



Planning

Certificate Statement

Client:

Mrs C Reed

Pine Copse Park

Nine Mile Ride, Crowthorne, Wokingham

Certificate of Lawful Development for the
residential use of a singular caravan.

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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 residential use of a singular caravan.
- 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, statutory declarations, aerial photographs and other appendices.
- 1.4 The relevant application fee will be submitted by the applicant separately.

02 Site location and description

- 2.1 Pine Copse is a large mixed-use site located on the southern side of the B3430; Nine Mile Ride. There is the main residential dwelling Pine Copse and its curtilage, located centrally at the address. Surrounding the dwelling is a lawful mix of caravan site, kennels, stables, and the parking of vehicles. To the rear of the site are various lawful commercial units in light industrial use, and to the very rear equestrian paddocks. All uses share a main access from Nine Mile Ride, with a second access just serving residential caravans to the very front of the site.

- 2.2 The application site itself lies towards the north west of the site and is specific to a singular caravan which is part of a Certified site made up of 5 pitches.
- 2.3 The site is not located in the Green Belt and is within the defined countryside.

03 Planning History

- 3.1 Pine Copse has a longstanding history for a mix of commercial and residential uses, from before the current landowners acquired the site. The planning history for the site of Pine Copse is extensive however there is no history for this specific site as it is part of an Certified Site granted under Permitted Development Rights via schedule 2, part 5, class C of the General Permitted Development Order.
- 3.2 Other relevant history elsewhere on the site is Application ref: 182427 - Application for a Certificate for an Existing Lawful use for the mixed use of land for purposes ancillary to the adjoining residential dwellinghouses, the keeping of horses, the stationing of caravans for residential purposes and the parking of vehicles connected with the adjoining commercial units. Please note this appeal is linked with APP/X0360/C/18/3213161 (182792), APP/X0360/C/17/3192131 (182309) and APP/X0360/X/17/3192153 (172555). The application was refused on the 22nd of November 2018. This decision was appealed and allowed on 27th January 2020.
- 3.3 A previous application was made by the client for under LPA ref 250118 for '*Application for a certificate of existing lawful development for the stationing of a caravan for permanent residential use.*'. The application was refused on the 21st of January 2025. The refusal reason stating that:

'The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered to have been demonstrated that the stationing of a caravan for permanent residential use has not been occurring within the application site for a period in excess of 10 years.'

- 3.4 This application seeks to provide further evidence to show that the stationing of a caravan for permanent residential use has occurred for more than 10 years.

04 Town and Country Planning Act 1990

- 4.1 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'
- 4.2 Section 171A 1(B) of the Town and Country Planning Act relates to the time frames in which enforcement action can be taken against breaches of planning control. This includes "*carrying out development without the required planning permission.*" Section 171B (3) relates to breaches of planning control consisting of "*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*".
- 4.3 Section 171B (3) therefore controls the relevant timeframe for the immunity from enforcement action, which means that a development in breach of a planning condition becomes immune from enforcement action after 10 years.

- 4.4 The dates to demonstrate the lawfulness of the change of use are from the date of the submission, May 2025 back 10 years to May 2015. In this case the use commenced in 2011, over 14 years.
- 4.5 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"*.
- 4.6 It is established case law (F W Gabbittas 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.

