



Planning

Appeal Statement for the Appellant

Client: **Mr and Mrs Pigeon**

**Address: The Loft, Part Lane,
Swallowfield**

*Appeal against
Enforcement Notice*

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1. Introduction

1.1 This statement of case is submitted following the issuing of an Enforcement Notice dated 27th May 2026 by Wokingham Borough Council for an alleged breach of planning control at The Loft, Part Lane, Swallowfield, Reading, UK.

1.2 The alleged breach is outlined as follows:

"Without planning permission, the material change of use of the Land for non-agricultural storage purposes, including but not limited to shipping containers, vehicles, caravans and building materials."

1.3 The appeal has been accepted on the following grounds; b), c), d), f) and g) under section 174 of the Town Planning and Country Planning Act (as amended). This statement provides the full appeal case on behalf of the Appellant.

2. Site Location and Description

- 2.1 The relevant appeal site is a roughly rectangular plot of land to the west side of Part Lane. Centrally sited within the planning unit is a large barn which is lawfully in use for both commercial (ground floor) and residential (first floor). The site is therefore in a lawful mixed use, incorporating the surrounding land and a variety of detached outbuildings.
- 2.2 To the north is Oakleigh Farm; another mixed-use site. To the west, east and south is agricultural land.
- 2.3 The appeal site lies outside of the Green Belt within locally designated countryside. The appeal site falls within Flood Zone 3.



Figure 1: Image of the existing building at The Loft, Swallowfield in 2018

3. Planning History

- 3.1 Of most relevance to this appeal, is the following planning history:
- 3.2 Application Ref: 222578 - Application for a certificate of existing lawful development for the use of land as mixed use of residential, signage/graphics business and storage and agriculture. Refused (06/01/2023).
- 3.3 Application Ref: 211245 - Change of use from Agricultural land to Commercial use for the proposed erection of 1no. commercial building with associated parking and landscaping. Refused (16/06/2021).
- 3.4 Application Ref: 183393 - Full planning application for the change of use of ground floor of existing building from storage to residential plus extensions to create 3no bedroom dwelling. Refused (28/03/2019).
- 3.5 Application Ref: 181163 - Full planning application for change of use of ground floor of existing building from storage to residential; plus extensions to create 3no bedroom dwelling. Refused (01/08/2018).
- 3.6 Application Ref: 142717 - Application for a certificate of existing use for the change of use of the first floor of the building for residential use. Approved (02/01/2015). Also in **Appendix 1.**
- 3.7 Application Ref: 44729 – Change of use of part of Barn to B1(a) use (computer sign writing). Approved (10/10/1995). Also in **Appendix 2.**

4. Case on behalf of the Appellant

The Ground B) Appeal

- 4.1 The appeal is brought under ground (b) on the basis that the matters alleged in the Notice have not occurred. The Enforcement Notice alleges:

"Without planning permission, the material change of use of the Land for non-agricultural storage purposes, including but not limited to shipping containers, vehicles, caravans and building materials."

- 4.2 "The Land" identified in the Notice represents The Loft, Part Lane, Swallowfield, Reading, RG7 1TB, shown in red on the attached plan. The Appellant argues that the Land has not materially changed to a separate use for non-agricultural storage purposes, but instead has been operating for decades as a single mixed-use planning unit, incorporating residential, commercial, agricultural and ancillary storage uses. The Appellant's position is therefore that the Council have alleged the wrong matter, as the Land has not changed to a use for non-agricultural storage purposes.

- 4.3 The Council's 2023 Enforcement Notice Expediency Report (Appendix 3) acknowledges that the building is in mixed-use, comprising commercial, residential and agricultural uses, and that those uses benefit from planning permission or a lawful development certificate for distinct parts of the building. The report further records that the lawful use of the first floor is residential, part of the ground floor is lawful for the sign-writing business, and the remaining part of the building is agricultural.
- 4.4 The report also confirms the Council previously understood the planning position as involving a mixed-use and ancillary-use scenario rather than a standalone storage use as alleged in the most recent

Enforcement Notice. The appended officer report (Appendix 4) also recorded that the enforcement case investigated the siting of storage containers ancillary to the residential dwelling and business, and further stated that stored items observed during site visits appeared to be incidental to the residential and business uses at the site.

- 4.5 The wording used by the Council in the 2023 Enforcement Notice Expediency Report and the Officer's report in Appendices 3 and 4 both confirm that the Council were aware of the lawful residential, commercial and agricultural uses and that the storage, containers, vehicles and associated items were being considered in the context of those uses. This supports the Appellant's position that the current Notice misdescribes the matter by alleging a material change of use of the Land for non-agricultural storage purposes, disregarding the lawful mixed-use context.
- 4.6 The Council has failed to properly distinguish between a separate B8 storage use and storage which is ancillary to the lawful mixed use of the site. The Notice refers to "non-agricultural storage purposes" within the hatched black area on the plan appended in the Notice. The lawful use of "the Land", includes agricultural, residential and commercial class E uses. Storage associated with residential and commercial uses may be non-agricultural, but that does not make it a separate, independent unlawful B8 storage use. The Council's requirement to cease the use of the hatched Land for non-agricultural purposes and remove associated items does not consider the presence of such items is consistent with the long-standing mixed use of the site and does not, by itself, demonstrate that a separate material change of use has occurred. The Ground D evidence will affirm this.
- 4.7 The allegation is further incorrect, because it fails to identify all of the uses within the red line identified. The Planning History in section 3

explicitly affirms a lawful residential and commercial use and yet these are not included within the description of the use of The Land edged red. The marking of the barn in pink is also unclear.

