APPLICATION NO:

CLE/2002/8171

LOCATION:

East Court Farm The Village, Finchampstead Wokingham.

APPLICANT:

Mr/Mrs P Taylor C/O J C Associates

PROPOSAL

Application for certificate of existing lawful use of land as formal garden

EARLIEST DATE FOR DECISION 16/01/2003

APPLICATION WILL HAVE EXPIRED ON:
04/02/2003

CASE OFFICER: Mike Hamlin

Application No: CLE/2002/8171

WOKINGHAM DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990, SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991

TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995: ARTICLE 24

Certificate of Lawful Use or Development

The Wokingham District Council hereby certify that on 13th November *2003* the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, edged & coloured red, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended).

Signed T. Watson ..... (Development Control Manager)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: 13th November *2003*

FIRST SCHEDULE

Use of land as residential curtilage

SECOND SCHEDULE

East Court Farm, The Village, Finchampstead, Berkshire.

Notes :

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the Use specified in the First Schedule taking place on the land described in the Second Schedule was have been lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Wokingham District Council

Legal Services

MEMORANDUM

FROM: Colin Lawley
Principal Solicitor

MY REF:CJL
DATE: 7/11/03

TO: Mike Hamlin
Development Control Enforcement

CLE/2002/8171 East Court Farm, The Village, Finchampstead

I have considered the evidence re this application.

I confirm that I agree with your conclusion that a certificate should be issued.

I return the file with this memo.

Colin Lawley

10.DEC.2002 8171

SUBMISSION
IN SUPPORT OF CERTIFICATE OF LAWFUL USE APPLICATION
EAST COURT FARM, JUBILEE ROAD, FINCHAMPSTEAD

In addition to the application form this submission will be accompanied by draft Statutory Declarations by the following:

Alexander Glover- A former owner of both East Court and East Court Farm

Peter William Owen Williams- A personal friend and business associate of Mr. Glover and a property

Jeremy Goates - A consultant who advised Mr Glover in relation to East Court Farm

Paul David Maynard- A local resident familiar with the property.

A confirmation notice signed by the proposed Declarants

It is submitted on behalf of the Applicant for the Certificate of Lawful Use that, the contents of the statutory declarations prove that for more than ten years prior to the date of the Application, the land which is the subject of the Application, was a garden area used in association with East Court and later East Court Farm..

The bungalow, is situated to the south of a high wall which has probably existed since 1900. It seems likely that the purpose of the wall was to provide a sheltered area for the growing of vegetables and flowers for East Court. This can be seen in the photograph below (ECF-CLU 01).

Further evidence of the long term use of this area as formal garden is shown in the next photograph (ECF-CLU 02). The traditional brick edging to borders can frequently be found in Gardens created during Victorian and Edwardian times.

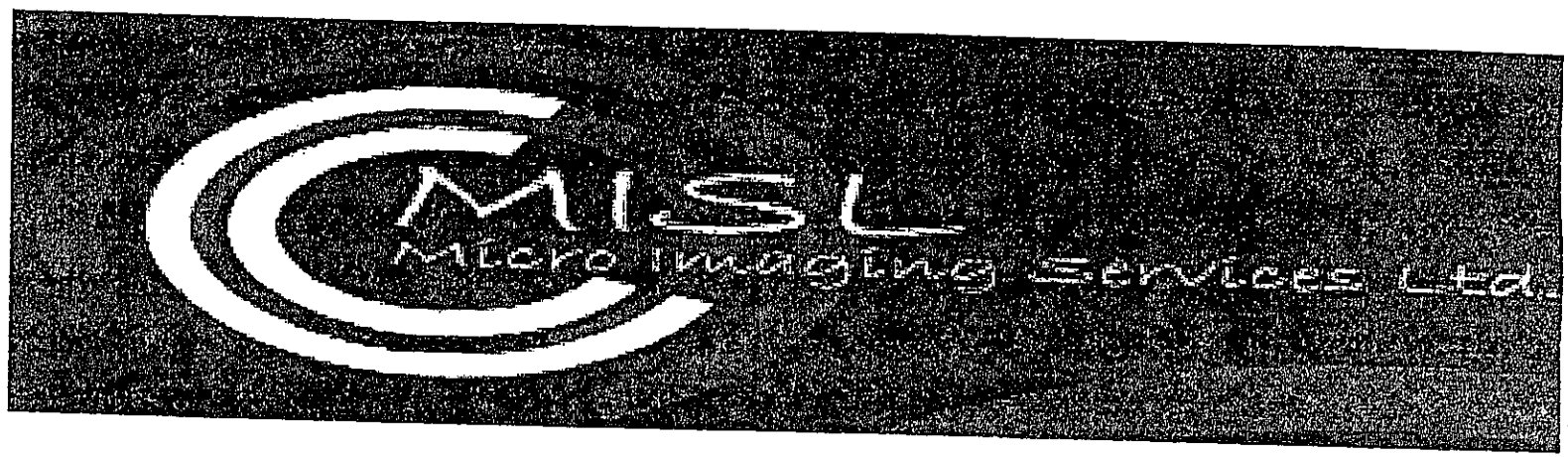
The following photographs (ECF-CLU 03,04,05) show the mature nature of the trees and shrubs situated on various parts of the land and support the contention that the land has always been garden land .