05 Assessment of Submitted Evidence

- 5.1 **Appendix 1: Statutory Declaration of Nigel Oakes** has been submitted and confirms he has lived on the site of Pinecopse continuously since 2011 as his primary residence. Once a month he pays rent to Mrs Christine Reed which covers his rent. This declaration shows that he has occupied the caravan for 14 years – over the required 10 year period.
- 5.2 **Appendix 2: Statutory Declaration of Daniel Bailey** has been submitted and confirms he had lived in Pine Copse mobile home from 2013 until May 2023, during this time this was him primary residence. He confirms Mr Oakes lived on the site during this time which was a 10 year period.
- 5.3 **Appendix 3: Statutory Declaration of Mark Bailey** has been submitted and confirms he has confirms he had lived in Pine Copse mobile home from 2013 until July 2023, during this time this was him primary residence. He confirms Mr Oakes lived on the site during this time which was a 10 year period.
- 5.4 **Appendix 4: Statutory Declaration of Paul Johnson** has been submitted and confirms that he has worked on the site of Pine Copse, Nine Mile Ride, Finchampstead since 2012. He confirms that since his first employment Nigel Oakes has lived in a touring caravan as his primary residence in the same location and has continued to do so until present day. This is period of 13 years out of the required 10 years.
- 5.5 **Appendix 5: Statutory Declaration of Ciprian Poznapop** has been submitted and confirms that he has lived in Pine Copse mobile home number 1 since 2003. He confirms that Mr Nigel Oaks moved onto the site in his touring caravan in late 2011. As of present day, Mr Poznapop still lives on the site of Pine Copse and confirms that Mr Nigel Oak still lives on

the same pitch to present day. This shows that Mr Nigel Oaks has occupied the caravan 13 years – over the required 10 year period.

5.6 For clarification, a statutory declaration is a sworn, written statement of fact voluntarily made and declared to be true. 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 statement of truth can be relied on as **true, clear and unambiguous**.

5.7 **Appendix 6: Aerial Photograph dated 2013, 2017, 2018, 2020, 2021 and 2023**

In appendix 3 a series of aerial photographs are included, showing the use of the land during the 10-year period this certificate application relates to which corroborates all the evidence outlined about that the site was used during this time. Although photos cannot prove use alone, they do corroborate all the evidence outlined about that the site was used during this time. As can be seen from the aerial photo in 2013, 2017, 2018, 2020, 2021 and 2023 the caravan has been present throughout the 10-year period in the identified part of the site.

5.8 **Appendix 7: Tenancy Agreements**

The tenancy agreements from Reed Homes (UK) limited attached are dated from 2011 – 2024. All tenancy agreements are for the property 'No 1 Caravan and Camping' at the land 'REED HOMES (UK) LIMITED – PINE COPSE PARK, NINE MILE RIDE, WOKINGHAM RG40 3ND'.

5.9 Each tenancy agreement is for a term of 12 months, therefore show the continuous unbroken use of the site by Mr Nigel Oakes for 13 years of the required 10 year period.

5.10 All tenancy agreements have been signed by both Ms Christine Reed (The Landlord) and Mr Nigel Oaks (The Tenant).

5.11 These tenancy agreements confirm that Mr Nigel Oaks has occupied the property 'No 1 Caravan and Camping' for 13 years of the required 10 year period.

5.12 **Appendix 8: Pine Copse Park Residential Park Home Estate Leaflet**
Site occupants for the previous certificate application claimed the site brochure gave contradicting information about Mr Oake's caravan. As can be seen from the brochure in Appendix 8, this is not the case at all. The brochure relates to residential caravans on another part of the Pine Copse site. There is no evidence within the document to go against the lawfulness application being made.

5.13 **Appendix 9: Caravan Club Pinecopse Kennels Webpage**
A website image from www.caravanclub.co.uk has been uploaded and shows the web page which allows members to book the holiday pitches plots at the address 'Pinecopse Kennels, Nine Mile Ride, Wokingham, Berkshire, RG40 3ND'. Within this image Mr Oake's caravan is shown. Although undated, this provides additional evidence in favour of the certificate application.

5.14 This also confirms that the remainder of the area is a lawful 'Certificated Location' campsite.

06 Conclusion

6.1 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 land for a singular residential caravan has been in place

for a period of at least 10 years, and is thus immune from enforcement action.

- 6.2 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.
- 6.3 However, it is considered that the submitted evidence meets the tests of being clear and unambiguous. Furthermore, the concerns raised by site occupants in the previous submission have been addressed. 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.