4.8 The Appellant therefore submits that the Council has misdescribed the use of the Land, as storage only forms part of, and is ancillary to the established mixed use of the site, supporting the business and residential use associated with the Land. Correction to the Allegation would materially alter the substance of the Notice and would cause injustice to the Appellant. Given that the Council were fully aware of the residential and commercial use at the time of serving the Notice, the consequent action the Inspector is requested to take is therefore to quash the notice under ground (b). not a separate storage use.

4.9 The above is further supported by the 2023 Council expediency reports which refers to the uses as ancillary. This is attached at **Appendix 3.**

4.10 The matters alleged in the Notice have therefore not occurred, and the appeal should be allowed under ground (b) with the Notice quashed.

The Ground C) Appeal

4.11 The Appeal under ground c) states the matters alleged do not constitute a breach of planning control. In this instance, there was no breach of planning control as the alleged non-agricultural storage use is ancillary to the lawful uses of the site.

4.12 The site's lawful residential, commercial and agricultural uses ensures storage is ancillary to the lawful use of the site, therefore requiring no separate planning permission. The Council has not created a clear distinction between a separate storage use and ancillary storage that is reasonably connected with the lawful use of the Land.

- 4.13 It is acknowledged condition no.2 of 44729 states that the surrounding land should not feature storage associated with the approved B1 use however, the Notice does not target a breach of condition but a material change of use beyond the permission granted in 44729. As such, owing to the planning history of the site and overlapping lawful use of the building and land, this condition cannot apply as there is no B1 Use Class for it to 'attach to' as per the development description – a newer mixed use exists.
- 4.14 This aligns with the principles established in *Beach v SSE and Runnymede BC* [2002] JPL 185 when determining if a material change of use has occurred. 'Beach' holds that where an additional primary use (component 'C') is added to an existing mixed use (comprised of components 'A'+ 'B') the comparison to be made for measuring a material change of use is between the previously existing use 'A+B' and the existing use 'A+B+C'. Whilst it can be argued that the B1 use targeted a particular part of the building, the accompanying change of use of the building and land to a mixed use which included the residential use (as the residential parking and ancillary residential use of the land overlapped with the use of land described by the B1 permission, considered in isolation of the C3 use) would have been lawful as of 2006 at the earliest (ten years from all components being on site together). This history is illustrated in the table below with the agricultural use of the site referred to as component 'A'; the B1 use as component 'B' and the residential use as component 'C'. It is therefore made apparent that there is no breach in planning control, as the claim to remove from the Land everything associated with non-agricultural storage purposes is not identified.

Planning Application Ref.	N/A	N/A	44729	142717
Year	Pre-1993	1993	1996	2006
Use Class Component (On Site)	A	A+C*	A+B+C*	A+B+C
<i>Table 1. Timing of material changes of use that have occurred at The Loft following implementation of lawful development.</i> <i>*Component C not lawful at this time (when considered in isolation)</i>				

4.15 The alleged development in the Notice is 'A+B+C'. This would not carry previous conditions with it which applied to 'A+B' (or 44729 by itself for that matter) being a new development altogether. In summary it is considered that use of the land as per the alleged breach is lawful and has planning permission, the ancillary use of the land does not amount to a material change of use from the lawful use of the site and is therefore not development as per Section 55 of the Act.

4.16 Notwithstanding the above, had the Council considered the site to have clear and distinct separate planning units within it (with one of these being for the use of a C3 dwellinghouse) the Council should have considered any ancillary residential use of the land to not require planning permission as per Section 55(2)(d) of the Act.

4.17 Section 55(2)(d) of the Act (as amended) states that:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-... (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwelling as such..."

