



Certificate of Lawfulness for Existing Use

Client:

Kevin Corner

Hedgerley Farm

Nelsons Lane, Hurst, RG10 0RR

Certificate of Lawful Development for the
change of use of a barn to a mixed-used
business workshop/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 change of use of a barn to a mixed-used business 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 It is respectfully requested that the appendices accompanying this report are kept private and confidential for the use of the Local Planning Authority only, as they contain personal and private information about the applicant and occupants. This information is submitted as evidence to support the claims within this report.
- 1.4 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.
 - 1:100 Existing Floor Plans and Elevations

- 1.5 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 related 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 This application seeks to obtain lawfulness for two uses present at the barn, a residential use along the top floor of the barn; and a workshop/ storage use in association with the applicant's business use on the ground floor.
- 2.5 The two uses operate separately from each other, with separate access to the workshop/ storage area and the residential floor, as evident on the floor plans submitted alongside this application.

2.6 As such, the two uses comprise separate planning units. The time period to demonstrate the lawfulness of each use is different, as outlined below.

2.7 In relation to the workshop storage use, 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*”.

2.8 As, such to obtain a certificate of lawfulness for the workshop/storage use of the ground floor barn a ten-year period of continuous use must be demonstrated. In the case of this application, the use began in 2012, and has been ongoing for a period of over 10 years as evidenced below.

2.9 In regard to the residential use, Section 171B(2) controls the relevant timeframe for the immunity from enforcement action in this instance.

2.10 Section 171B (2) states that “*Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of-*

a) *In the case of planning control in England ten years beginning with the date of the breach*”

2.11 To clarify, the four-year rule previously set out in Section 171(B) was replaced by the ten-year rule on 25th April 2024. In the case of the residential first floor use of the barn, the floor has been in continuous residential use with its current configuration and layout since occupation commenced in June 2018. Therefore, it was substantially completed and in continuous use for a period of 4 years prior to the rule change.

2.12 Thus, for this development, the four-year rule remains applicable. The dates to demonstrate the lawfulness of the use are from June 2018 to the date of the submission, a period of over 4 years prior to April 2024.

2.13 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"*.

2.14 It is established case law (F W Gabbitas 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.

2.15 The following section outlines the evidence submitted within the Appendices and explains how this evidence's immunity from enforcement action.

03 Assessment of Submitted Evidence

3.1 The evidence base submitted alongside this application will be showcased in three different sections. Primarily, a statutory declaration by the applicant will be presented. This will be followed by a section primarily evidencing the use of the ground floor of the barn to accommodate the business storage use and workshop. The next section will showcase the evidence relating to the residential use of Hedgerley Barn.

3.2 **Appendix 1: Statutory Declaration of Mr Kevin Corner** has been submitted within this appendix.

3.3 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 within the Declarations can be relied on as **true, clear and unambiguous**.

- 3.4 As outlined within the declaration, Mr Corner and his wife purchased the site, then named Hedgerley Stables, in September 2002. The site can be identified within Exhibit A attached to the statement. The site entailed an existing barn (subject to this application), a block of 5 stables, concrete courtyard, large menage and grazing paddock, and a parking area accessible via two gated entrances.
- 3.5 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 equestrian use.
- 3.6 Since purchasing the site, Mr Corner has confirmed the barn and parts of the land of the site has been in used in connection with his business, as a shop and office-fitting carpenter, for storage of equipment and tools.
- 3.7 As confirmed within the declaration, in 2004 Mr Corner began forming a paving making business, purchasing equipment and having it transported to the site. Due to the recession in 2008/2009, the business use ultimately ceased.
- 3.8 Two years were spent in an attempt to establish the business, during which time the barn and land were used for storage of the equipment associated with the business.

