



READING
AGRICULTURAL
CONSULTANTS

Your Ref: RFS/2025/090309
Our Ref: 10738.AV1

19th June 2025

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FAO Anna Valentine

Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Anna

Re: Certificate of Lawfulness for Existing Use or Development – Use of Yard (Known as Yard B) at Hill Farm, Jouldings Lane, Farley Hill, RG7 1UR for the Parking of Concrete Mixing Vehicles and Loading Equipment, the Manufacture of Concrete and the Storage of Raw Materials Required for the Manufacture of Concrete for a Period of More Than 10-Years.

Mr Russell Butler of Butlers Services Ltd and Butlers Lettings Ltd has instructed Reading Agricultural Consultants Ltd (RAC) to prepare an Application for a Certificate of Lawfulness for Existing Use or Development (CLUED) for an area of land at Hill Farm, Jouldings Lane, Farley Hill, RG7 1UR. It is submitted that an area of land hereinafter referred to as 'Yard B' (see Appendix 1) has been used for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the storage of raw materials required for the manufacture of concrete for a period of more than 10-years.

This letter provides a background to the CLUED application and outlines the evidence of the established 10-year use of the site.

Background

Russell Butler first let an unused silage clamp at Hill Farm (hereinafter referred to as 'Yard A' - see Appendix 1) to Andrew Sheperd for use by his concrete company Monster Mix Services Ltd in August 2003. Yard A was let on a cash basis to Mr Sheperd, with the letting of the site becoming more formalised in November 2012 when Butlers Services Ltd invoiced Mr Sheperd a rental of £360 per month for the use of the yard.



Reading Agricultural Consultants Ltd

Registered Office as above

Company No. 3282982

Registered in England



Andrew Sheperd used this yard area for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the storage of raw materials required for the manufacture of concrete.

Evidence

The aerial photograph provided in Appendix 1 of Yard A is dated 2013 and shows the cement storage equipment, a storage container and a telehandler for moving aggregate. Evidence of the use of Yard A by Monster Mix is also provided by the photograph in Appendix 2 dated 18th March 2013 which clearly shows the Monster Mix vehicle parked in the silage clamp.

Evidence that Butlers Services Ltd were collecting a rent from Mr Sheperd for the use of a yard area at the farm is in the accounts in Appendix 3, which clearly show there was a rent received for the letting of a yard.

The accounts clearly show that the rent increased from £360 to £480 per month in November 2013. This increase in rent corresponded with the relocation of the concrete business from Yard A to Yard B as evidenced by the Statement of Truth provided by Mr Butler and Mr Sheperd (see Appendix 4).

Aside from the Statements of Truth provided by Mr Butler and Sheperd, the increase in rent being associated with the relocation of Monster Mix from Yard A to Yard B is further evidenced by two things. Firstly, in terms of the cost per area, the rent received for the two areas is broadly similar, with Yard A being let out at a cost of £0.76/m² and Yard B being let out at cost of £0.75/m².

Secondarily, the cost of yard rental does not increase again until June 2019 (when the letting of buildings and yard areas to commercial entities was transferred to Butlers Lettings Ltd – see Appendix 3), even though aerial photography dated March 2017 and June 2018 (see Appendix 1) clearly shows that Yard B is in use by the Monster Mix Ltd. It is highly improbable that Mr Butler would have allowed Mr Sheperd and his business Monster Mix Ltd to rent a 35% larger area of land without an associated uplift in rent.

In addition, photographs from 2015 (Appendix 2) show construction works to improve the silage clamp which was used as Yard A, providing further evidence that Monster Mix had moved from Yard A more than 10-years ago.

It is noted that in an aerial photograph from February 2014 (Appendix 1), which unfortunately is of very poor quality, possibly shows the cement storage equipment still in place in Yard A. Due to the size and weight of the equipment it can only be moved when empty, and given that you cannot remove the cement without it spoiling, this equipment was left in place until it could be moved across the site. The photograph was only taken three months after Monster Mix moved to a different yard at Hill Farm, well within the timescale for the cement to be used at a slow time of year for construction.

Mr Butler has gradually increased the rent of Yard B since June 2019 to the present day to take account of inflation and to ensure that the yard rents properly reflect the market rate.

The Statements of Truth provided in Appendix 4 provided by Mr Butler and Mr Sheperd confirm the above timeline of events, and along with the other evidence reasonably shows that Yard B has been in use by Monster Mix Ltd since November 2013 and is now outside the immunity period for planning enforcement set out at s.171B of The Town and Country Planning Act 1990.