- 4.18 It should be noted the surrounding land is considered to be the curtilage of the building, having been intimately associated with the building since its construction. It should also be noted there is no definition of a 'dwellinghouse' for the purposes of the Act. The definition of a dwellinghouse found in the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('GPDO') also does not assist as this definition is flexible depending on the part of the legislation used (includes or excludes flats for differing parts). However, *Gravesham Borough Council v Secretary of State for the Environment* (1984) 47 P&CR 142 ('Gravesham') held that a dwellinghouse is a building containing the facilities for day-to-day private domestic existence.
- 4.19 Had the view of the Council been to consider the site to form multiple units with clear and distinctive separations, then any change of use of the land or building for "ancillary residential" purposes would not be considered development as per Section 55(2)(d) of the Act and would not require planning permission, particularly where the previous portacabin buildings were sited. Conversely, if this argument is rejected then it can only be concluded through logical deduction the site is in a mixed use arising from the various granted permissions.
- 4.20 In conclusion, it is submitted that land forming the lawful mixed use of the site and would not amount to a material change of use requiring planning permission – there has not been a change in the character of the land which constitutes a material change of use beyond the existing lawful use. Similarly, the vehicles parked on site, containers and paraphernalia referenced in the Notice are all part of the activity of the mixed use and do not constitute buildings as per Section 55 of the Act – regardless of where they are sited on one particular day, they would still be lawful in one siting or another so

long as they are within the planning unit and ancillary to the mixed use.

- 4.21 If the site is not considered to be in a lawful mixed use then any of the residential use of the land would be within the curtilage of the dwellinghouse and not require planning permission owing to Section 55(2)(d) of the Act.
- 4.22 As such, it is considered the appeal should succeed on Ground C).

The Ground D) Appeal

- 4.23 In respect of the Ground D) argument, the Appellant claims that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- 4.24 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'.
- 4.25 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. 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".
- 4.26 Section 171B (1) therefore controls the relevant timeframe for the immunity from enforcement action of the change of use - The dates to demonstrate the lawfulness of the change of use to mixed use commercial are from the date of the submission, back over ten years. In this case, the mixed-use of the wider site commenced in April 2015, which constitutes a period of over 10 years.

- 4.27 In total, all development has occurred for a period in excess of 10 years.
- 4.28 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.
- 4.29 It is apparent from the planning history a mixed use of B1/agriculture was lawful in 1996 having been granted by 44729, the dwelling on the first floor became lawful in 1997 (at its earliest) as per 142717. The amalgamation of all these elements in terms of the surrounding land would have become lawful in 2006, with 1996 being the recorded point in the sites planning history where all components are present. As such, the planning history should also be a factor to support the information in the statutory declarations being corroborated by officer reports and plans considered for the site.
- 4.30 It should be acknowledged the Council refused a certificate of lawfulness at the site for "Use of land as mixed use of residential, signage/graphics business and storage and agriculture" on 06/01/2023 prior to issuing the Notice. From reading the assessment in the report (which is an appendices to the Council's expediency report) it appears the Council does not consider there to be conflicting information regarding the 10 year use of the site only that there are separate planning units and briefly insinuates that the B1 permission has ceased, as a planning statement between 2013 – 2018 for a previous application states the ground floor is 'unused' however, the report also confirms that business rates have been paid since 1996 for the workshop. It should be noted the officer report also seeks to use site descriptions from consultant documents (across differing past planning applications) to describe the use of the site at the time however, these are not commentary on the use class of the site only observations from site visits.

4.31 Further clarification has been sought from the appellants to demonstrate the continuous use of the B1 activity on site since 1996, as this appears to be the main point of contention from the Council. Mrs Angela Pidgeon has confirmed the following:

- Ian Pidgeon's business 'Signwise' started in 1996 and was the business that first operated in the unit following the grant of the B1 permission. 'Signwise' moved to an alternative site in 2003 (Bloomfield Hatch Farm Grazeley) until 2008 and then moved to Heron Industrial Estate Spencer's Wood until 2021.' Signwise' moved each time the company expanded and unfortunately went bust during the Covid pandemic, however, Ian left 'Signwise' in 2020.
- In 2003 'A Star Signs' (not connected to Ian Pidgeon) began operating from the unit. 'A Star Signs' vacated in 2014 following the need to move for operational reasons and seek larger premises.
- During 2014 – 2018 Ian Pidgeon used the unit within The Loft on an ad hoc basis for his own separate operation and provided sign printing equipment. Robert and Angela Pigeon became the liable party for business rates in this time.
- Ian Pidgeon continued to use the unit from 2018 under a new company name of 'Graphics4U'. 'Graphics4U' officially opened upon his formal departure from 'Signwise'.

4.32 Whilst the Council do not dispute that there is a consistent business rate record, further information has been provided as part of this appeal. **Appendix 5** comprises a letter from the Valuation Office Agency details the new rateable value of the unit in 2005 (evidencing the presence of the business use). A more recent confirmation was provided by the Council's business rates department confirming both

Mr Mrs Pidgeon were liable for business rates from 2015 to 2020 (**Appendix 6**). **Appendix 7** details the business rates calculations from WBC and notably the empty property rate was recalculated, and small business rates being changed in 2015, this details that the unit was not considered vacant by the council in this time (otherwise the previous empty property period would have applied and not have been recalculated).

