

I, **STUART BROOKS** of **Brookfield Farm, Old Wokingham Road, RG40 3BU** DO **SOLEMNLY AND SINCERELY DECLARE** as follows:

The property at **Brookfield Farm, Old Wokingham Road, RG40 3BU** constitutes a detached house and three separate dwellings converted from outbuildings, known as **The Chalet, The Old Kennels and The Old Stables**, (outlined and pictured below) within the wider property. For more than 4 years and until the present day **these 3 separate units of independent dwelling accommodation** have been continuously and independently occupied by tenants as self-contained dwellings without any intervening uses.



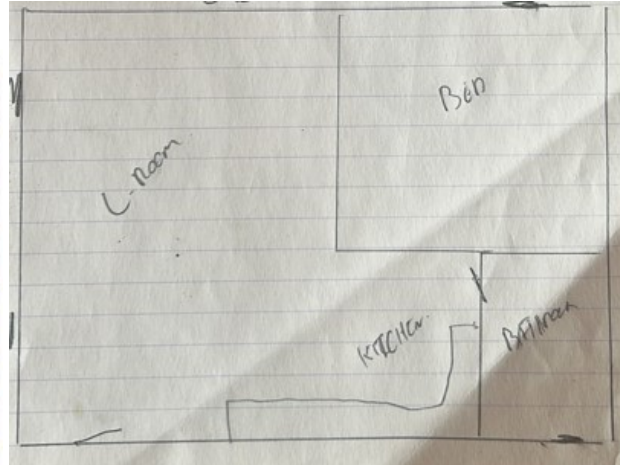
Above – Aerial photo confirming the location of the 3 dwellings

This statement forms the evidence for a Certificate of Lawfulness of Existing Use to be submitted to Wokingham Borough Council.

To be precise and remove any ambiguity in the definition of the area of land or 'planning unit' that this Certificate of Lawfulness relates to the 'red line area' of the application is limited to just that part of the site that is exclusively related to each separate dwelling.

The Chalet

The plans and photo below confirm the independent accommodation.



The tenancy timeline list below confirms the occupation of The Chalet for more than 4 years.

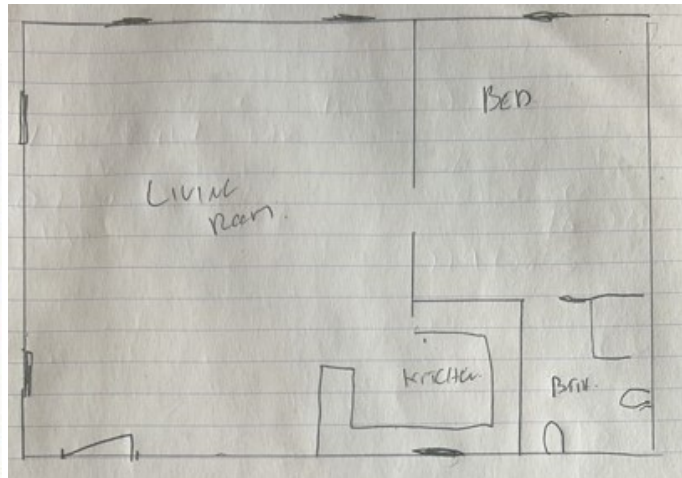
Emmanuel Briandett	2012 – Aug 2018
Jordon Southall.	Aug 2018 – Sept 2022
Thomas Donker	Sept 2022 - Aug 2023
Ibekwe Eziekem	Aug 2023 – Present

The Chalet contains 1 bedroom, a kitchen / lounge / dining area together with a separate bathroom / shower room.

The Chalet is connected to mains electricity, water and sewage; utility bills have been kept inclusive with rent. **The Chalet** maintains its own curtilage distinct from other parts of the wider site. The tenants have each had exclusive use of **The Chalet** as their dwelling and whilst I hold a key as I would not go into their home, for example to borrow some sugar, without asking them first. Each tenant's privacy and independence has been important to them.

The Old Kennels

The plans and photo below confirm the independent accommodation.



The tenancy timeline list below confirms the occupation of The Old Kennels for more than 4 years.