Legal Tests

The Courts have held that the relevant test of the evidence as to whether development is lawful is "the balance of probability". Therefore, the stricter, criminal burden of proof, namely "beyond reasonable doubt" is not a reason to refuse a Certificate.

Moreover, the Courts have held (see *F W Gabbitts 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".

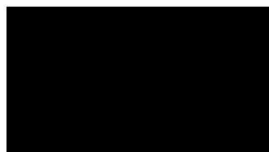
Conclusions

In summary the evidence includes the following:

- Statements of Truth from Mr Russell Butler of Butlers Services Ltd and Butlers Lettings Ltd and Andrew Sheperd of Monster Mix Ltd;
- Aerial photography showing the use of Yard A by Monster Mix Ltd until July 2013 and Yard B in March 2017;
- Accounts of rental of a yard area to Andrew Sheperd from November 2012 to the present date;
- Accounts showing an uplift of 33% in rent in November 2013 from £360/month to £480/month which broadly matches the increase in yard area between Yard A and Yard B;
- Aerial photography from March 2017 and June 2018 showing that Yard B was in use by Monster Mix Ltd, with a corresponding rent of £480/month. Photographs from 2015 show construction works at Yard A to improve the silage clamp. Rent of Yard B was not increased between 2013 to June 2019 evidencing that the uplift in rent was highly likely to be associated with Monster Mix moving their operations from Yard a to Yard B..

It is therefore considered that the evidence provided above and in the attached documentation demonstrate that “on the balance of probability” Monster Mix Ltd moved their operations from Yard A to Yard B in November 2013. This continuous use of Yard B for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the storage of raw materials required for the manufacture of concrete has exceeded the minimum 10-years period and is immune from enforcement action under the Town and Country Planning Act. It is therefore respectfully requested that a Certificate of Lawfulness for Existing Use or Development is granted.