- 3.9 On the 21st of August 2009, a Wokingham Borough Council Enforcement Officer, Mr Jerry Hedley visited the site in relation to the existing entrance to the site. whilst on site, he documented the presence of the plant, machinery, building materials and mobile home associated with the paving business, corroborating the use of the site to store these.
- 3.10 Mr Corner and his wife submitted a planning application under reference F/2005/4964 which was approved on 28/07/05 for the demolishing and rebuilding of the barn due to its poor structure.
- 3.11 The rebuilt barn was completed in 2012. A retrospective consent for windows obtained under planning application number F2013/0267 was obtained on the 28/03/2013.
- 3.12 Building regulations signed off consent on 03/09/2012. This is submitted alongside the application as an Exhibit B. The above history evidence that the barn was constructed prior to the 28/03/2013.
- 3.13 As can be seen within Appendix 2, the approved plans highlight that the ground floor and the first floor were utilised for storage in connection with the commercial operations on site. The building was initially constructed and utilised for the commercial business in full whilst the applicant lived on site in a separate mobile home, as per the below evidence.

3.14 A mobile home was placed on site in September 2007. Wokingham Borough Council was informed that someone was to be living on the site within the mobile home as the construction of the barn was undertaken. A council tax account was created on the 21st of September 2007.

3.15 Mr Corner confirms residential council tax has been paid in full since the date the account was opened, equating to a period of approximately 13 years and 7 months with no missed payments.

3.16 The details on the account were changed from 'Mobile Home at Hedgerley Stables' to 'Hedgerley Farm' in May 2022. Mr Corner confirms this is circa four years after the occupation of the mobile home ceased in July 2018, when he moved into the Barn. Appendix 16 highlights this; when the aerial imagery confirms that the mobile home was removed by June 2018, prior to the applicant moving into the building subject to this application.

3.17 Mr Corner also confirmed that the barn comprises his address for the purposes of the electoral roll from 17th of February 2014 to date.

3.18 Once the new barn was complete in 2012, Mr Corner continued to use it in the same manner as before. The ground floor was used to store the tools and building materials, as well as a small, scaled workshop in connection with the business. The first floor was utilised as further storage in association with the commercial use. His company K&N Contracts Ltd was

registered to the address of the barn on 23/02/2017, even though the use clearly took place before this registration.

3.19 Mr Corner confirmed the first floor of the barn was converted from the commercial use into a residential use from May 2017, and occupation started in June 2018. In July 2018 Mr Corner moved into the first floor of the barn permanently.

3.20 He proceeds to clearly outline within the declaration that from July 2018 to the present day he has been using the first floor of the barn as a separate planning unit as his primary place of residence, and the ground floor for storage and workshop area.

3.21 Finally, the declaration concludes with Mr Corner highlighting he makes this 'solemn declaration conscientiously believing it to be true and by virtue of the provisions of the statutory declarations act 1835'.

3.22 This statement corroborates the status of the barn, confirming that the first floor has been in separate use and occupied as independent residential accommodation since July 2018 by the owner of the land until the present date, a period in excess of 4 years prior to April 2024, the time required for this certificate of lawfulness to be granted in respect of the residential unit.

3.23 It also confirms that the ground floor of the barn has been used for the storage and workshop use on prior to the residential use commencing on the first floor, and for a period in excess of 10 years.

Evidence of Business Use

3.24 **Appendix 3: Business Set Up Documentation** comprises various receipts and email correspondences which evidence the forming of the paving business.

3.25 As outlined within the statutory declaration, Mr Corner began to form his paving business in 2004. This is evidenced throughout this appendix.

3.26 As can be seen, this appendix entails multiple invoices for various dates throughout June and July 2004 for materials associated with the paving business.

3.27 Many of these invoices also entail a 'shipping address', 'delivery address' for the purchase. As can be seen the address on these is 'Hedgerley Stables, Nelsons Lane', the previous address of the site, as confirmed within the statutory declaration.