- 4.33 **Appendix 8** details bank statements from Mrs Angela Pidgeon showing some of the rent payments provided by 'A Star Signs' in 2013 and 2014. Whilst records going further back would afford further weight to this evidence it should be noted there is a significant amount of redaction required and creates a significantly large file size as such, not all records have been provided. This is considered to be acceptable owing to the fact other evidence including statutory declarations have been provided and the Council do not dispute business rates applying for the unit since its inception.
- 4.34 Finally, when searching the filing history of 'A Star Signs' there is publicly available information detailing that when the company was incorporated on 14/07/2014 it had an office address of "The Loft, Part Lane, Swallowfield, Reading, England, RG7 1TB".
- 4.35 In conjunction with the statutory declarations and in the absence of conflicting information it can only be considered a mixed use has been in situ (on the land and the building) in excess of 10 years.
- 4.36 As previously stated, it is considered that the Council had incorrectly misjudged the planning unit of the site. The evidence provided by the series of statutory declarations detailed the C3 and B1 activity to overlap particularly regarding the parking of vehicles and the use of land for ancillary residential activities, these functions cannot be separated or identified to operate from independent parts of the site,

as access to the site and the building itself are all shared. The report takes no issue with the presence of agriculture associated use/functions owing to any changes not being a change of use as per S55(2)(e). The Council report proceeds to assess the use of the building and the land in separate sections.

4.37 The Council stated in order for a mixed use to be demonstrated the commercial and residential uses have to have taken place in the entire building to constitute a material change of use to a mixed use. Notwithstanding the implications this raises regarding the planning unit, there are multiple uses within the building with shared access throughout – the flat cannot be accessed without walking through the main ground floor area associated with the agricultural element of the use. The officer report also acknowledged the use of part of the ground floor of the building for clothes drying and the applicants sitting downstairs but it has erroneously stated that evidence has to be provided to demonstrate the entire building is used as a dwellinghouse. The floorplans for the dwelling as approved in 142717 showed the layout of the barn and confirm the dwelling does not have an access independent of the floorspace of the other uses within the building, the dwelling therefore cannot be independent.

4.38 The officer report in the assessment of use of the land is also further convoluted as it acknowledges the use of the land for recreation (ancillary residential) but also states “this appears to be occasional use (not a material change of use) and temporary uses of up to 28 days may be permitted without planning permission from the Council being required”. To be permitted in this context is to be granted permission by Schedule 2, Part 4 of the GPDO and as such is synonymous with granting planning permission for a material change of use. As such the Council does not refute that incidental residential activities have taken place, but it is not clear if they consider them to

be a material change of use or not as this would effectively amalgamate the planning units, but again the report claims there are separate units.

4.39 Notwithstanding the above, the residential use is perhaps best evidenced as material when the officer report acknowledged the presence of a previous portacabin for ancillary accommodation to the dwelling. Whilst this element was removed the report states: "the evidence refers to a residential portacabin sited on the land between 1995 and 2020. The portacabin was removed in 2020. No reference is made to this land being in business or agricultural use. It is questionable, based on the photographs of the condition of the portacabin whether this could be used as for habitable guest accommodation. The use of this portacabin may have become 'lawful' had it not been removed from the land in 2020. A new building was erected in 2020 without planning permission and has not been sited on the land and used for residential purposes for 4 or 10 years" (emphasis added is my own). As such, in conjunction with the evidence of other activities the Council should have been able to conclude a material change of use had occurred on the land which included said residential element.

4.40 The report also states: "the evidence indicates that the land has been used for the parking of vehicles in connection with the dwelling...it is unlikely that a 1 bedroom dwelling would be associated with a significant number of vehicles to constitute a material change of use of the entire land for residential parking purposes". Again, the Council has acknowledged the use of land as part of the residential use but it is not clear why the parking of residential vehicles associated with the dwelling on site is not considered to be material. Quite simply there is a clear difference between parking for residential purposes associated with a dwelling also on the land and parking associated

with the sign writing business – the fact this may be for a small number of vehicles does not mean it is not material as it is associated with the C3 use class, it is used for residents to park to access their dwelling, a completely different character to the parking of vehicles for the sign writing business.

4.41 The report does not provide significant detail but indicates the cessation of activity associated with the B1 element of the mixed use stating a period of inactivity between 2013 – 2018. However, the workshop not being used does not mean the use has been abandoned as indicated in this assessment. It was held in *Wipperman v SSE and LB Barking* [1965] 17 P and CR 225, that where a site is in a composite use, that the cessation of one element of a composite use would not by itself ever amount to a material change of use. As such, the Council should have provided evidence that the other uses have intensified to omit the B1 use - so that the site was now in a different sui generis composite use (only comprising C3/agriculture), this was not identified in the officer report. Notably, the Council has relied on previous site visit photographs to come to this conclusion however, as per Mrs Pidgeon's statutory declaration (**Appendix 9**) the number of vehicles on site fluctuates depending on the need and availability of work, the areas in the building has remained usable for B1 purposes as and when the need arises – it has not been converted or removed to a degree preventing its use, to accommodate the other elements on site to indicate an increase in their intensity which would be of a character of a different sui generis to that applied for in the certificate.