An illustration that the land would not have been suitable for agricultural use involving animals is shown in the next two photographs (ECF-CLU 06,07) which show that the boundary is not securely fenced.

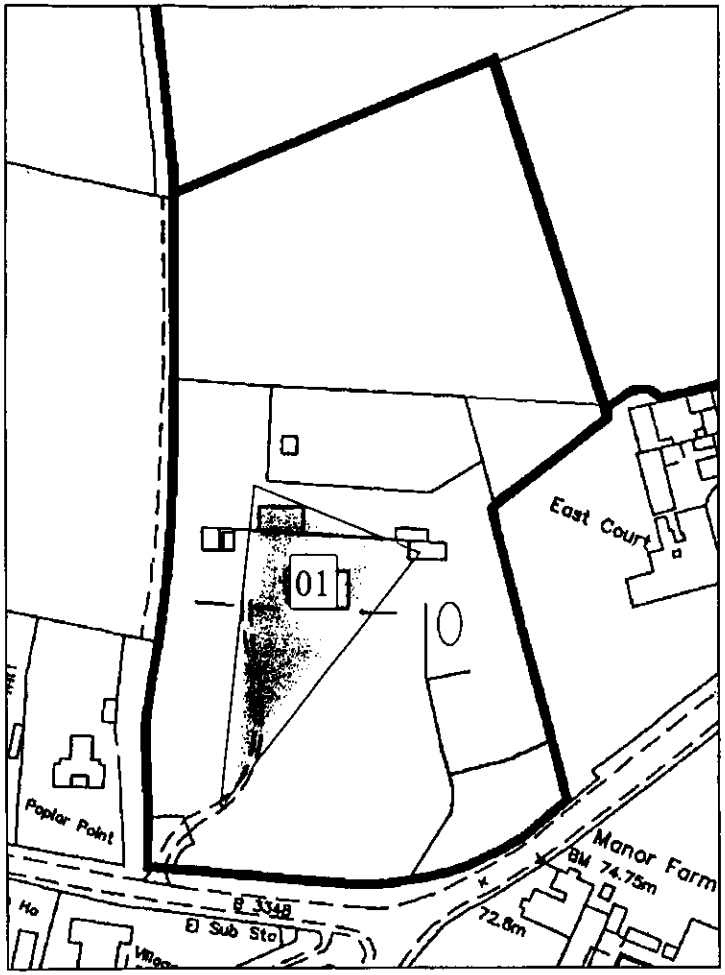
It is the Applicants view that on the strong evidence presented the application should be approved. The LPA is reminded that, for the granting of a Certificate of Lawfulness,

the standard of proof is "on the balance of probability".

