURROUNDINGS

3. DESCRIPTION OF SITE/BUILDING

4. RELATIONSHIP TO ADJOINING PROPERTIES

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

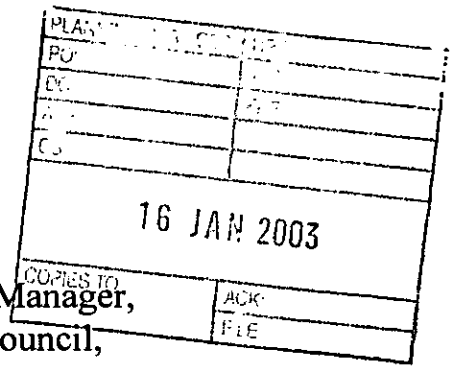
BOUNDARY TREATMENT

OTHERS

Entered property shown around by occupier who confirmed that she had no connection to agriculture..

ST. NICHOLAS HURST PARISH COUNCIL

Clerk: Mr. R. Wardle, D.M.A., F.C.I.S., M.C.M.I.
Glenrocques, 52 Altwood Road, Maidenhead, Berkshire, SL6 4PZ
Telephone/Fax: (01628) 628485



14th January, 2003

Development Control Manager,
Wokingham District Council,
Planning Services,
P.O. Box 157,
Shute End,
Wokingham, RG40 1WR

For the attention of Daniel Ledger

Dear Mr. Ledger,

Application No. CLE/2002/8053

I refer to the above-mentioned Application by Lady Ingram Trust in respect of 2 Elliots Green Cottages, Broadcommon Road, Hurst: application for certificate of existing lawful use of dwelling for occupation by non agricultural worker.

My Council have no comment to make on the application.

Yours sincerely,

R. Wardle

Clerk

2002/8053

With Compliments 2 Elliot Green cottages

WOKINGHAM UNITARY
Aiming for Excellence

The fee for this type of application is £110. Please cancel this cheque & send me a cheque for £110 as soon as possible

Mrs C Huror
Planning admin
16/12/02

POSITIVE ABOUT DISABLED PEOPLE

Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1BN
Tel: (0118) 974 6000 www.wokingham.gov.uk

SIMMONS & SONS
CHARTERED SURVEYORS
HENLEY, MARLOW BASINGSTOKE

BARCLAYS BANK PLC
READING BRANCH
MID THAMES GROUP
PO BOX 27, READING RG1 2HD

20-71-03

Date 19/11/02

Pay Wokingham District Council only

£ 220-00

Two Hundred + Twenty Pound Only

For Simmons & Sons Office Account

A/C PAYEE ONLY

CHECKPRINT 9923 S&S29HG

⑈006834⑈ 20⑆7103⑆ 10829528⑈

✓

received.
18/12/02

for file. -DL

Application Number : CLE/2002/8053	Map No : 44
Case Officer : DL	Site Area : 0.07
Valid Date : 21/11/02	Received Date: 21/11/2002

Level : Delegated Application

Description : Application for a certificate of existing lawful use of dwelling for occupation by non agricultural worker.

Location : 2 Elliots Green Cottages, Broad Common Road, Hurst, Reading.

Parish : SA Ward : HUR

Applicant : Lady Ingam Trust C/O K J Clarke.

Fee Required: £110 Fee Received: £220 (6)

Additional: ..... or Refund: £110

£110 due for a variation.

Enforcement Section to be notified ☐ (tick if required)

Additional information required for validation;

REASON	NOTES	DATE REQ	DATE RECD
LOCATION PLANS			
BLOCK PLANS			
FORMS UNSIGNED			
S.66 MISSING/INCORRECT/ UNSIGNED			
ELEVATION PLANS			
FLOOR PLANS			
NO SCALE OR SCALE IS IMPERIAL			
ENCROACHMENT LETTER REQUIRED			
OTHER			

Is the site in a Conservation Area: ☐ Yes ☐ No If "Yes" which one _____

Is the site a Listed Building: ☐ Yes ☐ No

Is a Statutory Advertisement required: ☐ Yes ☐ No

INTERNAL CONSULTATIONS

Building Control

Heritage (Harold Sanders)