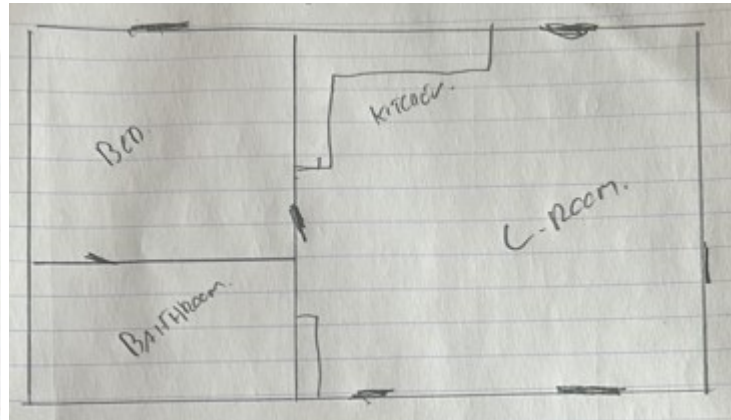
Ed Pilgrim.	Sept 2019 – Jan 2020
Dylan King	Jan 2020 – Dec 2021
Lucien Robinson	Dec 2021 - Sept 2023
Lloyd	Sept 2023 – Present

The Old Kennels contains 1 bedroom, a kitchen / lounge / dining area, together with a separate bathroom / shower room.

The Old Kennels is connected to mains electricity, water and sewage; utility bills have been kept inclusive with rent. **The Old Kennels** maintains its own curtilage distinct from other parts of the wider site. The tenants have each had exclusive use of **The Old Kennels** as their dwelling and whilst I hold a key as I would not go into their home, for example to borrow some sugar, without asking them first. Each tenant's privacy and independence has been important to them.

The Old Stables

The plans and photo below confirm the independent accommodation.



The tenancy timeline list below confirms the occupation of The Old Stables for more than 4 years.

Reggie Clayton	Aug 2017 – September 2018
Tyrone Southall	Sept 2018 – Oct 2022
Bradley	Oct 2022 – Oct 2022
Nick Pilgrim	Oct 2022 – Present

The Old Stables contains 1 bedroom, a kitchen / lounge / dining area, together with a separate bathroom / shower room.

The Old Stables is connected to mains electricity, water and sewage; utility bills have been kept inclusive with rent. **The Old Stables** maintains its own curtilage distinct from other parts of the wider site. The tenants have each had exclusive use of **The Old Stables** as their dwelling and whilst I hold a key as I would not go into their home, for example to borrow some sugar, without asking them first. Each tenant's privacy and independence has been important to them.

I have put this statement together following conversations with my planning agent asking me questions as to how **The Chalet, The Old Kennels and The Old Stables** have been occupied as three separate dwellings; everything I have included within this statement is correct and an accurate reflection of the facts – the only thing the planning agent has done is to put this evidence together in a logical order and so that I could respond to the aspects of planning law.

I can confirm that the evidence contained within this sworn statement has been prepared in accordance with the guidance on Lawful Development Certificates contained within Circular 10/97 particularly paragraphs 8.12 and 8.15 which states, "As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a LPA should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the Court has held (see *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. If the LPA have no evidence of their own, or from others, to contradict or

otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

My planning advisor has also explained to me that in planning law, the case of *Burdle v Secretary of State for the Environment* (1972) All E.R. 240 gives guidance as to how a planning unit (or in this case a separate planning unit) can be recognised. In a well-known passage in that case, Bridge J gave the following guidance on how to determine the appropriate planning unit:

"First, that whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole planning unit should be considered.... But, secondly, it may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physical distinct areas of land. Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit"

I can confirm that my use and occupation of **Brookfield Farm, Old Wokingham Road, RG40 3BU** and the tenants' usage and occupation of **The Chalet, The Old Kennels and The Old Stables** as separate dwellings' falls entirely within the third proposition on the basis each dwelling is occupied as separate, independent accommodation.

Finally for completeness my planning advisor has asked me to comment on a further planning case where in *Uttlesford District Council v Secretary of State for the Environment and White* [1992], it was held that, *"the use of an outbuilding in the curtilage of an existing dwellinghouse for primary residential purposes does not involve a material change of use where it is used in conjunction with the dwelling. The essential question is whether the use of the curtilage building has created a separate planning unit. Where such a building is occupied by someone unconnected with the original dwelling or has been severed from it and has its own curtilage, a separate dwelling will have been created"*.

The use of **The Chalet, The Old Kennels and The Old Stables** is distinct from the *Uttlesford DC v SoSE and White* [1992] case on the basis that they are each detached buildings and for in excess of 4 years it has only been occupied independently without being in connection or conjunction with other parts of the site; its separate usage and status as self-contained dwelling houses with all the necessary living facilities having been functionally severed from **Brookfield Farm**(house) for more than 4 years.

To sum up I can confirm from my personal knowledge and experience that I have

continuously rented out The Chalet, The Old Kennels and The Old Stables as separate, independent self-contained residences for in excess of 4 years and that these uses are ongoing.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

SIGNED.....  STUART BROOKS

DECLARED AT... Couchman Hanson Solicitors

In the County of... Berkshire

This day of... 2nd November 2023

Before me... 

Garyn Andrew Simpson BA (Hons) LL.M Solicitor
Roll Number 2140

A Solicitor/Commissioner of Oaths... GARYN S. SIMPSON

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