3.28 Additionally, within the appendix, an email can be found from the Applicant to a supplier company email. Within the email body, Mr Corner states he is 'setting up a business making paving' and is looking to know how much the

supplier can supply and deliver to 'Wokingham and Berkshire' for various paving materials.

3.29 This email is dated 22 June 2004 and is signed by Kevin Conner and also includes the mentioning of his Paving Business Name 'K&N Contracts LTD', as confirmed within the Statutory Declaration.

3.30 Combined, the documents within this appendix substantiate the statutory Declaration by evidencing the paving business was formed in 2004, and that the site where the materials associated with the business were stored. Therefore, it is evident that in 2004, the barn began to be used for storage associated with the paving business founded the same year by the applicant.

3.31 It then is logical that when the barn was reconstructed, it was utilised in the same manner moving forward.

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

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

3.34 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.

3.35 Within the email, Jerry Hedley 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'*.

3.36 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.

3.37 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.

3.38 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.

3.39 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.

3.40 **Appendix 5: Further Invoices and Receipts:** This appendix entails further invoices and receipts associated with the business use.

3.41 These invoices evidence the continuous operations of the businesses operating in the barn beyond the year the business was founded. Crucially, they evidence the operations of the business use at the site following the demolition of the previously existing barn, and the rebuilding of the new barn. There are receipts from various companies. There are receipts and invoices for the years 2011, 2015, and 2017

3.42 These receipts and invoices state the name of the applicant, Kevin Corner, and in some cases also state the name of the paving business- K & N Contracts.

3.43 The address of the barn, 'Hedgerley Stables, Nelsons Lane, Hurst RG10 0RR' is apparent on all the documents in this appendix, apart from one of the A Grade Timber Limited invoices, where it is shortened to 'K. Corner Hurst'. Nonetheless, this still confirms the association of the business with the barn.

3.44 With several of these invoices and receipts concerning materials ordered to be shipped to the site, it can therefore be derived that the site was and is used to store these materials.

3.45 As such, this appendix further substantiates the statutory declaration by evidencing that the barn is in associations with the owner's business, and has been used to store materials associated with the business beyond 2004, and up to 2017.

3.46 On the balance of probabilities, this appendix, alongside the other appendices submitted alongside this application, demonstrate ten years of the continuous use since 2012 of the site as storage and workshop space in association with Mr Corner's business.

3.47 It is evident that the barn buildings subject to this application has been utilised continuously from 2012 until the present date, and is therefore evidently a lawful use immune from enforcement action.

3.48 **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.

3.49 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'.

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

3.51 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'.

3.52 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.

3.53 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 to business purposes 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 barn since 2012 now being regularised through this application.

3.54 **Appendix 7: Officer Report for Application reference F/2013/1496**

was submitted by the applicant proposing the conversion of new barn to 4-bed dwelling.

3.55 As outlined within the officer report, the application was refused, concluding that the development would be 'contrary to the development plan'.

3.56 The actual proposal of the application is not relevant for this statement, however paragraphs 26-31 which evidence the now- lawful use of the barn are.

3.57 Originally, constructed in 2012, the barn obtained retrospective planning permission on the 28th March 2013. A condition was placed on the barn, restricting the use of the building only '*for the storage of hay, straw and ancillary equipment in connection with the equestrian use of the site*'.

3.58 It is outlined in the officer's report, however, that during the time of the application, the use of the barn was found to be in a breach of the planning condition.

3.59 As highlighted in the officer report *'When [the building was] inspected in September 2013 it was in partial use for storage of hay.... The building was also in use for storage of building materials and equipment- possibly in connection with the applicant's shop fitting trade, with washing, toilet and kitchen facilities also present and apparently well-used'.*

3.60 This quote from the officer report presents crucial information which evidences to lawful use of the barn.

3.61 Firstly, it is evident that the barn has been used for mixed-use storage for the owner's business, storing matters beyond what was permitted by the previous condition since at least September 2013, a time period of over ten years. Notably, it is important that this mention in the officer report highlights the fact that the LPA was aware of this mixed-use storage use of the building since at least September 2013, and took no enforcement action against it.