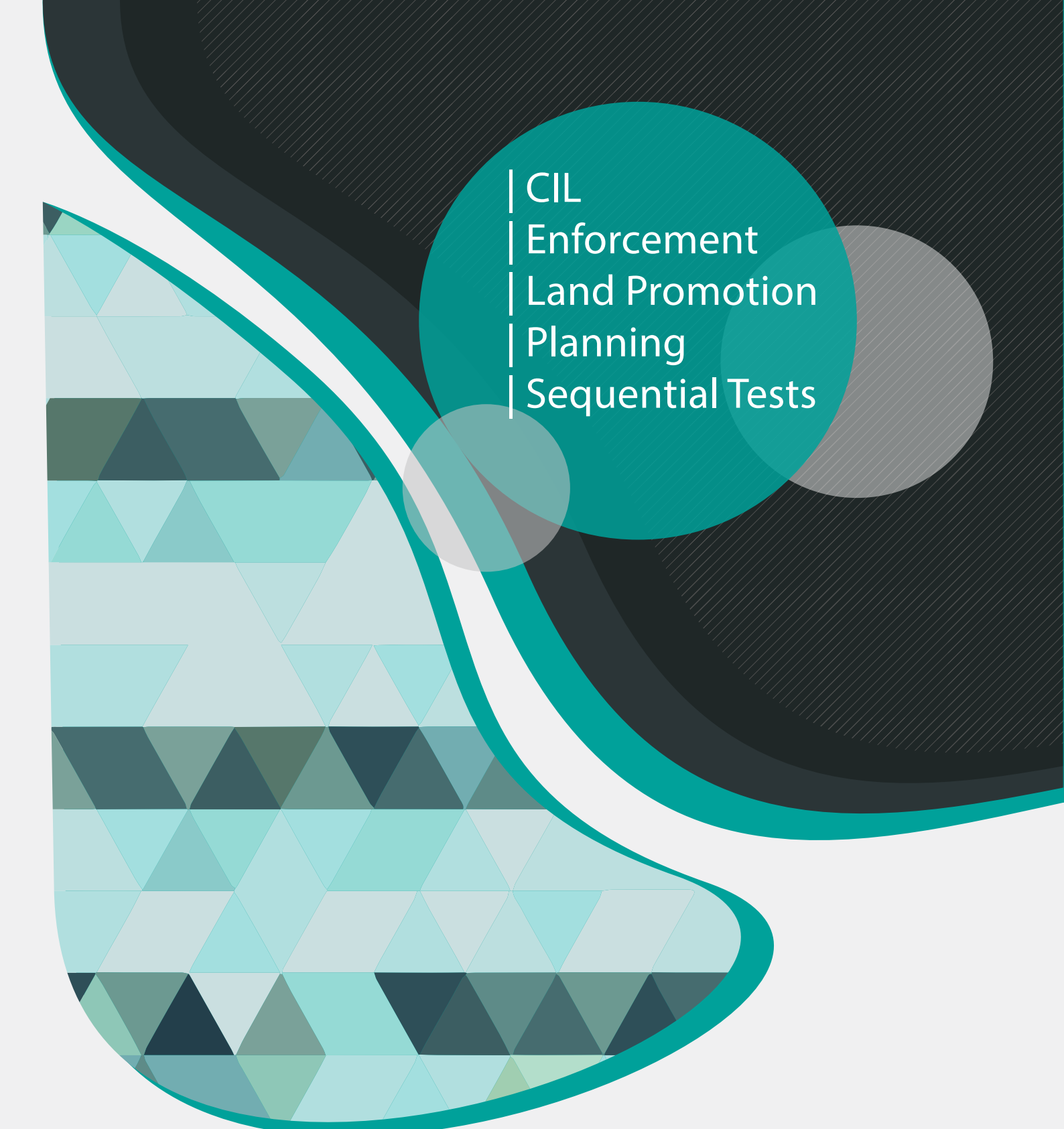


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