4.42 Insinuating a period of inactivity for the B1 element is therefore a break in the 10 year test, does not serve the conclusion the site features multiple planning unit or that the sui generis (composite) use has not been in situ for 10 years. Notwithstanding this the Council

should have considered there to be a 10 year period prior to 2013 as this is corroborated by the site history and statutory declarations.

Appendix 9: Angela and Robert Pidgeon Statutory declaration

- 4.43 **Appendix 9A – Statutory Declaration of Angela Margaret Pidgeon** – Mrs Pidgeon confirms that she and her husband purchased the Land known as “The Loft” in 1984, and has been used as a single mixed-use planning unit for a long time period. She further notes the historic use of the Land for horse grazing, the construction of the access driveway and hardstanding, the erection of the barn in 1992, the commencement of residential occupation from 1993, and the commercial sign-writing use from 1995. The declaration also confirms the long-standing use of the surrounding land for vehicle access, parking, storage, boats, caravans, vehicles, building materials, containers and other items connected with the residential, commercial and agricultural uses of the site.
- 4.44 **Appendix 9B – Statutory Declaration of Robert Pidgeon** – Robert Pidgeon’s statutory declaration is further first-hand evidence from the owner of the site, supporting Angela Pidgeon’s evidence, and confirms the same key chronology and history of the Land.
- 4.45 Mr Pidgeon confirms that the land has been used over a long period for residential occupation, commercial sign-writing activity, agricultural use, access, parking and ancillary storage. His declaration also confirms the presence of vehicles, boats, caravans, building materials, containers and other items as part of the ordinary use of the wider site.
- 4.46 Mr and Mrs Pidgeon’s declarations provide the core factual evidence for the Appellant’s case, demonstrating the site has been operated as one mixed-use planning unit and storage has not been operated as an independent use.

Appendix 10 – Statutory Declarations of Colin Raymond Dodds and Barbara Anne Dodds

- 4.47 **Appendix 10A and 10B – Statutory Declaration of Colin Raymond Dodds and Barbara Anne Dodds** – The third party evidence from Colin and Barbara Dodds originate from two individuals who are familiar with the site over a long period of time. Their declarations are materially the same and should therefore be read together.
- 4.48 The two declarations confirm that The Loft has existed as one property and is served by a single access from Part Lane, with Land not divided or treated as separate parts. They also confirm that there have been no fences, walls, hedges or gates subdividing the land into separate planning units.
- 4.49 These declarations directly support and enforce the Appellant’s case that the land has been used for a mixture of activities over a long time period, as well as confirming storage has never operated as a separate use but has formed part of the way the whole site has been used alongside the residential, commercial and agricultural activities.

Appendix 11 – Statutory Declaration of Martin Edward Cogdell

- 4.50 Mr Cogdell’s declaration confirms the Loft has been understood as one property, served by a single access from Part Lane, and that the land has not been divided into separate parts by fences, walls, hedges or gates, supporting the Appellant’s position that the site has historically operated as one planning unit rather than separate.
- 4.51 The declaration also confirms the long-standing mixed use of the site, including residential use, commercial sign-writing use, agricultural use, vehicle parking and storage of materials, boats, machinery and vehicles. Mr Cogdell confirms the storage use is not operated as a

separate use, but has formed part of the overall way in which the site has been used alongside the residential, commercial and agricultural activities.

Appendix 12 – Statutory Declaration of Michael James Knight

- 4.52 Mr Knight's declaration confirms the Loft has been understood as one property, served by a single access from Part Lane, and that the land has not been divided into separate parts by fences, walls, hedges or gates, supporting the Appellant's position that the site has historically operated as one planning unit rather than separate.
- 4.53 The declaration also confirms the long-standing mixed use of the site, including residential use, commercial sign-writing use, agricultural use, vehicle parking and storage of materials, boats, machinery and vehicles. Mr Knight confirms the storage use is not operated as a separate use, but has formed part of the overall way in which the site has been used alongside the residential, commercial and agricultural activities.

Appendix 13 – Statutory Declaration of Nina Christine Coggins

- 4.54 Mrs Coggins' declaration confirms the Loft has been understood as one property, served by a single access from Part Lane, and that the land has not been divided into separate parts by fences, walls, hedges or gates, supporting the Appellant's position that the site has historically operated as one planning unit rather than separate.
- 4.55 The declaration also confirms the long-standing mixed use of the site, including residential use, commercial sign-writing use, agricultural use, vehicle parking and storage of materials, boats, machinery and vehicles. Mrs Coggins confirms the storage use is not operated as a separate use, but has formed part of the overall way in which the site

has been used alongside the residential, commercial and agricultural activities.

Appendix 14 – Statutory Declaration of Patricia Mary O’Callaghan

- 4.56 Mrs O’Callaghan’s declaration confirms the Loft has been understood as one property, served by a single access from Part Lane, and that the land has not been divided into separate parts by fences, walls, hedges or gates, supporting the Appellant’s position that the site has historically operated as one planning unit rather than separate.
- 4.57 The declaration also confirms the long-standing mixed use of the site, including residential use, commercial sign-writing use, agricultural use, vehicle parking and storage of materials, boats, machinery and vehicles. Mrs O’Callaghan confirms the storage use is not operated as a separate use, but has formed part of the overall way in which the site has been used alongside the residential, commercial and agricultural activities.

Appendix 15 – Statutory Declarations of Rodney Burt and Catherine Mary Burt

- 4.58 **Appendix 15A and 15B – Statutory Declarations of Rodney Burt and Catherine Mary Burt** - The third party evidence from Rodney and Catherine Burt originate from two individuals who are familiar with the site over a long period of time. Their declarations are materially the same and should therefore be read together.
- 4.59 The two declarations confirm that The Loft has existed as one property and is served by a single access from Part Lane, with Land not divided or treated as separate parts. They also confirm that there have been no fences, walls, hedges or gates subdividing the land into separate planning units.

- 4.60 These declarations directly support and enforce the Appellant's case that the land has been used for a mixture of activities over a long time period, as well as confirming storage has never operated as a separate use but has formed part of the way the whole site has been used alongside the residential, commercial and agricultural activities.

Appendix 16 – Statutory Declarations of Sally Bancroft and Clifford Bancroft

- 4.61 **Appendix 16A and 16B – Statutory Declarations of Sally Bancroft and Clifford Bancroft** - The third party evidence from Sally and Clifford Burt originate from two individuals who are familiar with the site over a long period of time. Their declarations are materially the same and should therefore be read together.

- 4.62 The two declarations confirm that The Loft has existed as one property and is served by a single access from Part Lane, with Land not divided or treated as separate parts. They also confirm that there have been no fences, walls, hedges or gates subdividing the land into separate planning units.

- 4.63 These declarations directly support and enforce the Appellant's case that the land has been used for a mixture of activities over a long time period, as well as confirming storage has never operated as a separate use but has formed part of the way the whole site has been used alongside the residential, commercial and agricultural activities.

Appendix 17 – Statutory Declarations of Sandra Elizabeth Barton and David Robert Barton

- 4.64 **Appendix 17A and 17B – Statutory Declarations of Sandra Elizabeth Barton and David Robert Barton** - The third party evidence from Sandra and David Barton originate from two individuals who are familiar with the site over a long period of time.

Their declarations are materially the same and should therefore be read together.

- 4.65 The two declarations confirm that The Loft has existed as one property and is served by a single access from Part Lane, with Land not divided or treated as separate parts. They also confirm that there have been no fences, walls, hedges or gates subdividing the land into separate planning units.
- 4.66 These declarations directly support and enforce the Appellant's case that the land has been used for a mixture of activities over a long time period, as well as confirming storage has never operated as a separate use but has formed part of the way the whole site has been used alongside the residential, commercial and agricultural activities.

Appendix 18 – Statutory Declaration of William George Sugg

- 4.67 Mr Sugg's declaration confirms the Loft has been understood as one property, served by a single access from Part Lane, and that the land has not been divided into separate parts by fences, walls, hedges or gates, supporting the Appellant's position that the site has historically operated as one planning unit rather than separate.
- 4.68 The declaration also confirms the long-standing mixed use of the site, including residential use, commercial sign-writing use, agricultural use, vehicle parking and storage of materials, boats, machinery and vehicles. Mr Sugg confirms the storage use is not operated as a separate use, but has formed part of the overall way in which the site has been used alongside the residential, commercial and agricultural activities.

Appendix 19: Photos

- 4.69 The historic photos evidenced in Appendix 19 confirm photos dated all the way from the 1980s, demonstrating the long-standing

character and use of the site. These photos, along with the statutory declarations at appendices 1-10, reveal the land has not recently changed to a separate storage use, but instead shows the site has historically operated as a single mixed-use planning unit, incorporating residential occupation, commercial activity, agricultural use, vehicle parking and storage ancillary to those uses. The photos are dated with the year of capture, with some of them being historic satellite images revealing the different uses of the whole site.

4.70 The photographs are a crucial piece of evidence showing the range of uses and activities occurring together within the same planning unit over a considerable period of time. This includes, but is not limited to, residential occupation, commercial use associated with the sign-writing business, agricultural-related activity, vehicle parking, caravans, boats, containers, building materials and other stored items. The images demonstrate that the storage referred to by the Council was not a new, separate or self-contained planning use, but formed part of the ordinary and long-standing use of the wider site, connecting with the other uses taking place on the land.

4.71 The photographs also show evidence that the items on site such as vehicles, boats, caravans, containers and building materials have been present on site for a significant period of time, supporting the Appellant's case that such items form part of the longstanding established character and use of the site, defying the claim of a recent material change of use.

4.72 The submitted evidence shows the same use of the site for a period substantially over 10 years.

Appendix 20: Aerial Images

4.73 Appendix 19 contains the historic satellite/aerial imagery of the Loft, Part Lane, Swallowfield. These images dated between 1999 and 2014

are relied on as visual evidence of the long standing layout of the site. The images show the site has historically contained the main barn, the access from Part Lane, areas of hardstanding/yard space, and external areas used in association with the wider site, in congruent with the declarations made throughout appendices 1-10.