3.62 Moreover, a reference is also made to the presence of 'washing, toilet and kitchen facilities', all facilities which are visible on the ground floor plans of the barn. While such amenities are often associated with residential use, in this context they are understood to support the workshop and storage functions of the barn. It is therefore evidenced that these were present at the barn since at least September 2013.

3.63 As such, this officer's report substantiates the presence of the storage for business at the barn since at least September 2013, providing further evidence and justification for the now immunity from enforcement action as permitted by the ten-year rule.

3.64 **Appendix 8: Photographs of Business Operations** this appendix comprises photos which represent the business operations carried out by the applicant on site in association with the business during three different time periods; 2013, 2014 and 2018.

3.65 The photographs taken within 2013 showcase the storage use of the barn, with a range of materials in association with the applicant's business being showcased.

3.66 The photographs from 2014 showcase a joinery project carried out in the barn. The joinery works can be seen being carried out in the barn within the photographs. Further photographs are also located within the appendix showcasing the implemented joinery project within the David Cliff Office in Wokingham.

3.67 Finally, the photographs from 2018 showcase the workshop use of the barn. These photographs, geolocated at Saint Nicholas, Hurst, show the incomplete project being carried out on site of a range of cabinets. Within

the photographs, and materials associated with the works as well as equipment can be seen.

3.68 Collectively, the photographs across the three time periods—2013, 2014, and 2018—demonstrate a consistent pattern of workshop and storage activity associated with the applicant’s business operations within the barn. Each photographic set reflects the physical occupation and active use of the building, and visible evidence of operation processes which are related to the applicant’s established business at the site.

3.69 In the context of the Certificate of Lawfulness application, these photographic records, alongside the other appendices, offer visual corroboration of a sustained period of business use in excess of the 10-year threshold required to establish lawfulness.

3.70 They complement the various forms of evidence submitted alongside this application and demonstrate that the ground and first floor of the barn have, on the balance of probabilities, been used continuously in association with the applicant’s commercial activity without material interruption.

3.71 **Appendix 9: Email Correspondence with Previous Planning Agent**

This appendix entails an email from the applicant’s previous planning agent from February 2015.

3.72 The email discusses the attached decision notice from the council in regards to application ref MN/2014/2838- 'prior approval submission for the conversion and change of use of existing agricultural building to one dwelling (Use Class C3) Site: Hedgerley Stables Nelsons Lane, Hurst, RG10 0RR', which was refused 'as the existing legal use of the barn has been established as being for the storage of materials' and is therefore not in agricultural use.

3.73 This application follows on from the feedback received in Appendix 6.

3.74 In response, the previous agent proposed a fee proposal to be sent to the client for the change of use for the barn to a workshop and office.

3.75 The planning agent's subsequent recommendation to regularise the use as a workshop and office further evidences the continuation and formalisation of the business operations at the site. Taken alongside the previously referenced statutory declaration and earlier Council correspondence, Appendix 9 provides further support that the business use has occurred continuously and openly for a period exceeding ten years and has therefore achieved lawfulness through the passage of time as stated in the Town and Country Planning Act 1990.

3.76 **Appendix 10: Change of Business Address:** within the statutory declaration, the applicant, Mr Corner highlights K&N Contracts has been

operating from the barn since purchasing it back in 2002, but it officially became registered to the address of the barn in 2017.

3.77 This is evidenced within this appendix by the official document from the Companies House. The document referenced AD01(ef) is a Change of Registered Office Address official document.

3.78 Within the document, it is clearly outlined that the business, K & N Contracts Limited, as of the 23/02/2017, is to be associated with the address of the Barn: Hedgerley Stables Nelsons Lane, Hurst, Reading, Berkshire, England, RG10 0RR.