Landscape

Trees

Environmental Health

Housing

Leisure & Cultural Services

Public Rights of Way Officer

Property

Policy & Plans

Joint Strategic Planning Unit

Archaeological Officer (BABTIE)

Education

Social Services

Highways

EXTERNAL CONSULTATIONS

Adjacent DPA : _____

Adjacent Parish : _____

SEB

British Gas

Oil pipeline

Transco

Environment Agency

Railtrack

Police Arch Officer

HERITAGE BODIES

Victorian Society
The Georgian Group
Ancient Monuments Society
Council for British Arch
RCHME
NRPB (Telecommunications)
Sport England
Society for Proct' of Ancient Bldgs
English Heritage

OTHERS

.....

.....

.....

.....

.....

.....

NEIGHBOURS

.....

S/N + See map

.....

No preapps

.....

**********FILE COPY**********

Tel: (0118) 974 6452

Date: 29 November 2002

My ref: CLE/2002/8053

WOKINGHAM UNITARY
Aiming for Excellence

Councillor A Drake
Walden Acres
Wokingham Road
Hurst
RG10 0RU

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Councillor

Application Number: CLE/2002/8053
2 Elliots Green Cottages, Broad Common Road, Hurst, Reading.
Application for a certificate of existing lawful use of dwelling for occupation by non agricultural worker.

I write to let you know that the above mentioned application has been received.

At this stage a recommendation has not yet been made. This form should only be returned if it is likely that you might wish for the application to be listed for consideration by the Development Control Committee. This form must be received no later than 28 days from the date of this letter.

If you have concerns about the proposals it may be possible for these to be addressed during the consideration of the application. In these circumstances it would be helpful if you could discuss these with the case officer **Daniel Ledger** on **(0118) 974 6452** in the first instance.

Yours sincerely
Trevor Watson
Development Control Manager

LISTING FORM
Case officer: **Daniel Ledger** Application Number: **CLE/2002/8053**
2 Elliots Green Cottages, Broad Common Road, Hurst, Reading.
Application for a certificate of existing lawful use of dwelling for occupation by non agricultural worker.
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor A Drake

**********FILE COPY**********

Received by Wokingham District Council

Application No: CLE/2002/8053

Proposal:
Application for a certificate of existing lawful use of dwelling for occupation by non agricultural worker.

Location:
2 Elliots Green Cottages, Broad Common Road, Hurst, Reading.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY 9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday and 1.00pm - 4.00pm Sunday. Library closed all day Wednesday. If you intend to view this application at Woodley Library please allow 4 days from the date of this letter for delivery of plans and remember to quote application number CLE/2002/8053 to enable the library staff to locate the correct information.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Daniel Ledger P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 23/12/2002. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not be possible for an individual reply to be issued to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Trevor Watson
Development Control Manager

29 November 2002

Organisation_Name	Building_Name	address1	Postcode
3	HURST LODGE	HURST LODGEBROAD COMMON ROADREADING	RG10 0RB
1	HURST LODGE COTTAGE	HURST LODGE COTTAGEBROAD COMMON ROADRI	RG10 0RB
	1 NEW COTTAGES	1 NEW COTTAGESBROAD COMMON ROADREADINC	RG10 0RC
	2 NEW COTTAGES	2 NEW COTTAGESBROAD COMMON ROADREADINC	RG10 0RC
	1 ELLIOTS GREEN COTTA(	1 ELLIOTS GREEN COTTAGESBROAD COMMON RO.	RG10 0RC
	2 ELLIOTS GREEN COTTA(	2 ELLIOTS GREEN COTTAGESBROAD COMMON RO.	RG10 0RC
	HURST LODGE	HURST LODGEBROAD COMMON ROADREADING	RG10 0RB

Gardeners Cottage, Broad Common Road, Hurst.

Neighbours list CRE/2002/8053

J. N. Coles FRICS, FAAV
S. J. Brett FRICS, FAAV
G. D. White MRICS, FAAV
T. B. Dunn MRICS
K. J. Clarke MRICS, FAAV ACIArb.

