

ET Planning

Client:

Kevin Corner

Hedgerley Farm

Hedgerley Farm, Nelsons Lane, Hurst, RG10 0RR

*Certificate of Lawful Development for the use
of the yard as a mix of equestrian, storage and
residential use*

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01 Introduction

- 1.1 This statement is produced to support a planning application for a Certificate of Lawful Development for the use of the yard as a mix of equestrian, storage and residential use at Hedgerley Farm, Nelsons Lane, Hurst, RG10 0RR.
- 1.2 This planning statement will introduce the meaning of 'development' in accordance with the Town and Country Planning Act 1990, summarises the relevant legal tests and set out the application in light of these. The conclusion reached is that the development is lawful and so no enforcement action can be taken.
- 1.3 In addition to this report, the application is accompanied by the appropriate certificate application forms, appendices and the following plans prepared by Martin Butler Partnership Limited:
- 1:1250 Site Location Plan
 - 1:500 Site Block Plan.
- 1.4 The relevant application fee will be submitted by the applicant separately.

02 Town and Country Planning Act 1990

- 2.1 Section 55(1) of the Town and Country Planning Act 1990 defines development as 'the carrying out of building, engineering, mining or other

operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'

- 2.2 Section 171A (1) of the Town and Country Planning Act defines what constitutes a breach of planning control. This includes "*carrying out development without the required planning permission*".
- 2.3 Section 171B relates to the timelines associated for breaches of planning control. This section of the act states that certain breaches are immune from enforcement action after a certain time period, and thus, become lawful due to the passage of time.
- 2.4 In relation to the use of the yard, the applicable section of the Town and Country Planning Act is Section 171B(3) which states "*In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach*".
- 2.5 As such to obtain a certificate of lawfulness for the use of the yard, a ten-year period of continuous use must be demonstrated which would be December 2025 back to December 2015. In the case of this application, the use began in 2002, and has been ongoing for a period of over 20 years as evidenced below.

- 2.6 Circular 10/97 (Enforcing Planning Control) was archived in March 2014 and replaced by the National Planning Policy Guidance (NPPG). The NPPG reiterates the previous guidance of the Circular and in paragraph 006 states that *“the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land”*.
- 2.7 It is established case law (F W Gabbitts v SSE and Newham LBC [1985] JPL 630) that the applicant’s own evidence does not need to be corroborated by “independent” evidence in order to be accepted.
- 2.8 The following section outlines the evidence submitted within the Appendices and explains how this evidences immunity from enforcement action.

03 Planning History

- 3.1 Application Ref. 251835 - Application for a certificate of existing lawful development for a change use of existing barn to a commercial workshop/store (ground floor only) and residential dwellinghouse (first floor only). (Approved 31/07/25). It is material that vehicle parking ancillary to both uses takes place in the yard subject of this application.

04 Assessment of Submitted Evidence

- 4.1 The evidence base submitted alongside this application will be showcased in two different sections. Primarily, a statutory declaration by the applicant, Mr Corner, will be presented. This will be followed by a section primarily evidencing the use of the yard to accommodate the business storage use and workshop.
- 4.2 **Appendix 1: Statutory Declaration of Mr Kevin Corner** has been submitted within this appendix.
- 4.3 For clarification, a Statutory Declaration is a sworn, written statement of fact voluntarily made and declared to be true in the presence of an authorised witness. It carries **significant weight** in the determination of applications, as if the declaration turns out to be untrue, the defendant making it may be punished for perjury. Consequently, the information contained with the Declarations can be relied on as **true, clear and unambiguous**.
- 4.4 As outlined within the declaration, Mr Corner and his wife purchased the site, then named Hedgerley Stables, Nelsons lane, Hurst, Berskhire, RG10 0RR Title number BK334220, on September 2002. The site entailed an existing barn and a block of 5 stables either side of a concrete courtyard with a large menage and grazing paddock, as well as a parking area accessible via two gated entrances.

- 4.5 After purchasing the site, Mr Corner transformed a part of the existing barn into a workshop and storage area, renting out the remainder of the site for use of the stables and remainder of the barn to a couple for equestrian use. A certificate of Lawfulness of existing use or Development was issued in 2025 for the commercial and residential use of the barn. During this time, Mr Corner used large areas of land within the yard for the associated storage of materials and equipment, and parking of his vehicle in connection with his business as a shop and office-fitting carpenter.
- 4.6 Land around the barn was used for storage use and vehicle parking, supporting Mr Corner's business. On August 21st 2009, [REDACTED], a Wokingham Borough Council enforcement officer completed a site visit regarding a query for the site entrance. [REDACTED] documented the existence of the plant, machinery, building materials and mobile home associated with the setting up of the paving making business and the use of the land for storage. Appendix 4 explains this evidence in more detail.
- 4.7 A small mobile home was placed on site in September 2007 as a security deterrent due to overnight incidents from theft on site.
- 4.8 During September 2011, Mr Corner notified Wokingham District Council that someone would be residing on the site as construction of the new build barn was to commence. On September 21st 2011, a council tax account,

numbered [REDACTED] was created. The yard was therefore also used for residential purposes since September 2007 including the residential parking of vehicles.

4.9 Whilst demolishing and rebuilding the barn, the mobile home being used on site was registered for payments of council tax. The council tax account number [REDACTED] for the mobile home at Hedgerley stables was issued on September 2011. Council tax has been paid in full since then to date, approximately 13 years 7 months with no missed payments. The details on the account changed from [REDACTED] [REDACTED] in May 2022. The yard remained in use for residential purposes during this period including residential parking for vehicles.