3.79 The significance of this document lies in its official recognition of the business premises by a governmental body. Although the company had been operating from the current barn since 2013, as supported by Mr Corner's statutory declaration, the registration of the company's official address at this location from 2017 further reinforces the continuity and permanence of its presence at the site.

3.80 The other evidence provided within this submission clearly evidences that the business was operating prior to the formal registration in 2017.

3.81 Therefore, the Change of Registered Office Address document adds weight to the evidence presented throughout this statement, verifying that the Barn has been in lawful commercial use by K & N Contracts.

3.82 Once again, this provides subsidising evidence for the information stated by Mr Corner within the statutory declaration and therefore reinforcing the credibility and consistency of the statement that K&N Contractors has been operating from the barn since 2012 at the now called Hedgerley Farm, thereby supporting the application for a Certificate of Lawfulness.

3.83 **Appendix 11: RAC Invoice** This appendix entails an Invoice from RAC Motoring Services made out to K & N Contracts Ltd dated 03/04/2017.

3.84 The invoice states the agreement name to be K & N Contracts Ltd and is addressed to K & N Contracts Limited, Hedgerley Stables Nelsons Lane, Hurst, Reading, Berkshire, RG10 0RR.

3.85 Similarly to the above, this invoice provides further substantiating evidence that the site was actively in use as the registered business address for K & N Contracts Limited during April 2017.

3.86 Resultantly, the claims of the Statutory Declaration are evidenced, confirming the site has been in use with the associated business for over

ten years, and providing further justification for the granting of a certificate of Lawfulness.

3.87 **Appendix 12: N Rand Electrical Services Invoice** this invoice dates 20th September 2017 is charged to K & N Contracts, the applicant's business name. The invoice reference is Hedgerley Stables, the previous site address.

3.88 The mentioning of both the site address and the applicant's business name on the invoice evidence the business was associated with the site in 2017.

3.89 Again, in combination with the other appendices, this clearly demonstrates and corroborates the timeline provided in the Statutory Declaration, evidencing the lawful workshop/storage use in association with the business at the site for a period of over 10 years.

3.90 **Appendix 13: Ford Lease** entails a letter from Ford Lease regarding Ford Contract Hire with Maintenance, dated 27th January. 2020.

3.91 Crucially, the letter is made out to 'Mr Kevin Corner, K & N Contracts Limited, Hedgerley Stables Nelsons Lane, Hurst, Reading, Berkshire, RG10 0RR'.

3.92 The letter is therefore directly addressed to the applicant's business, K & N Contracts Limited' at the now named Hedgerley Farm.

3.93 As such, this letter provides further substantiating evidence that the site was actively in use as the registered business address for K & N Contracts Limited during January 2020, strengthening the evidence base of the argument and providing further justification for the granting of a certificate of Lawfulness.

Evidence of Residential Use

3.94 **Appendix 14: Council Tax payments** this appendix comprises Council Tax bills and documentation addressed to Mr K Corner from different years, with the first being for the 2018/2019 year and most recently for the 2024/2025 year. The account number on all the documents within the appendix is 41534715, as confirmed within the statutory declaration.

3.95 Primarily, it is crucial to note council tax payments generally need to be paid in respect of all domestic properties where people live permanently, as outlined on the Government website.

3.96 Within the first council tax bill for 2018/2019 it is stated the charges refer to the 'Mobile Home at Hedgerley Stables' but is still addressed to Mr K Corner, the applicant.

3.97 As stated within the statutory declaration (Appendix 1), the details of the account were changed from the Mobile Home to Hedgerley Farm in May 2022, even though the applicant was already residing within the barn since June 2018. As such, this council tax bill corroborates the information within the statutory declaration.

3.98 The council tax bill for the year 2022/2023 was issued on the 11th of March 2022 to Mr Corner and is charged to the Mobile Home as previous. Since this bill was issued before the address on the account was changed in May 2022.