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



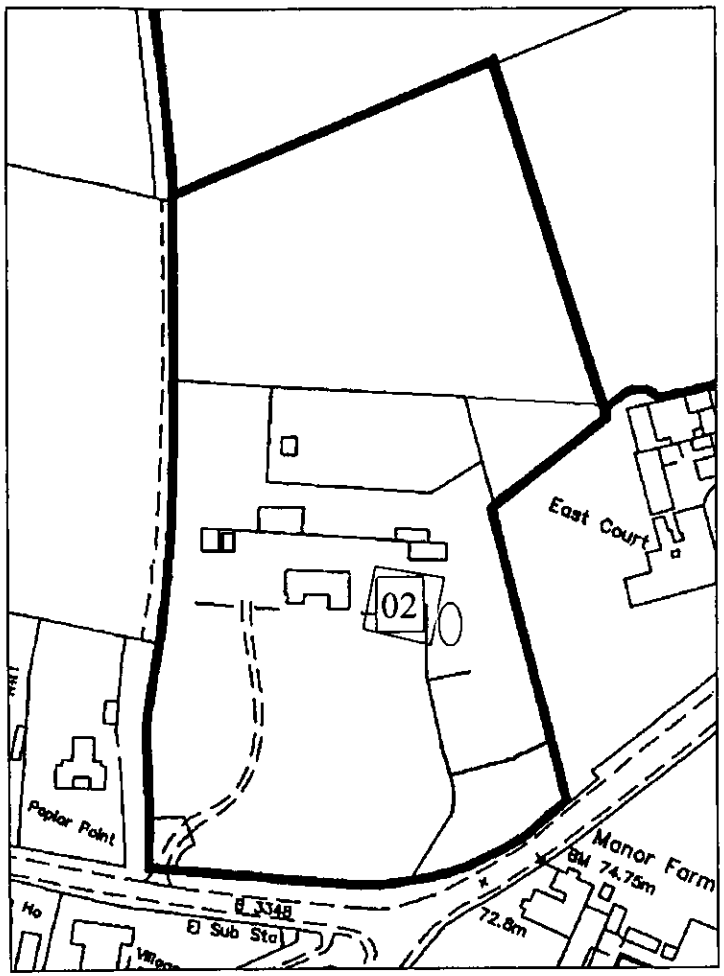
FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN





The map and diagram above show the scene captured in the accompanying photograph.

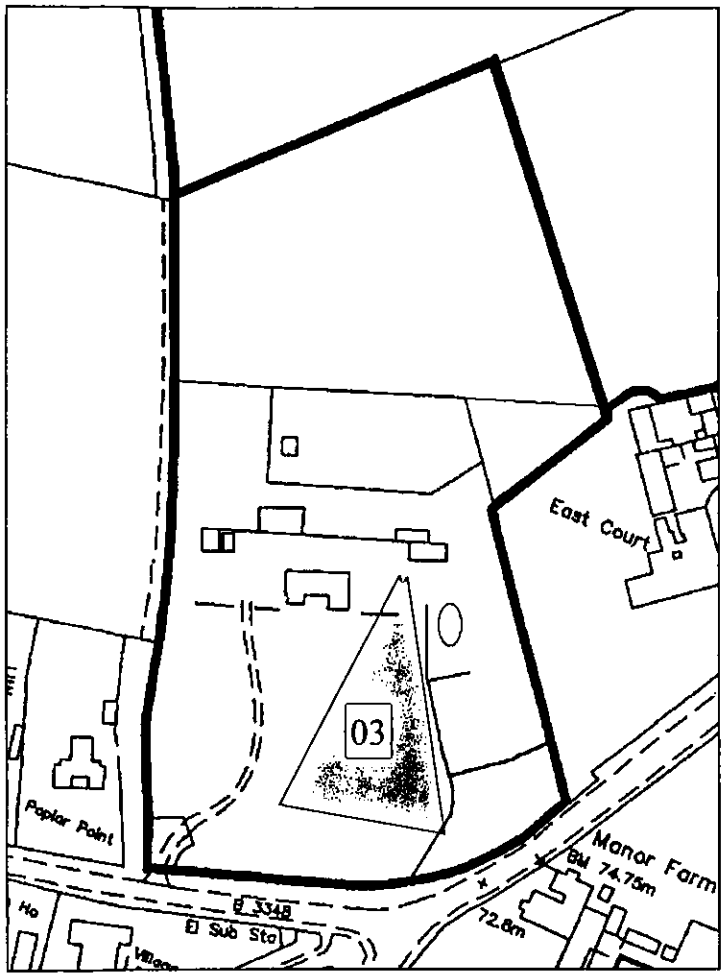
PHOTO ECF-CLU 01





The map and diagram above show the scene captured in the accompanying photograph.

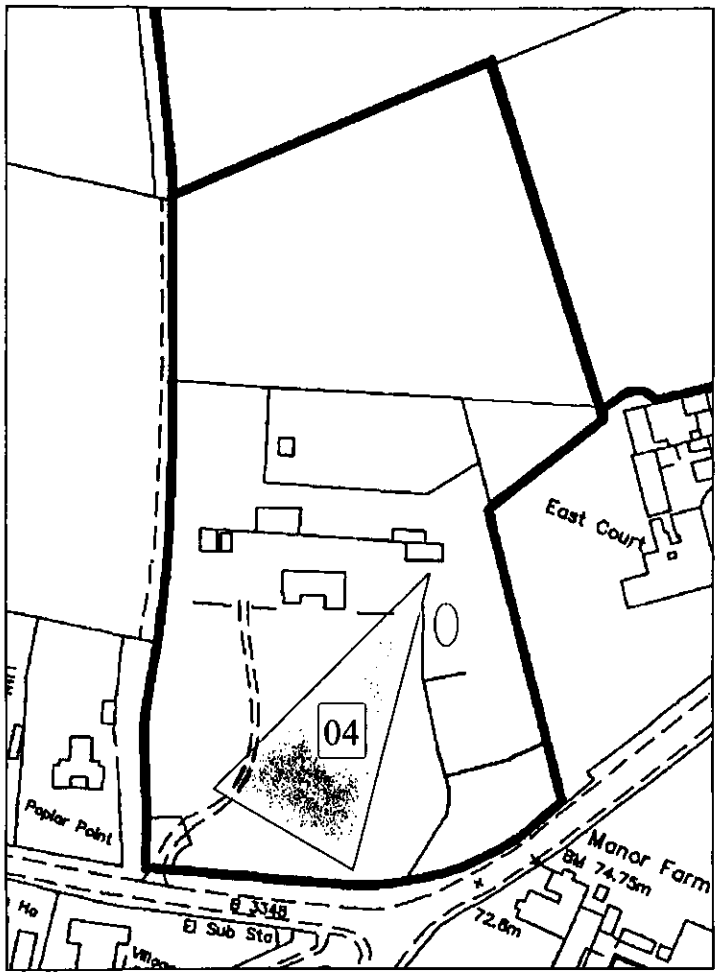
PHOTO ECF-CLU 02





The map and diagram above show the scene captured in the accompanying photograph.

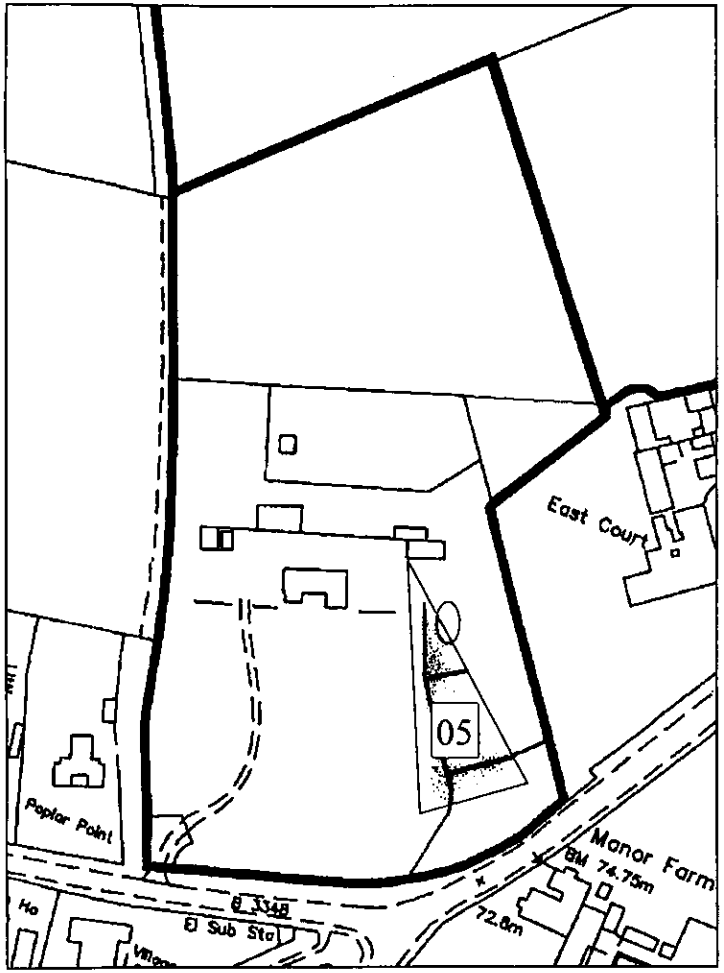
PHOTO ECF-CLU 03





The map and diagram above show the scene captured in the accompanying photograph.

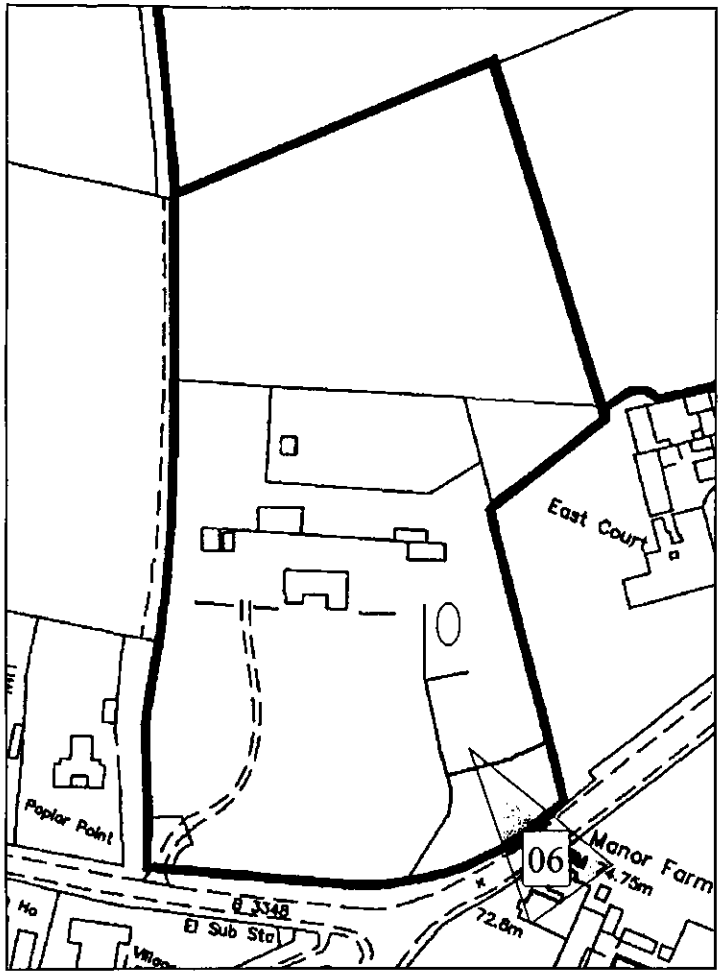
PHOTO ECF-CLU 04





The map and diagram above show the scene captured in the accompanying photograph.

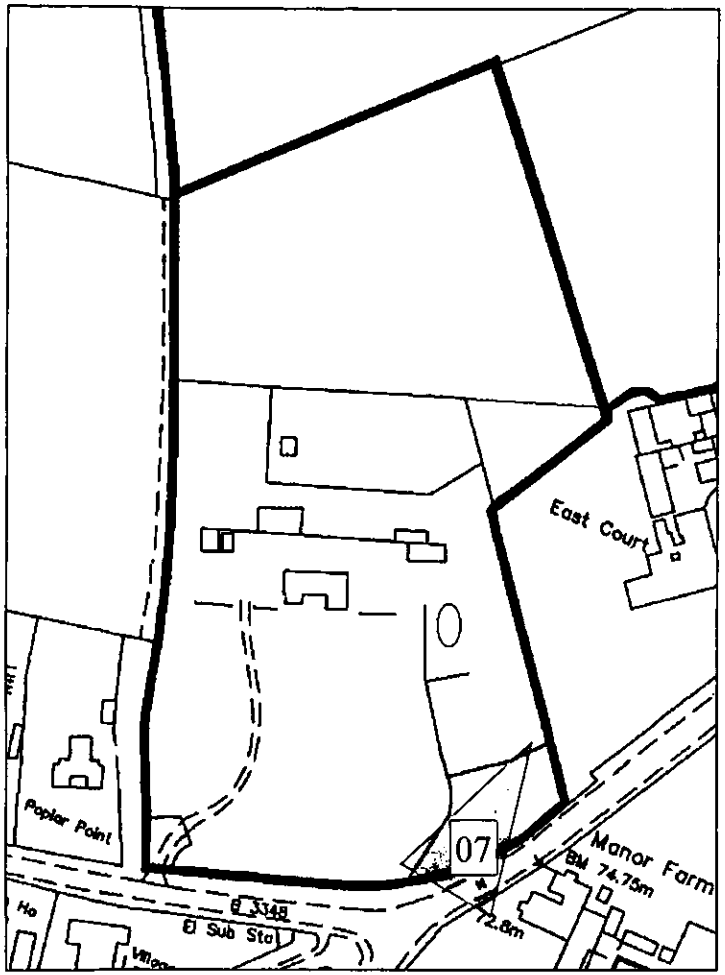
PHOTO ECF-CLU 05





The map and diagram above show the scene captured in the accompanying photograph.

PHOTO ECF-CLU 06





The map and diagram above show the scene captured in the accompanying photograph.

PHOTO ECF-CLU 07

STATUTORY DECLARATION

I **ALEXANDER RICHARD GLOVER** of 1 Long moor Close, Finchampstead

DO MAKE OATH and say as follows:

1. I purchased the property known as East Court, Finchampstead in 1987

2. I lived in that house until 1991

3. I moved into a mobile home situated on the premises now known as East Court Farm and which had formerly been part of East Court in 1991 and a fence was erected between the two premises

4. In early 1994 I sought assistance from ADAS GUILDFORD in relation to obtaining planning consent for a permanent bungalow on the land. The report related to 17 acres, which were being used for Agricultural purposes and specifically excluded the three acres of domestic garden.

5. Planning permission was obtained and the bungalow now known as East Court Farm was erected.

6. I lived in East Court Farm until 2001 and throughout that period I continued to maintain the lawns, flower beds, and kitchen garden areas.

7. In 1989 I re-constructed the ornamental pond which is now part of the garden of East Court Farm and carried out work to the potting shed. This happened prior to the separation of the two properties.

8. The nature of the area which is the subject of the application for the Certificate of Lawfulness has not changed since I purchased the property in 1987 and it is clear from the age of various features on the land that it has been formal garden land at least since Victorian times.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at in the County of Berkshire
this day of 200

Before me

.....
A Commissioner for Oaths/ a Solicitor empowered to administer oaths

STATUTORY DECLARATION

I **PETER WILLIAM OWEN WILLIAMS** of Flat 8, 3 Bulmershe Road, Reading Berkshire
DO MAKE OATH and say as follows:

1. I have known the property now known as East Court Farm, Jubilee Road, Finchampstead for upward of twelve years.
2. I first visited the area now known as East Court Farm when it and the house known as East Court were in the ownership of Alex Glover. I have been a friend, and business associate of Alex for more than 20 years. As such I have visited both East Court and the bungalow now known as East Court Farm on many occasions. During this period of time I have never seen any Agricultural use being made of the land, which is the subject of the application for a Lawful Use Certificate. The land has always been used as garden land for flower beds, lawns and a small area for domestic vegetable production

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at in the County of Berkshire
this day of 200