4.10 Mr Corner's company, K&N Contracts Ltd, despite operating from the site since purchase in 2002, became officially registered at this address on 23/02/2017.

4.11 Please refer to corroborating images attached.

4.12 The equestrian use is the original lawful use of the land which has also continued to the present day, with a stable block riding area and paddocks located at the site. Since 2007 to present day, the use of the yard has been continuously in a mixed use for equestrian, residential and storage uses.

4.13 **Appendix 2: CLUED Decision Notice** Wokingham Borough Council granted a Certificate of Lawful Existing Use or Development (CLEUD) under Sections 191 and 192 of the Town and Country Planning Act 1990 for a building at Hedgerley Farm, Nelsons Lane, Hurst, Wokingham, RG10 0RR, confirming the lawful use of an existing barn as a commercial workshop/store on the ground floor and a residential dwellinghouse on the first floor (Application Ref: 251835). The certificate, issued on 26 September 2025, confirms that at the date of application (31 July 2025) the uses were lawful on the balance of probability, as the ground floor had been in continuous commercial use for over 10 years and the first floor had been in continuous residential use for at least four years prior to 25 April 2024, with both uses remaining uninterrupted.

4.14 **Appendix 3: Photos of Use** Photos have been attached showing the current use of site.

4.15 **Appendix 4: Email Correspondence** the response email from [REDACTED], a Planning Enforcement officer at Wokingham Borough Council to the land owner, Mr Corner, has been submitted alongside this application.

4.16 For context, as confirmed by the Statutory Declaration, this email follows a site visit carried out by the officer [REDACTED] on the 21st of August 2009 regarding the existing entrance to the site.

4.17 Within the email, it can be clearly seen the email is in response to another email from Kevin Corner sent on the 23rd of August 2009. In the email it is mentioned the applicant's interest in subdividing the land and retaining part of it to be used as storage/ yard.

4.18 Within the email, [REDACTED] explains that the intention of Kevin Corner to *'subdivide the land in your ownership and retain a portion of it as a storage/yard'* would be a *'breach of planning control and the Council would actively seek to take enforcement action to remedy that breach'*.

4.19 As the email refers to the retention of a portion of the land for storage/yard use, it confirms that the land has been in use for storage associated with the landowner's business since at least 2009.

4.20 Additionally, it confirms the presence of the relevant machinery and materials in association with the business and that the council was aware of the present materials.

4.21 Therefore, it is evident that the barn was used to facilitate the business use in 2009, substantiating the statements found in the statutory declaration, providing further evidence to confirm the lawful business use at Hedgerley Farm.

4.22 Again, it then is logical that when the barn was reconstructed, it was utilised in the same manner moving forward and this context evidences that use.

4.23 **Appendix 5: Aerial Photographs:** Appendix 5 contains aerial photographs dated from 2013, illustrating that as of June 2013 at Hedgerley Farm, there was use of the land for storage, residential and equestrian purposes. Despite not showing that he was using the site for such purposes at the date stated in his declaration, the photograph corroborates that the site was in use for these purposes 12 years ago, which exceeds the 10-year threshold for lawful use.

4.24 As this satellite image is the clearest resolution from Google Earth Pro exceeding 10 years, it is the most reliable photographic evidence for this specific case.

4.25 Further satellite images, including one from March 2017, July 2021 and May 2025 also reveal the existing use of the site at those times. These images showing consecutive uses in an orderly fashion of 8 years evidence that the site was in constant use for storage, residential and equestrian purposes.

4.26 **Appendix 6: Appeal Decision ref. APP/X0360/A/14/2216096**
Follows the refusal of application ref F/2013/1496 for the conversion of existing barn into one number four bed dwelling with associated residential curtilage.

4.27 As can be seen, the decision notice of the appeal is dated 29th July 2014. The site address is 'Hedgerley Stables, Nelsons Lane, Hurst, Reading, Berkshire, RG10 0RR' referencing the equestrian use of the site

4.28 It is also states that the appeal is made by 'Mr Kevin Corner'.

4.29 Within paragraph 19 of the appeal decision notice the business use of the site is acknowledged, as follows:

'In arriving at this conclusion I have taken note that at present trips are generated by the appellant when visiting the site on business'.

4.30 Whilst this statement does not directly specify the precise nature of the business use of the site, it clearly acknowledges that business-related activities were taking place at the time of the appeal. The Inspector's reference to trips generated "when visiting the site on business" provides evidence that the land was being used, at least in part, for commercial purposes during the period highlighted within the statutory declaration.

4.31 Taken together with other evidence submitted in support of this application, paragraph 19 of the appeal decision strengthens the Applicant's statutory declaration that a material change of use of the yard had already occurred by 2014 and has continued uninterrupted since then. This forms a key piece

of corroborative evidence in demonstrating the lawfulness use of the site now being regularised through this application.

05 Conclusion

- 5.1 The relevant test for Lawful Use applications is the 'balance of probability.' Based on the submission of evidence, including a Statutory Declaration which can be relied upon as true, clear and unambiguous, it is submitted that the use of the yard for storage, residential and equestrian uses has been in place for a period of at least 10 years, and is thus immune from enforcement action.
- 5.2 If the Council are in possession of any information that leads them to a different view to that set out above, we ask that we have the opportunity to examine this information to ensure a fair and balanced assessment.
- 5.3 However, it is considered that the submitted evidence meets the tests of being clear and unambiguous. On the balance of probability, based on the submitted evidence, it is therefore requested that the application for a certificate of existing lawful use be approved.


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