Consultant
L. J. F. Mackay FRICS

Associates
R. J. Fuller FRICS, FAAV
R. S. Moser FNAEA
Caroline Cope
S. A. Jones BA FRICS
H. J. J. Riley BSc, CertREA, FNAEA
Sandra Edwards
Wendy Smith

21 NOV 2002

8C53

SIMMONS & SONS

CHARTERED SURVEYORS · INDEPENDENT SINCE 1802 · RICS

32 Bell Street, Henley-on-Thames, Oxfordshire RG9 2BH
Telephone: (01491) 571111 Fax: (01491) 579833
e-mail: henley@simmonsandsons.com
www.simmonsandsons.com

e-mail: kclarke@simmonsandsons.com

The Solicitor
Wokingham District Council
Council Offices
Shute End
Wokingham
Berkshire RG40 1WH

WOKINGHAM DISTRICT COUNCIL
RECEIVED
20 NOV 2002

21 NOV 2002

KJC/ch/19627
18th November 2002

Dear Sir

2 ELLIOT GREEN COTTAGES, BROADCOMMON ROAD, HURST

I write on behalf of the Lady Ingram Trustees, owners of 1 and 2 Elliot Green Cottages, Broadcommon Road, Hurst to submit an application for a Certificate of Lawful Use in respect of 2 Elliot Green Cottage, Broadcommon Road, Hurst.

The Background

The property was originally granted planning permission in 1972 subject to an agricultural restriction.

The property was built in 1973 and provided residential accommodation for a farm employee involved with farming approximately 257 acres of land owned by the family around Hurst.

This land holding at that time formed part of a larger land holding in Wiltshire and Buckinghamshire. The land at Hurst was used as a base for the rearing of dairy replacements which were first calved at Hurst and then placed into the dairy herd in Wiltshire.

Following the untimely death of the late Robin Ingram, the farm was disbanded and approximately 200 acres of land at Whistley Green, Hurst was sold between 1979 and 1981. This left approximately 57 acres of land, comprising approximately 12 acres adjoining this cottage and approximately 45 acres around the village. This land has been let for grazing purposes to a neighbouring farmer since that time.

Historic Occupation

2 Elliot Green Cottages was initially occupied by a stockman from completion in 1973 until March 1984. Since that time, the property has not been occupied by anyone involved in or deriving their income from agriculture.

Following the stockman's departure, the property was occupied by Mr Clifford Lukeman. Mr Lukeman previously occupied a neighbouring cottage known as New Cottage, Broadcommon Road which is also owned by the Lady Ingram Trust. Mr Lukeman moved directly from the neighbouring cottage in March 1984.

I attach a Statutory Declaration completed by him confirming that during his occupation, he was at no time involved in agriculture. His occupation was as a postman.

Mr Lukeman vacated the property in June 1998, since when it has been occupied by Mrs A James, initially with her husband and subsequently marrying and occupying with Mr K Harris. Mr James was employed as an installer of automatic gates and Mr Harris is an accountant with Price Waterhouse Coopers.

I enclose a statutory declaration confirming that at no time during their occupation has the property been occupied by a person involved in or deriving their income from agriculture.

Consequently the Cottage has been occupied since March 1984 by occupiers who have not satisfied the terms of the planning condition.

Certificate of Lawful Use

In addition to the Statutory Declarations, I enclose the application form to register the Certificate of Lawful Use together with a cheque value £220.00 made payable to Wokingham District Council.

I confirm that these are the originals of the Declarations and would ask that they are returned to me on completion.

Yours faithfully

K J Clarke MRICS FAAV ACIArb

Encs

21.NOV.2002 8053
DL

1943

For the Council's use only:

Application No: CLE/2002/8053

Date received: 21 NOV 2002

WOKINGHAM DISTRICT COUNCIL

Town and Country Planning Act 1990, Section 191, as amended by Section 10 of the Planning and Compensation Act 1991.

Town and Country Planning General Development (Amendment) Order, 1992.

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN *EXISTING* USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION.