Yours sincerely,

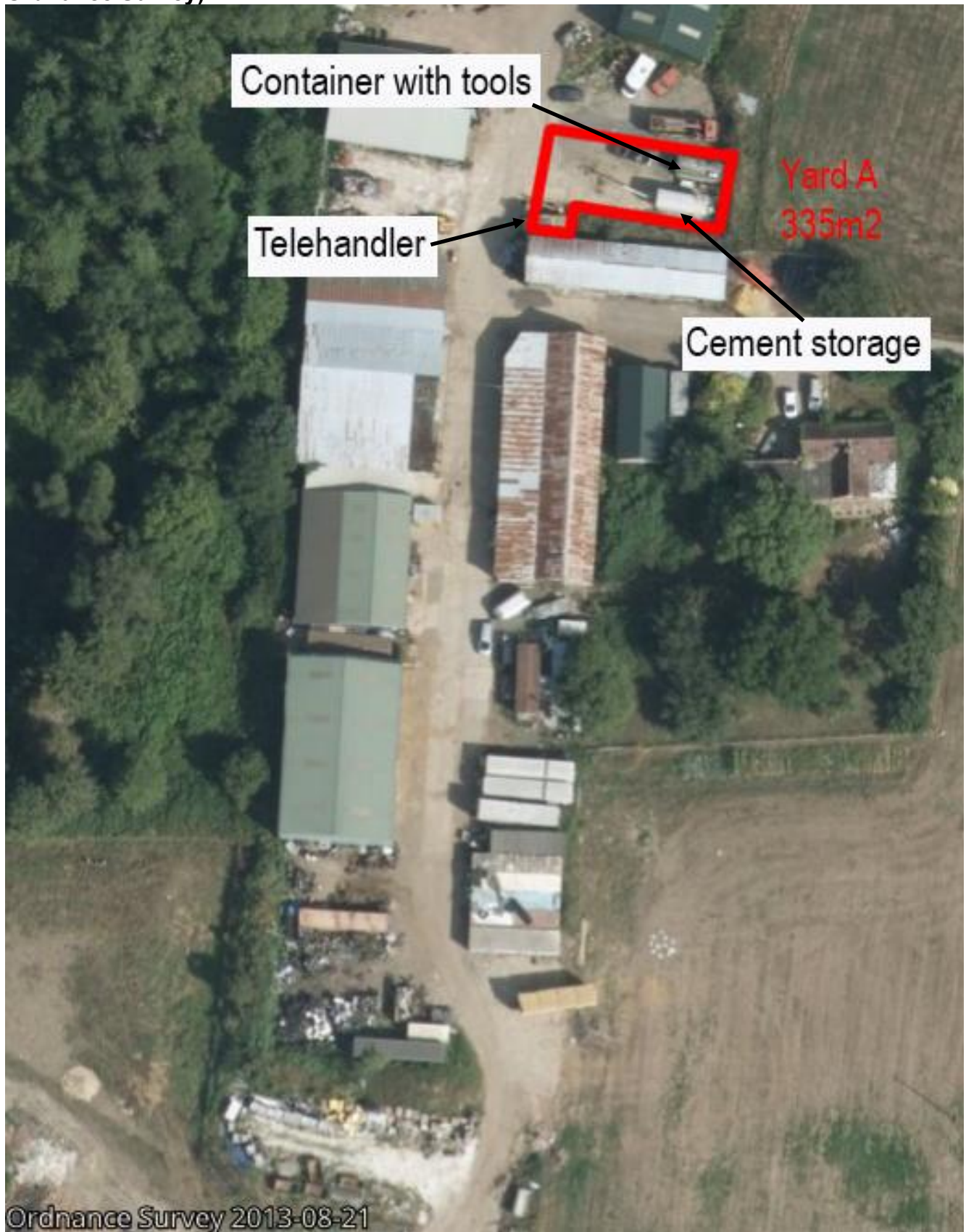


Alex Lawrence

Enc.

Appendix 1 – Aerial Photography

Aerial Photograph of Hill Farm dated 21st July 2013 showing Yard A (Source – Ordnance Survey)



Aerial Photograph of Hill Farm dated 22nd February 2014 (Source – Google Earth)



Image © 2025 Maxar Technologies

Aerial Photograph of Hill Farm dated 25th March 2017 showing Yard B (Source – Google Earth)



Aerial Photograph of Hill Farm dated 23rd June 2018 (Source – Google Earth)



Aerial Photograph of Hill Farm dated 15th April 2020 (Source – Google Earth)



Aerial Photograph of Hill Farm dated 16th July 2021 (Source – Google Earth)



Aerial Photograph of Hill Farm dated 27th February 2022 (Source – Google Earth)



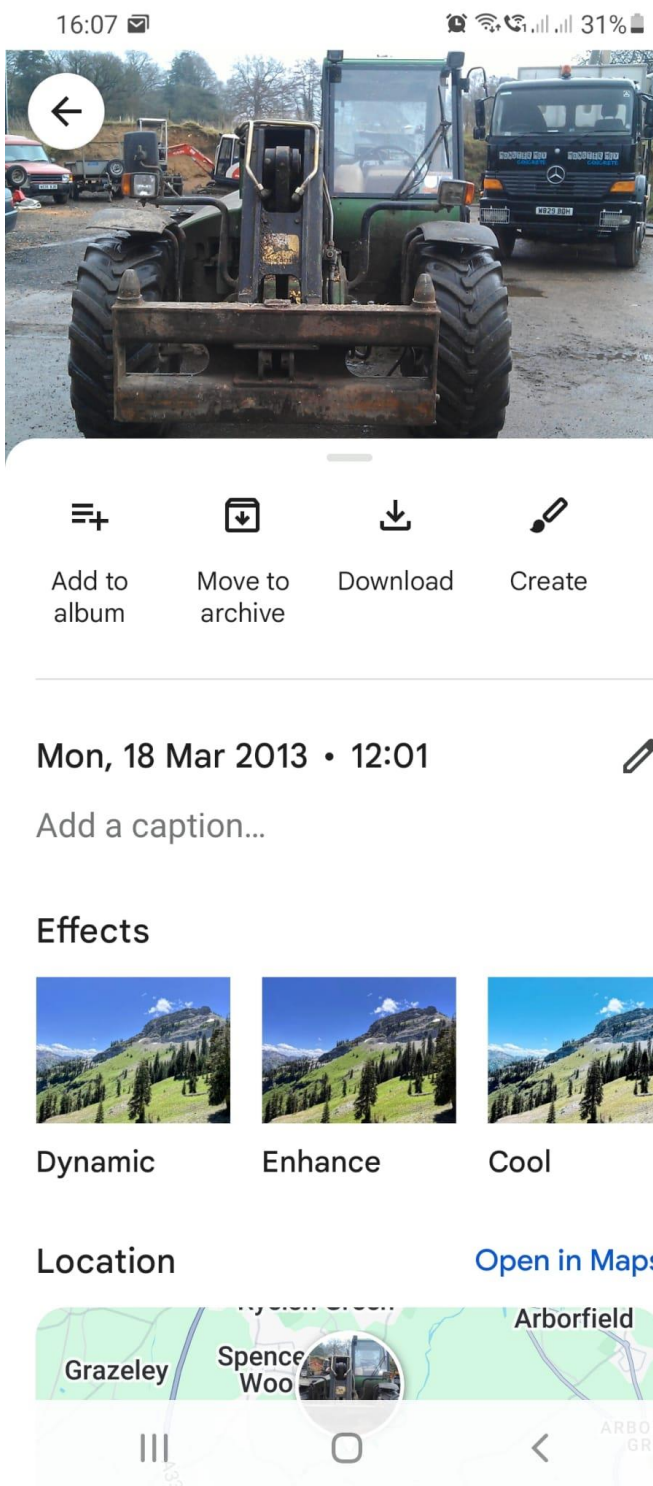
Aerial Photograph of Hill Farm dated 9th May 2025 (Source – Google Earth)