- 4.74 The images reveal a long-established pattern of mixed use on site, including the presence of buildings, yard areas, access arrangements, parking/storage areas and other activity associated with the residential, commercial/sign-writing and agricultural uses of the site.

The Ground F) Appeal

- 4.75 In respect of the Ground (f) appeal, the Appellant believes the steps required by the Notice exceed what is necessary.

- 4.76 The Notice requires the Appellant to:

i) Cease the use of "the Land" shown hatched black for non-agricultural storage purposes.

ii) Remove from "the Land" all non-agricultural storage items, including shipping containers, vehicles, caravans and building materials.

iii) Return "the Land" to its former condition prior to the breach taking place.

- 4.77 These requirements are excessive because they fail to distinguish between any alleged unlawful storage use and storage ancillary to the lawful residential, commercial and agricultural uses of the site.

- 4.78 The Land's mixed use means the site is not solely in agricultural use. It contains lawful non-agricultural uses, including residential and commercial use. The large barn central to the site is lawfully used for

commercial purposes at ground floor level by supporting the Appellant's sign making business. The first floor is used for residential purposes, with the wider land and outbuildings forming part of the mixed-use site. A requirement to cease and remove "all non-agricultural storage" would critically impact the lawful storage associated with the residential and commercial uses.

- 4.79 The requirement to return the Land to its former condition is also unclear and excessive. The Notice fails to identify what "former condition" means, especially as it is now apparent that the site is in lawful use and the requirements should not target lawful matters.
- 4.80 The Appellant therefore submits that steps i) and ii) be removed or substantially varied to prevent the removal of continued lawful residential, commercial and agricultural uses, or storage ancillary to those uses.
- 4.81 The appeal should therefore be allowed under ground (f) with variations to the requirements to not require the removal of lawful ancillary storage or prevent the continued lawful mixed use of the site.

The Ground G) Appeal

- 4.82 The appeal is brought under ground (g) on the basis that the compliance period of 6 months as stated in the Notice is excessively short and this period should be lengthened. In the event that the Notice is upheld following grounds (b), (c), (d) and (f), the Appellant submits that a 6 month compliance period is unreasonable given the Appellant's personal circumstances, the nature of the required steps the operation occurring at the land.
- 4.83 Both of the Appellants, Angela and Robert Pidgeon, unfortunately both suffer from a number of medical conditions and the ancillary

residential use of the site benefit their quality of life (appendix 21). Angela suffers from interstitial lung disease affecting her breathing, osteoarthritis affecting her knees, lower back and mobility, severe mental health difficulties including panic attacks, an overactive bladder requiring hospital treatment, and diverticulitis.

- 4.84 Robert on the other hand has undergone a number of operations which affect his ability to assist Angela. Robert suffers from palpitations and an enlarged prostate.
- 4.85 These personal circumstances of the Appellants are directly relevant to the reasonableness of the compliancy period, as compliance would not simply involve moving stored items, but would also disrupt the practical arrangements that support Mr and Mrs Pidgeon's day to day occupation of the site.
- 4.86 As well as the Appellant's personal circumstances, the Appellant believes that the ceasing of non-agricultural storage purposes including shipping containers, vehicles, caravans and building materials, and return the Land to its former condition are significant changes to the land and are wide-ranging in requirements.
- 4.87 Upon deciding the time period represented in this Notice, the Council failed to consider the connection between the items referred to in the Notice with the lawful residential, commercial and agricultural uses, or are ancillary to those uses. The removal of these items will have detrimental impacts on the existing operation of the mixed uses occurring on the Land, causing significant disruption to both the Appellant's home and business activities. Compliance would result in the Appellant to reorganise and relocate items and activities associated with both the residential and business use of the site.
- 4.88 It is therefore requested that a compliance period extension to 18 months is sought. This would represent a reasonable and

proportionate period to allow compliance in an orderly manner, while minimising unnecessary disruption to the lawful residential, commercial and agricultural uses of the site.

5. Conclusion

- 5.1 The Appellant respectfully submits that the Enforcement Notice is fundamentally flawed and should therefore be quashed. The Notice alleges a material change of use of the Land for non-agricultural storage purposes, including shipping containers, vehicles, caravans and building materials. These matters have not occurred. The site has not materially changed to a separate storage use, but has been operating as a mixed-use planning unit comprising lawful residential, commercial, agricultural and their ancillary storage uses. The Council has therefore failed to properly distinguish between an independent storage use and storage that is ancillary to the lawful residential, commercial and agricultural uses of the site.
- 5.2 The submitted statutory declarations and historic photographs are evidence to support the Appellant's position, demonstrating that the site has been used as one property, with access from Part Lane, no internal subdivision into separate planning units, and no separate storage use. It also demonstrates that vehicles, boats, caravans, containers, building materials and other stored items have formed part of the long-standing mixed use of the site and are not evidence of a recent material change of use.
- 5.3 The Appeal should accordingly be allowed under Ground (b), as the matters alleged have not occurred. Alternatively, the appeal should be allowed under ground (c) as storage is ancillary to the site and does not constitute a breach in planning control. Further, the appeal should be allowed under ground (d), as the submitted evidence

demonstrates that the mixed use and associated storage have existed for a period in excess of ten years and are therefore immune from enforcement action.

