

TOWN & COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

**LAND TO REAR OF 302 AND 304 LONDON ROAD
WOKINGHAM
BERKSHIRE
RG40 1RD**

**Lawful development certificate for existing use for the use
of workshop and adjoining yard for car repairs business**

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1. INTRODUCTION

- 1.1 This statement is submitted in support of an application for a lawful development certificate for an existing use at land to the rear of 302-304 London Road, Wokingham. The application relates specifically to the use of the building and adjoining yard for a car repair business. The use has been continuous for a period in excess of 10 years and as such is now considered to be lawful.
- 1.2 This submission is accompanied by 10no. statutory declarations which include the owner and operator of the use (Paul Stelling), numerous family members, acquaintances and business connections who would regularly attend the property for social and business visits. These are attached at appendices 1-10 to this statement. Appendices 12-13 contain photographs of the use including historical aerial photographs. Appendix 11 is an appeal decision (2021) which acknowledges that the land behind No.302 is, in the Council's opinion, in lawful use for vehicle repairs.
- 1.3 The statement is divided into the following sections:
- Site History
 - Analysis of the Evidence
 - Summary and Conclusions

2 SITE HISTORY

2.1 Relevant planning history is set out below:

171225 – Application for a certificate of existing lawful development for the use of part of the existing building at the rear of the site as a dwellinghouse. Granted 20/07/2017.

171226 - Application for a certificate of existing lawful development for use of the building to the rear of the site for car sales and repair workshop. Refused 20/07/2017.

182277 – Application for a certificate of existing lawful development for car sales & car repair workshop. Refused 08/02/2019.

222556 – Full application for the proposed erection of 1no. two bedroom dwelling. Approved 11/05/2023.

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 use of a workshop and surrounding land which is all hard surfaced as a car repair use. The application is supported by 10no. attached statutory declarations, correspondence with the Council and photographs.

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

- i) The use has been continuous for in excess of 20 years (see statutory declarations). The applicant only has to demonstrate continuous use for a period of 10 years;
- ii) Aerial photographs dating back to 2013 provide supporting evidence that the use has been continual for at least 12 years;
- iii) In 2021, an appeal Inspector confirmed that the Council had already accepted that the use behind No.302 London Road was in lawful use for car repairs;
- iv) The Council have consistently accepted that the land is its own distinct/defined use (see appendix 11);
- v) The owner continued to operate the business during the COVID period.

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 for car repairs for a period in excess of 10 years on a continuous basis. 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.