3.99 Confirmation of the changed address can be seen on the government website screenshot in the appendix. This screenshot entails property information for Hedgerley Farm in relation to council tax payments. Crucially, it highlights the council tax at the property comes into effect from '30 June 2022'. This is only a short time after the stated May address change for the account within the statutory declaration and therefore is in keeping with the statements of the declaration.

3.100 Resultantly, by the following council tax bill for the year of 2023-2024, issued on the 10th of March 2023, the bill, in line with the statutory declaration, is the first council tax bill charge which refers to 'Hedgerley Farm', directly evidencing the residential use of the barn in 2023 prior to April 2024.

3.101 The following document in the appendix is a direct debit confirmation dated 5th of November 2024. Once again, it is addressed to Kevin Corner at 'Hedgerley Farm, confirming the residency of the applicant at the barn.

3.102 Finally, the council tax Bill for the year 2024/2025, being addressed to 'Mr K Corner' and the charge referring to 'Hedgerley Farm' further reiterates the residential occupancy of the barn.

3.103 As such, the documents within this appendix clearly demonstrate the residential use of the barn as council tax payments are only required for domestic properties. The various documents corroborate the timeline provided within the statutory declaration.

3.104 **Appendix 15: Thames Water Bills** this appendix entails two Thames Water bills addressed to 'Mr Kevin Corner' at 'Hedgerley Stables, Nelsons Lane, Hurst, Reading, RG10 0RR'.

3.105 The first bill is dated 26 October 2020 and clearly states it is for the water supply of Hedgerley Stables, Nelsons Lane, Hurst, Reading, RG10 0RR. The bill is to do with the payment for the period between 21st July 2020 and 23rd October 2020.

3.106 The second bill, also addressed to Mr Kevin Corner at Hedgerley Stables, Nelsons Lane, Hurst, Reading, RG10 0RR was issued on the 2nd of September 2024 and is applicable for the billing period between 28 April 2024- 22 August 2024.

3.107 The two bills evidence the residency of Mr Kevin Corner at the barn- previously named Hedgerley Stables. Combined, the bills evidence residency of Mr Corner within the barn between the period of 21st July 2020 and 22nd August 2024.

3.108 These bills evidence in themselves that the residential use has at least been in use since the 21st July 2020 until the present day, exceeding the 4-year requirement. However, cumulatively, with the other supporting appendices submitted alongside this application, it is evident the barn has been used for residential use even prior to 2020.

3.109 As such, it is clear that the residential use has been in operation for a time period of over four years prior to 25th April 2024, and as such is lawful due to the passage of time.

3.110 **Appendix 16: Aerial Imagery:** As highlighted by the aerial photographs submitted it is clear that the mobile home was removed from the site in June 2018; therefore, it would have been impossible for the applicant to still be living in the caravan and not the building subject to this application.

3.111 If the client had moved away from the site, he would not have been paying council tax. If the client was living on the site, it clearly was not in the caravan as this no longer existed. Therefore, it is clear by the Council tax payments that the applicant lived on site and, thus, this evidences that the applicant was living on the first floor of the barn from June 2018 until the present date.

3.112 **Appendix 17: Avo energy letter:** this appendix entails a letter received by Mr Kevin Corner at Hedgerley Stables, Nelsons Lane, Hurst, Reading, RG10 0RR, dated 8th December 2023.

3.113 The letter is concerning the price increase in energy bills as of 1st of January 2024.

3.114 Crucially, the letter, being addressed to the applicant at the site subject to this application evidences his residency at the property prior to the 8th of December 2023.

3.115 As such, this appendix, alongside the other appendices substantiate the information stated within the statutory declaration in appendix 1, corroborating the timeline of the declaration.

3.116 **Appendix 18: Garden waste Renewal** the appendix entails a letter dated March 2023 and addressed to Kevin Corner at Hedgerley Farm.