Image © 2025 Airbus

Appendix 2 – Site Photography

Photograph of Yard A Dated 18th March 2013, Including detail of Monster Mix Pumping Lorry



Photograph of Improvements to Silage Clamp (Previously Yard A) Dated 22nd April 2015 and 9th May 2015



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Info

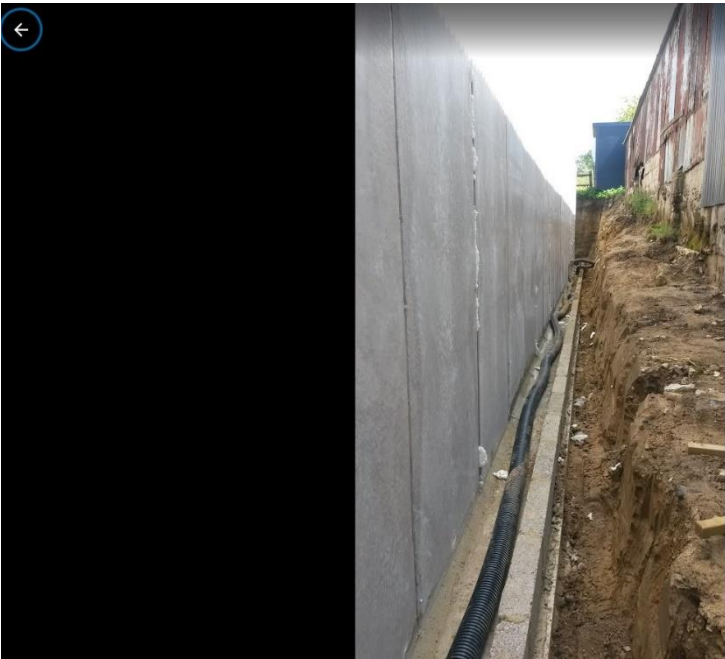
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Wed, 15:29 GMT+01:00

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20150422_152939.jpg
6 MP 3264 × 1836

Shared by Russell Butler
Saved to your photos



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Info

Details

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Sat, 13:24 GMT+01:00

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f/2.6 1/190 3.7 mm ISO50

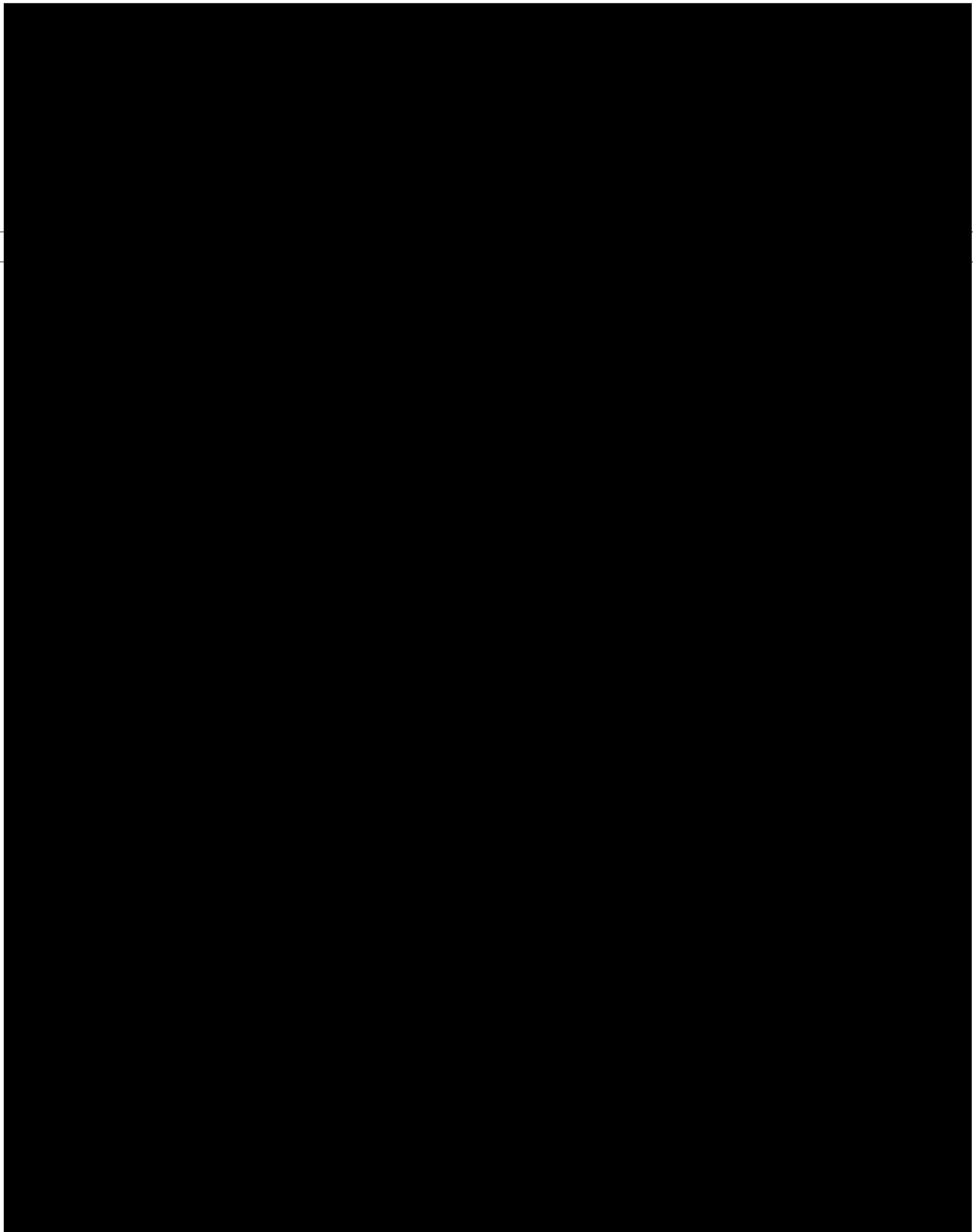
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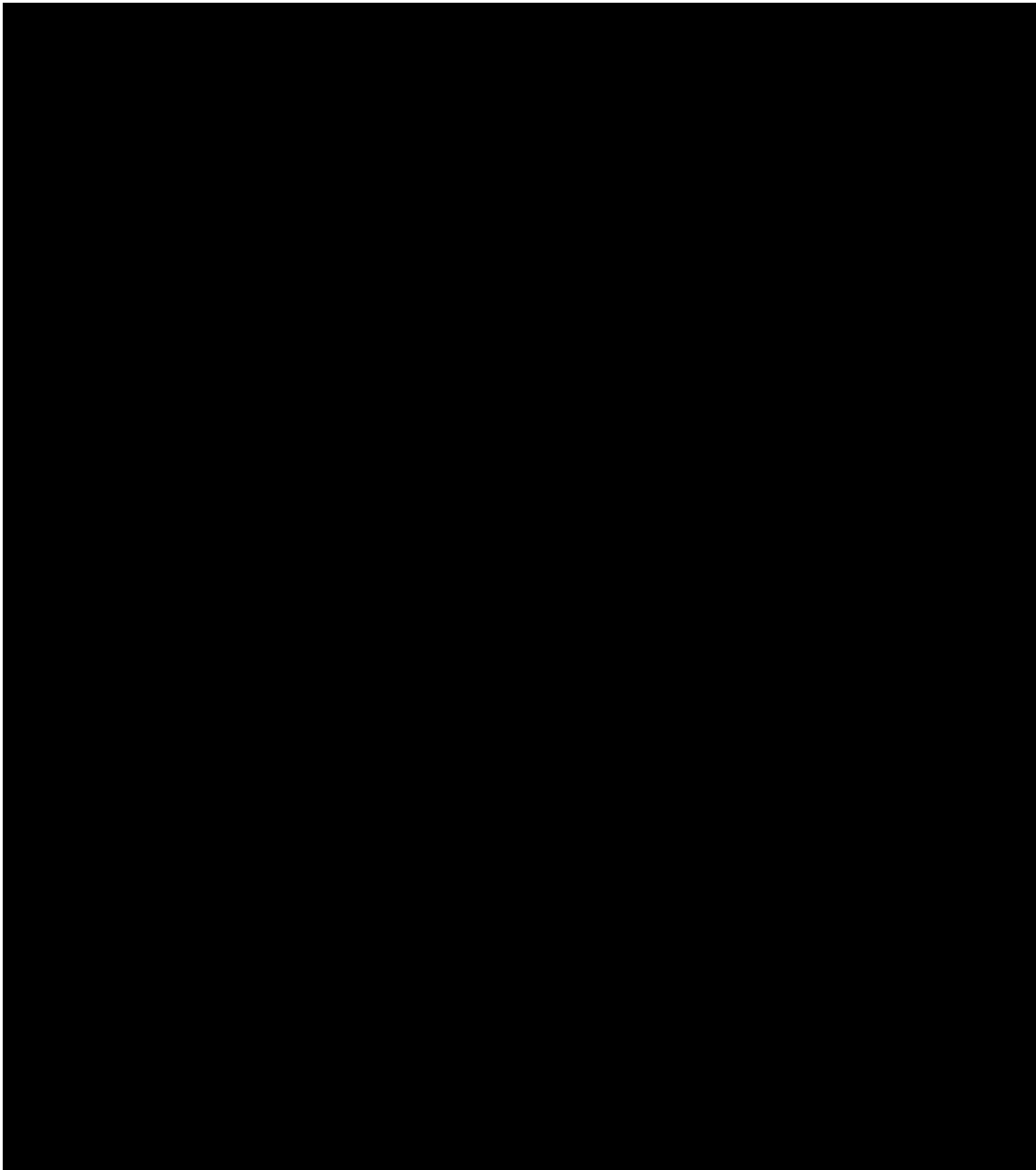
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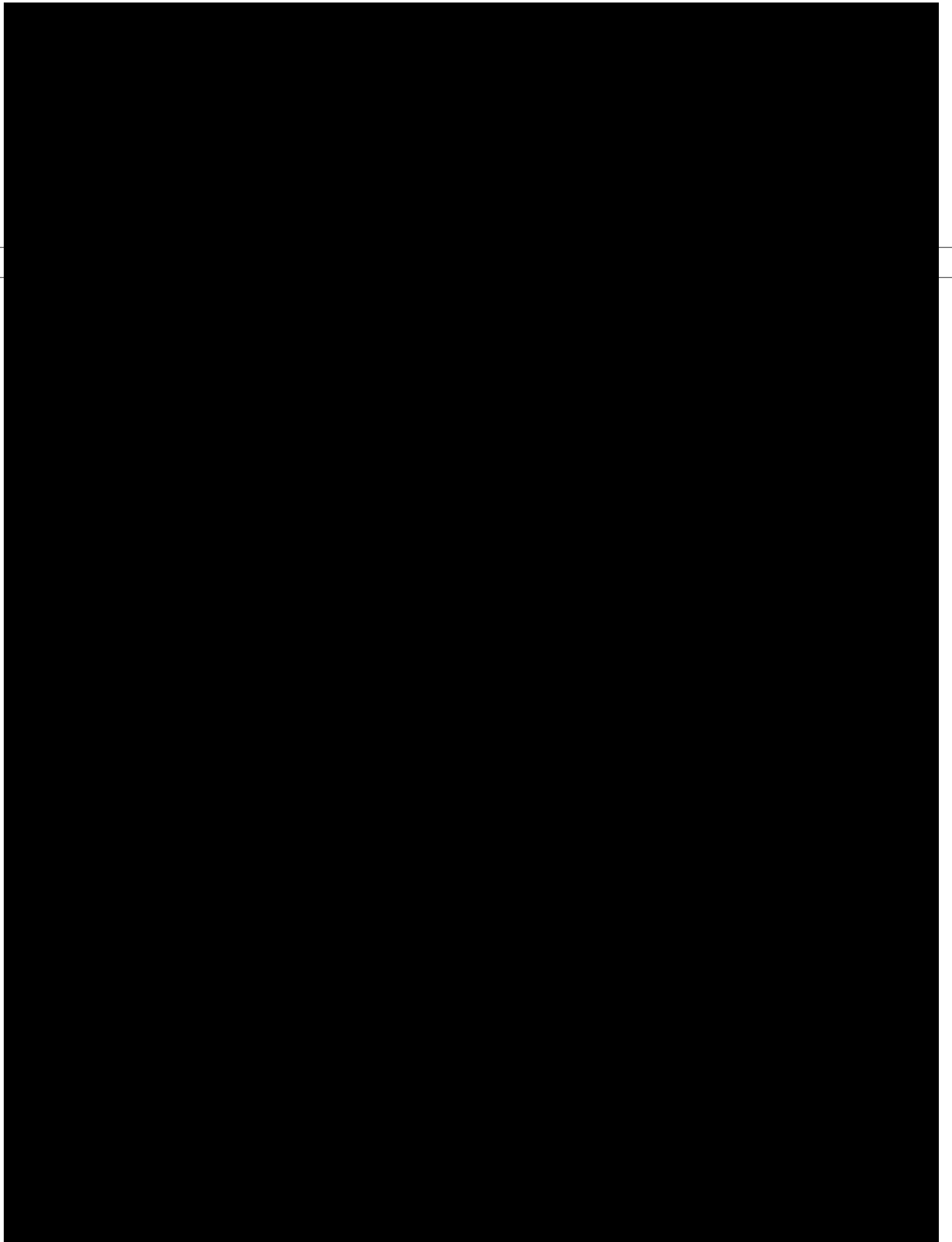
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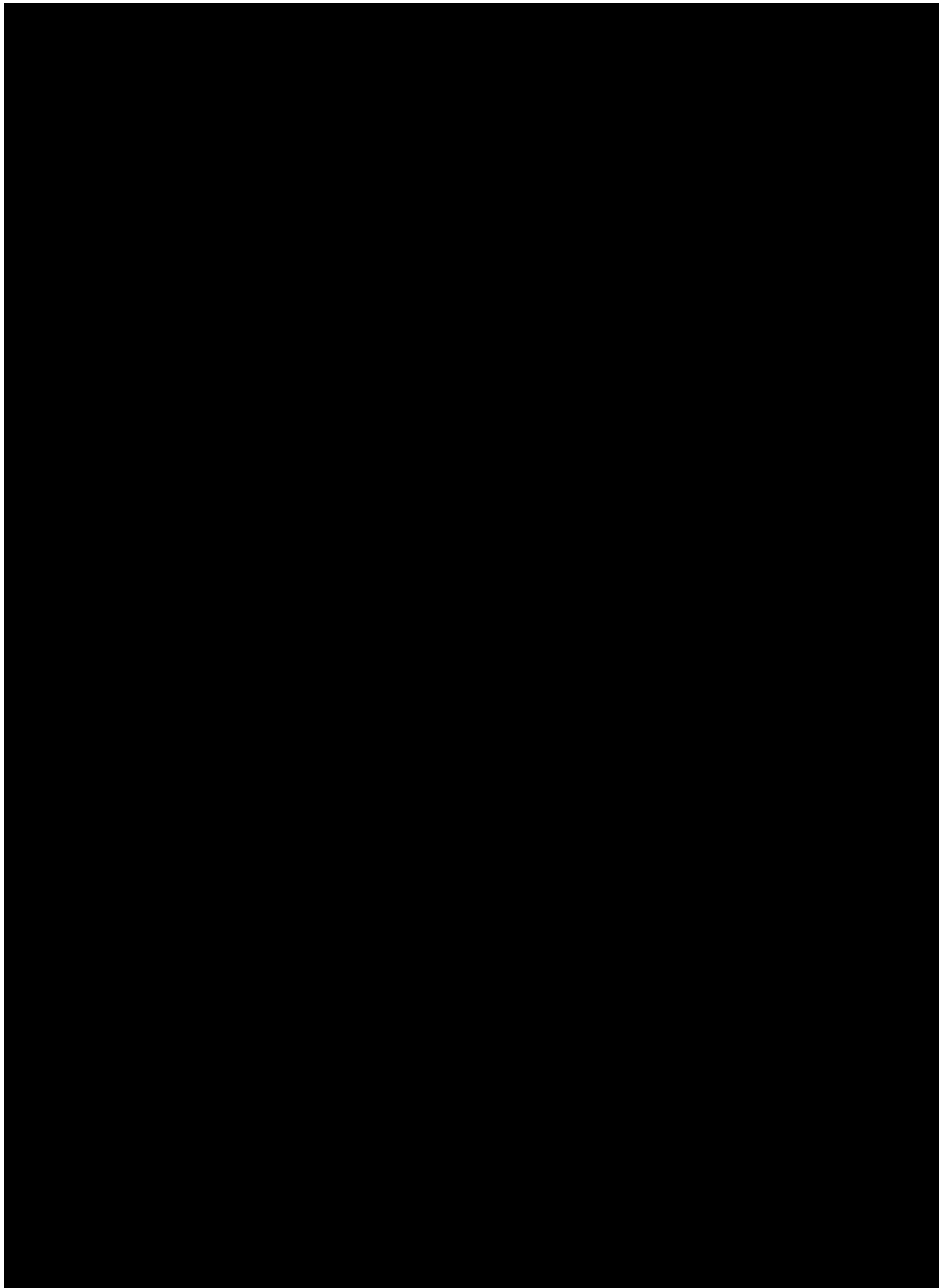
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Appendix 3 – Extract of Accounts from Butlers Services Ltd and Butlers Lettings Ltd relating to Andrew Shepherd









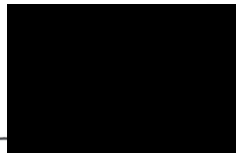
Appendix 4 – Statement of Truth provided by Mr Butler and Mr Sheperd

STATEMENT OF TRUTH OF RUSSELL JON BUTLER

- 1.1 My name is Russell Jon Butler
- 1.2 I am the Director of Butlers Services Ltd, Butlers Lettings Ltd and owner of Hill Farm, Jouldings Lane, Farley Hill, Reading RG7 1UR.
- 1.3 I first let an unused silage clamp at Hill farm (hereinafter referred to as Yard A - see Appendix 1 attached) to Andrew Shepard to be used by his concrete company Monster Mix Services Ltd in August 2003 on a cash basis, with the letting of the site becoming more formalised in November 2012 when he began being invoiced directly by Butlers Services Ltd for the monthly sum of £360 per month.
- 1.4 Andrew Shepard used this yard area for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the raw materials required for the manufacture of concrete.
- 1.5 Andrew Shepard used Yard A continuously for the use stated above until October 2013, wherein he relocated his business to another part of Hill Farm (Yard B - see Appendix 2). Given the increase in size of Yard B compared to Yard A, we agreed an increase in monthly rent to £480 per month based on a similar price/m².
- 1.6 In March 2018 the letting of Yard B to Monster Mix Services was transferred from Butlers Services Ltd to Butlers Lettings Ltd. I have gradually increased the rent of Yard B since June 2019 to the present day to take account of inflation and to ensure that the yard rents properly reflect the market rate.
- 1.7 Andrew Shepard has continued to rent Yard B for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the storage of raw materials required for the manufacture of concrete continuously from November 2013 until the present day.

SIGNATURE

Signed: _____



Date: 13/6/25

Print name: _____

Russell Jon Butler

STATEMENT OF TRUTH OF ANDREW SHEPERD

- 1.1 My name is Andrew Sheperd
- 1.2 I am an employee of Monster Mix Services Ltd, a concrete mixing and pumping company.
- 1.3 I first rented an unused silage clamp at Hill farm (hereinafter referred to as Yard A - see Appendix 1 attached) from Russell Butler of Butlers Services Ltd in August 2003 on a cash basis. In November 2012, Mr Butler began raising invoices for the rental of the yard, for which I paid £360 per month.
- 1.4 I used this yard area for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the raw materials required for the manufacture of concrete.
- 1.5 I used Yard A continuously for the use stated above until October 2013, wherein I relocated to another part of Hill Farm (Yard B – see Appendix 2). Given the increase in in size of Yard B compared to Yard A, we agreed an increase in monthly rent to £480 per month based on a similar price/m².
- 1.6 In March 2018 Butlers Lettings Ltd. became the new landlord for Yard B. The rent for the yard area has increased since June 2019 to the present day to take account of inflation and to reflect the market rate.
- 1.7 I continued to rent Yard B for the parking of concrete mixing vehicles and loading equipment, the manufacture of concrete and the storage raw materials required for the manufacture of concrete continuously from November 2013 until the present day.

SIGNATURE

Signed: _____

Date: 13-6-25

Print name: _____

A. SHEPHERD

APPENDIX 1

Aerial Photograph of Hill Farm dated 21st July 2013 showing Yard A (Source – Ordnance Survey)



APPENDIX 2

Aerial Photograph of Hill Farm dated 25th March 2017 showing Yard B (Source – Google Earth)