- 5.4 In the unfortunate matter that the appeal is not allowed under these grounds, the Appellant requests that the Inspector allows the appeal under ground (f) and (g).



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Justice Schwerdtner

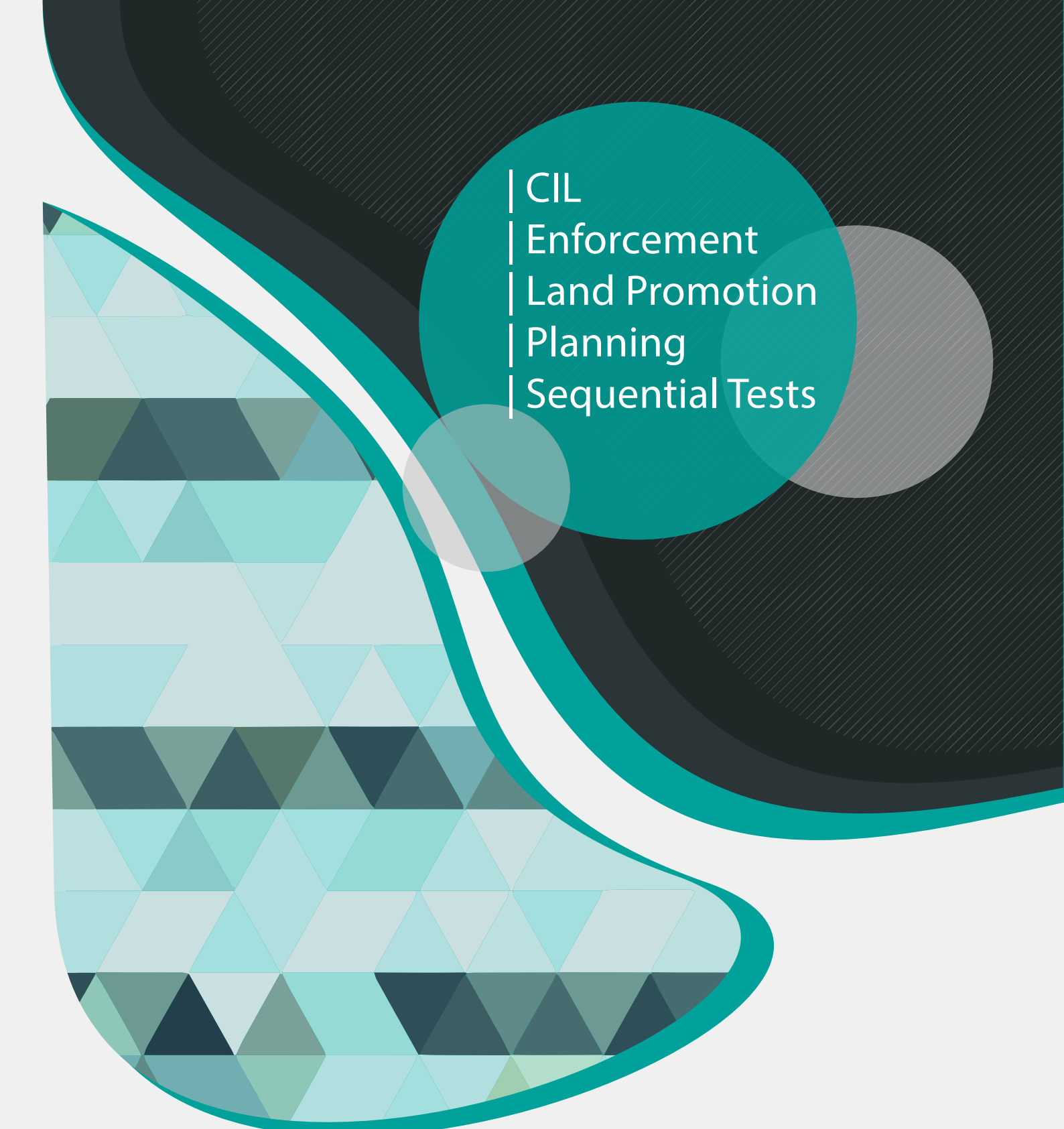
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Broader Assistance (Research Support)

This statement has been prepared with assistance from AI tools for research, information gathering and document drafting. All planning judgement, professional opinion and conclusions drawn are the original work of the named author, who has independently verified factual content, reviewed the document in full, and takes full professional responsibility for its accuracy and the positions advanced within it.



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