

TOWN & COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

**STOKES COTTAGE
BINFIELD ROAD
WOKINGHAM
BERKSHIRE
RG40 5PR**

**Lawful development certificate for the retention of a 'barn' for vehicle maintenance
and the use of the yard and buildings annotated A, B and C including associated
hardsurfacing for company offices and vehicle storage in connection
with a vehicle servicing company**

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APPENDICES

APPENDIX 1: STATUTORY DECLARATIONS: SIMON MARSDEN, [REDACTED]
[REDACTED]
[REDACTED]

**APPENDIX 2: STATEMENT OF ACCOUNTS: ALLPARTS (31.07.2015 & 31.05.2018);
EURO CAR PARTS (10.06.2019); AND MOTOR PARTS DIRECT (31.03.2021).**

APPENDIX 3: AERIAL PHOTOGRAPHS 2010 - 2025

1. INTRODUCTION

- 1.1 This statement is submitted in support of an application for a lawful development certificate for an existing use of land and buildings together with the retention of a workshop ('the Barn') at Stokes Cottage, Binfield Road, Wokingham. The use relates specifically to the use of a yard and buildings for company offices, vehicle maintenance and vehicle storage in connection with a vehicle servicing company. The use and building have been in place continuously for a period in excess of 10 years and as such are now considered to be lawful.
- 1.2 This submission is accompanied by 10no. statutory declarations which include the owner and operator of the use (Simon Marsden), numerous family members, acquaintances, business connections and employees who would regularly attend the property for social and business visits. These are attached at appendix 1 to this statement. Appendix 2 contains various statements of accounts (vehicle parts) addressed specifically to the property address, whilst appendix 3 comprises of historical aerial photographs.
- 1.3 The statement is divided into the following sections:
- Site History
 - Analysis of the Evidence
 - Summary and Conclusions

2 SITE HISTORY

2.1 There is no relevant planning history relating to the application site.

3 ANALYSIS OF THE EVIDENCE

3.1 Subsection 1 of section 191 of the 1990 Act provides as follows:

‘(1) If any person wishes to ascertain whether-

- (a) Any existing use of buildings or other land is lawful;*
- (b) Any operations which have been carried out in, on, over or under land are lawful; or*
- (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.’

3.2 Subsections (2) and (3) provide so far as material that for the purposes of the Act, any existing uses and operations, or failure to comply with a condition, are lawful if at any time the time limit for enforcement action in respect of the use, operations or failure, has expired. The relevant time limit is 10 years.

3.3 Subsection (4) provides that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application, they shall issue a certificate to that effect and in any other case they shall refuse the application.

3.4 Subsection (5) states that a certificate shall:

- i) Specify the land to which it relates;
- ii) Describe the use, operations or other matter in question;

iii) Give the reasons for determining the use, operations or other matter to be lawful; and

iv) Specify the date of the application for the use for the certificate.

3.5 This application concerns the retention of a workshop (Building 'B') known as the 'Barn' and the use of the yard and associated buildings (annotated A ,B and C) including associated hard surfacing for company offices and vehicle storage in connection with a vehicle serving company.

3.6 The application is supported by 10no. attached statutory declarations (appendix 1), statement of accounts from various vehicle part suppliers (appendix 2), and historic aerial photographs (appendix 3).

3.7 The key points in respect of the use are as follows:

- i) The applicant, Simon Marsden, purchased Stokes Cottage in 2007 and immediately started to run his company, NVS (National Vehicle Servicing) from the property, firstly utilising the existing hard standing for car storage, Building 'C' for general storage and Building 'A' for his office.
- ii) The building which is used as a workshop in association with the business (Building 'B') was constructed in 2012. The aerial photographs (appendix 3) confirm that it was erected between 2010 and 2013. The statutory declarations also confirm that the building was constructed in 2012.
- iii) The use has been continuous for in excess of 17 years (see statutory declarations). The applicant only has to demonstrate continuous use for a period of 10 years.
- iv) The statutory declarations are signed by the applicant, his wife, customers, employees (covering various time periods) and family members, all of whom have an intimate knowledge of the site.

- v) Aerial photographs dating back to 2010 provide supporting evidence that the use has been continual for at least 12 years. The number of vehicles clearly indicates that a commercial operation is taking place.

4 SUMMARY AND CONCLUSIONS

- 4.1 There is overwhelming evidence in the form of numerous signed statutory declarations and supporting documentation to confirm the fact that the site has been used continuously for vehicle storage, vehicle maintenance and company offices for over 10 years on a continuous basis. Likewise, the statutory declarations and the aerial photographs clearly indicate that the 'Barn' was constructed over 10 years ago and is therefore lawful through the passage of time. If the Council agree with the evidence provided (on the balance of probability), and they have no contradictory evidence that conflicts with the facts presented, then a certificate of lawfulness should be granted.