---

1. Description of existing use or operation or activity applied for:

Residential use of No 2 Elliots Green Cottages, Broadcommon Road, Hurst, Berkshire RG10 ORG in breach of the condition requiring occupation by an agricultural worker etc.

---

2. Applicant (in block capitals)

Name: LADY INGRAM TRUST

Address: c/o SIMMONS & SONS, 32 BELL STREET, HENLEY ON THAMES, OXON

Post Code: RG9 2BH

Tel. No: 01491 571111

---

3. Agent (if any)

Name: K J CLARKE

Address: SIMMONS & SONS, 32 BELL STREET, HENLEY ON THAMES, OXON

Post Code: RG9 2BH

Tel. No: 01491 571111

4. (1) Nature of applicant's interest in the land, e.g. owner, lessee, occupier. OWNER.

(2) If you do not have an interest: N/A.

(a) give name(s) and address(es) of anyone you know who has an interest in the land.

(b) state the nature of their interest (if known).

(c) state whether they have been informed about this application.

YES/NO

---

5. Address or exact location of the land to which this application relates:

No 2 Elliots Green Cottages, Broadcommon Road, Hurst, Berkshire.

Describe here and enclose (4) copies of an OS-based plan showing the boundary of the land edged in red.

1:2500 OS extract attached showing garden boundaries.

---

6. This application is for:

~~an existing use;~~

*an existing operation:

✓*an existing use, operation or activity in breach of a condition;

being a use, operation or activity subsisting on the date of this application.

(*Tick whichever is applicable).

---

7. If there is more than one subsisting use of, or operation or activity on the land at the date of this application, describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates.

---

8. When was the use or activity begun, or the operation substantially completed?

March 1984 onwards occupation in breach of condition.

---

9. Under what grounds is the certificate sought?

(Delete those which are not applicable)

(1) The use began more than ten years before the date of this application; or

(2) The use, operation or activity in breach of condition began more than ten years before the date of this application; or

(3) ~~The use began within the last ten years, as a result of a change of use not requiring planning permission in the last ten years; or~~

(4) ~~The operations were substantially completed more than four years before the date of this application; or~~

(5) ~~The use as a single dwellinghouse began more than four years before the date of this application.~~

(6) ~~Other - specify (this might include claims that the change of use or operation was not development, or that it benefited from planning permission granted under the Act or by the General Development Order).~~

10. If the certificate is sought for a use, operation or activity in breach of a condition or limitation, specify the condition or limitation which has not been complied with, and attach a copy of the relevant planning permission.

Consent No. 988/72 condition 4 - Outline consent for a pair of staff cottages C.A. 28.9.79 and subsequent detailed consent with conditions. Copies not attached.

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11. Give any additional information you consider necessary to substantiate your claim.

Please see covering letter and two statutory declarations by separate occupiers attached.

(Continue on a separate sheet if necessary)

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12. List here all the documents, drawings or plans which accompany this application.

1. Covering letter.
2. 1:2500 OS plan.
3. Statutory Declaration by Mr Lukeman.
4. Statutory Declaration by Mrs Harris.
5. Cheque for £220 to Wokingham District Council.

I/We hereby apply for a lawful use or development certificate under Section 191 of the 1990 Act in respect of the existing use, operations or activity described in this application and the documents, drawings and plans which accompany it. I/We enclose the appropriate fee of £.....

Signed: Simmons & Sons ..... **Date:** 18th November 2002

On behalf of: LADY INGRAM TRUSTEES .....

(Insert name of applicant if signed by an Agent).

WARNING: The amended Section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

ADDRESS Site ~~East~~ of Elliots Green PARISH Hurst

Now known as

PLOT No. 1 & 2 Elliots Green Cottages ORD. SHEET No.

BUILDER Broad Common Road

Plan No.	Applicant	Description of Development	Date of Decision	Decision
988/72	Lady Ingram	~~Outline~~ pair staff cottages	28.9.72	N/A C/A
1834/72	"	Details of pair of staff cottages	23.11.72	" C/A
C/e/2002/8053	Lady Ingram Trust No 2	C/e use for dwell to be occupied by non agric worker		

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE