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01 Introduction

1.1 This statement supports an application for a Certificate of Lawful Development for the residential use of two stationary caravans at Rose Cottage Stud, Binfield Road, Wokingham, RG40 5PP.

1.2 The stationary caravans, referred to throughout this statement as Mobile Home 1 and Mobile Home 2 are labelled below for reference:



Figure 1: Labelled Caravans (Source: Google Earth)

1.3 This planning statement will introduce the meaning of 'development' in accordance with the Town and Country Planning Act 1990, summarises the relevant legal tests and set out the application in light of these. The conclusion reached is that the development is lawful and so no enforcement action can be taken.

1.4 It is respectfully requested that the appendices accompanying this report are kept private and confidential for the use of the Local Planning Authority only, as they contain personal and private information about the applicant and occupants. This information is submitted as evidence to support the claims within this report.

1.5 In addition to this report, the application is accompanied by the appropriate certificate application forms, appendices and a 1:1250 Site Location Plan.

1.6 The relevant application fee will be submitted by the applicant separately.

02 Town and Country Planning Act 1990

2.1 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'.

2.2 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. This includes "*carrying out development without the required planning permission.*"

2.3 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*".

2.4 The breach of planning control in question is the erection of two separate buildings, and the change of use of those buildings to residential dwellings (C3). Therefore, the relevant sections of the TCPA in this instance are 171B(1) and 171B(3).

2.5 Firstly, section 171B(1) confirms that after 4 years (if the building works was completed prior to April 25th, 2024) carrying out of building and engineering works are immune from enforcement action.

2.6 No enforcement notice has been served in the 4+ years after the buildings was constructed and, thus, the buildings themselves are lawful. However, as the change of use of the buildings, and consequently the land, was also changed, the use of the buildings as dwellings are subject to a 10-year requirement.

2.7 Section 171B (3) therefore controls the relevant timeframe for the immunity from enforcement action, which means that 'any other breach of planning control' becomes immune from enforcement action after 10 years.

2.8 The National Planning Policy Guidance (NPPG) states that "*the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land*".

2.9 It is established case law (F W Gabbitas 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.

2.10 The following section outlines the evidence submitted within the Appendices, and explains how this evidences immunity from enforcement action.

03 Assessment of Submitted Evidence

3.1 **Appendix 1: Statutory Declaration of Stephanie Scott (applicant and landowner)** has been submitted by the sole owner of the site, Miss Stephanie Scott.

3.2 Miss Scott confirms that two Mobile Homes have been place on the site since 1993 with [redacted] living in the Mobile Homes until January 2007. Both of these Mobile Homes were upgraded in January 2007 with new Mobile Homes being erected in their place.

3.3 Miss Scott confirms that since the update in January 2007, both Mobile Homes have been tenanted and utilised as permanent places of residence.

3.4 Miss Scott confirms the people that have lived on site within the declaration, confirming that some older tenancies were cash in hand agreements with no formalised contracts or tenancy agreements.

3.5 Within the declaration two tables are provided which highlight who has lived in each mobile home over the years. The evidence shows the following for each Mobile Home:

- Mobile home 1 was occupied by 3 tenants [redacted] from 01/11/2009 until 09/01/2022. Between that time there was only a period of circa 41 days whilst new tenants were found. This clearly shows a period of 10-year, uninterrupted residential throughout this period, alongside the other tenancies that took place alongside the above 3 tenants.

- Mobile home 2 was occupied by 1 tenant, [redacted] for more than 10 years on her own between 01/01/2009 and 01/05/2019. Therefore, this highlights continuous residential use for this unit, alongside the other tenancies and evidence provided.

3.6 Miss Scott confirms that both Mobile Homes have been let out to tenants since the erection of Mobile Home 2 and since the relocation and upgrade of Mobile Home 1.

3.7 Miss Scott confirms that all occupiers have lived from the site full time, as their permanent place of residence. Each mobile home is served by a kitchen, bathroom, and bedroom facilities.

3.8 **Appendix 2: Aerial Images of Site** shows the presence of the stationary caravans on site since 2008 using publicly available aerial photographs from Google Earth Pro.

3.9 The appendix consists of 16 aerial photographs which show the buildings. Whilst some photos are of poorer quality than others, the two stationary caravans are clearly identifiable in all photos.

3.10 As seen in Figure 1, dated 31st December 2005, Mobile Home 1 is already found in its present location at the time, whilst Mobile Home 2 is located on the site, but it is located in a different position when compared to the existing situation.

3.11 Thus, it is evidenced that Mobile Home 1 has been on site since at least the 31st December 2005. Mobile Home 2 was located on the site before 2005 as well in a different location.

3.12 Figure 2 dated 8th October 2008 is the first aerial photograph available which shows both Mobile Home 1 and Mobile Home 2 in their current location. Consequently, it is clearly shown that Mobile home 2 has been on site since at least the 8th October 2008.

3.13 Figures 2 to 16 evidence that Mobile Homes 1 and 2 remain in the same location since their erection on site, whilst the homes themselves has remained the same size. This evidences that both stationary Mobile Homes 1 and 2 have not been altered, extended or moved since at least the 8th of October 2008.

3.14 Hence, it is evident that the stationary caravans have been present on the site at the same location for over ten years, complying with the 10 years requirement of the Certificate of Existing Lawfulness.

3.15 This aerial evidence shows beyond any reasonable doubt that the buildings themselves are lawful due to the passage of time in accordance with Paragraph 171B(1) of the TCPA. Further evidence is then provided to clearly show that the buildings were used as independent dwellings.

Mobile Home 1

3.16 **Appendix 3: Blaser Mills Solicitors Letter** contains a letter addressed to Miss Stephanie Scott concerning land adjoining Stokes Farm Cottage.

3.17 The letter records that Blaser Mills Solicitors has been informed by their clients that, on Sunday 16th January 1994, Miss Scott, or persons acting on her behalf, brought a mobile home onto land owned by her.

3.18 The letter further records that the mobile home had been positioned on the land in a manner which indicated that it was intended to remain in place.

3.19 The letter therefore evidences that a mobile home has been brought onto and positioned on the land by 16th January 1994, substantiating the statements of Miss Scott's Statutory Declaration in Appendix 1.

3.20 **Appendix 4: Enforcement Appeal APP/X0360/1151480** concerns the refusal of Application TP/2003/9912 for the 'Temporary permission for siting of mobile home. Retrospective'.

3.21 The appeal was allowed on the 3rd of November 2004 and the Enforcement Notice was squashed.

3.22 The supporting location plan dated 10/10/2003 shows the siting of Mobile Home 1 at the time before it was moved to its current location as substantiated within Miss Scott's Statutory Declaration in Appendix 1.

3.23 Paragraph 2 of the Inspector's decision expressly records that the mobile home subject to the application was already positioned at the Site and was being lived in by a residential tenant.

3.24 Therefore, even though Mobile Home 1 was subsequently repositioned, this evidence strongly highlights how it was utilised residentially. Its movement did not involve the end of its residential use, and it remained within the application site and continued to be used for residential purposes.

3.25 Thus, the appeal decision and its supporting location plan offer evidence of the presence and residential use of Mobile Home 1 at the Site during 2003 and 2004, including its position at that time before it was subsequently moved to its present location.

3.26 **Appendix 5: Council Tax Band Mobile Home 1** contains a copy of the Council Tax Valuation List entry for Mobile Home 1. The entry identifies the property as "Mobile Home 1, Rose Cottage Stud, Binfield Road, Wokingham, RG40 5PP."

3.27 The entry records the local authority reference as [redacted] and places the property in Council Tax Band A.

3.28 It is crucial to note council tax payments generally need to be paid in respect of all domestic properties where people live permanently, as outlined on the Government website.

3.29 The effective date shown in the Council Tax Valuation List is 1 September 2006.

3.30 Consequently, this appendix evidences that Mobile Home 1 has been separately recognised as a permeant dwelling subject to Council Tax purposes since the effective date shown, over ten years ago.

3.31 **Appendix 6: Bills paid for Mobile Home 1** shows bills that have been paid in association with Mobile Home 1. They show how the accommodation has separate payment and responsibility for the bills in association with the tenant in place.

Mobile Home 2

3.32 **Appendix 7: Council Tax Band Mobile Home 2** contains a copy of the Council Tax Valuation List entry for Mobile Home 1. The entry identifies the property as "Mobile Home 2, Rose Cottage Stud, Binfield Road, Wokingham, RG40 5PP."

3.33 The entry records the local authority reference as [redacted] and places the property in Council Tax Band A.

3.34 It is crucial to note council tax payments generally need to be paid in respect of all domestic properties where people live permanently, as outlined on the Government website.

3.35 The effective date shown in the Council Tax Valuation List is 7th December 2006.

3.36 Consequently, this appendix evidences that Mobile Home 2 has been separately recognised as domestic property for Council Tax purposes since the effective date shown, over ten years ago.

3.37 **Appendix 8: Bills paid for Mobile Home 2** shows bills that have been paid in association with Mobile Home 1. They show how the accommodation has separate payment and responsibility for the bills in association with the tenant in place.

04 Conclusion

4.1 The relevant test for Lawful Use applications is the 'balance of probability.' Based on the submission of evidence, including a Statutory Declaration which can be relied upon as true, clear and unambiguous, it is submitted that the use and stationing of two Mobile homes has been in place for a

period of at least 10 years, with the Mobile Homes being of permanent residence. Consequently, such development is immune from enforcement action.

4.2 If the Council are in possession of any information that leads them to a different view to that set out above, we ask that we have the opportunity to examine this information to ensure a fair and balanced assessment

4.3 However, it is considered that the submitted evidence meets the tests of being clear and unambiguous. On the balance of probability, based on the submitted evidence, it is therefore requested that the application for a certificate of existing lawful use be approved.

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