3.117 The letter concerns the renewal of the garden waste collection service for the year 2023/2024. This is a service offered within Wokingham Borough Council to domestic properties.

3.118 An additional letter is found within the appendix for the renewal of the garden waste collection for the 2024/2025 period. Once again, the letter dated March 2024 is addressed to Kevin Corner at Hedgerley Farm.

3.119 Therefore, this appendix, in combination with the other appendices substantiates the claims of the statutory declaration and confirms the residential use of the barn at Hedgerley Farm prior to April 2024 to present day, and therefore corroborates the timeline of the declaration.

3.120 **Appendix 19: Home insurance documents** this appendix entails three documents referencing home insurance at Hedgerley Farm.

3.121 The first document is an email from Sainsbury's Bank dated 18th May 2022. The email references the applicant's name and states the home the policy is applicable onto is at 'Nelson's Lane' commencing 20/05/2022.

3.122 It is clearly stated that the subject insurance policy is home insurance. As such, it is evident the site was used as a residential dwelling at the latest on the 20/05/2022, even though it was utilised without insurance between June 2018 and May 2022.

3.123 This substantiates the information stated in the statutory declaration.

3.124 There are also two documents in association with the home insurance of Hedgerley Farm supplied by Home Protect.

3.125 Home Protect insurance offers home insurance underwritten by AXA Insurance. This shows that the applicant got a new provider in 2023.

3.126 The first document is a letter acknowledging the new insurance policy at the site and is dated 05/10/2023. The letter was addressed to the applicant, Mr Kevin Corner at Hedgerley Farm. It introduces the insurance policy and highlights the payment details and terms. The letter highlights the insurance policy is valid until 05/10/2024

3.127 The following letter is once again addressed to the applicant at Hedgerley Farm. The letter is dated 10/09/2024 and concerns the renewal of the home insurance policy.

3.128 Combined, the three letters in the appendix evidence the residential use of the barn from May 2022. The appendix, in combination with the other appendices submitted alongside this application corroborate the timeline of the statutory declaration and therefore evidence the now-lawful residential use of the barn.

3.129 **Appendix 20: Voting and Polling Cards** this appendix entails various polling cards received by the applicant at the site over time. The appendix entails polling cards and associated letters addressed to Kevin Corner from 2015 until 2024.

3.130 The letters and polling cards are all addressed to Kevin Corner, addressed to the Mobile Home at Hedgerley Stables, Nelsons Lane, Hurst, Reading, RG10 0RR, in line with the references to the mobile home within the statutory declaration.

3.131 The appendix also entails a letter dated 28th November 2024. The letter confirms the update to the address of Mr Kevin Corner to Hedgerley Farm, Nelsons Lane, Hurst, Reading, RG10 0RR effective 1 December 2023. The inclusion of the letter dated 28th November 2024, which explicitly acknowledges the update of Mr Corners address to the site–effective from 1 December 2023–strengthens the continuity of the residential narrative. This official correspondence illustrates not only the residence but also the formal recognition of the site as Mr Corners principal dwelling.

3.132 This is further strengthened by the submission of the 2024 poll cards for the 2nd May 2024 and the 4th July 2024 elections, both of which are addressed to Mr Kevin Corner at Hedgerley Stables, Nelsons Lane, Hurst, Reading, RG10 0RR.

3.133 When considered alongside Mr Corners statutory declaration and other supporting documents, the evidence within Appendix 19 further substantiates the case that Hedgerley Farm has been used as a residential dwellinghouse for Mr Corner for a period more than 4 years prior to April 2025, and thus qualifies for a Certificate of Lawfulness for existing residential use.

04 Conclusion

4.1 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 ground floor of the barn for the workshop/storage use has been in place for a period of at least 10 years, and is thus immune from enforcement action.

4.2 Using the submitted evidence, the residential use can also be traced back for a period of over four years prior to the 25th of April 2024, and is thus also immune from enforcement action.

4.3 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.

4.4 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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