Before me

.....
A Commissioner for Oaths/ a Solicitor empowered to administer oaths

STATUTORY DECLARATION

I **JEREMY GOATES** of Three Firs , Forest Road ,Binfield , Berkshire
DO MAKE OATH and say as follows:

1. I have known the property which is the subject of the application for a Certificate of Lawful Use for more than twelve years
2. At the time of my first visit East Court, and the area now known as East Court Farm were in the ownership of Alex Glover. On my first visit Mr Glover showed me around and it was clear that the area, which is the subject of the application for a Lawful Use Certificate, was part of the formal gardens and kitchen gardens of East Court.
3. I produce as "JG1" and "JG 2" photographs showing an ornamental urn and formal pond . These features existed prior to the erection of the bungalow known as East Court Farm.
4. I acted for Mr Glover, as a Consultant, when he applied for consent to retain a Mobile home sited on the land. In order to obtain a consent it was necessary, to establish that a residential presence was needed on site in relation to the agricultural and horticultural activities being conducted . A report was commissioned from ADAS on the financial viability of the unit and I produce as "JG3" copy of the financial appraisal which shows that the area of approximately three acres in front of the large brick wall was excluded from the assessment .The reason for the exclusion was that the land had no agricultural potential. It comprised mature shrubs, trees, flower beds and an area of kitchen garden.
5. I also produce as "JG4, JG5, JG6, JG7,and JG8" a series of photographs illustrating the mature nature of the garden area.

6. During the entire period of my involvement with East Court and East Court Farm the land, which is the subject of the Lawful Use application, has been used for garden land and not for agricultural purposes.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at in the County of Berkshire
this day of 200

Before me

.....
A Commissioner for Oaths/ a Solicitor empowered to administer oaths

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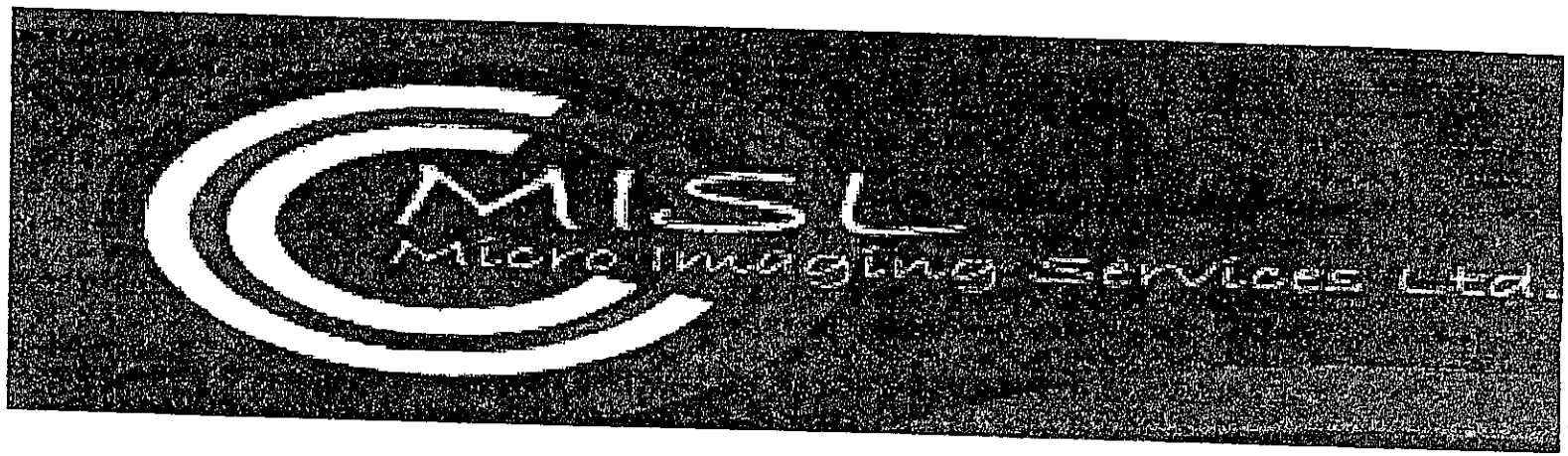

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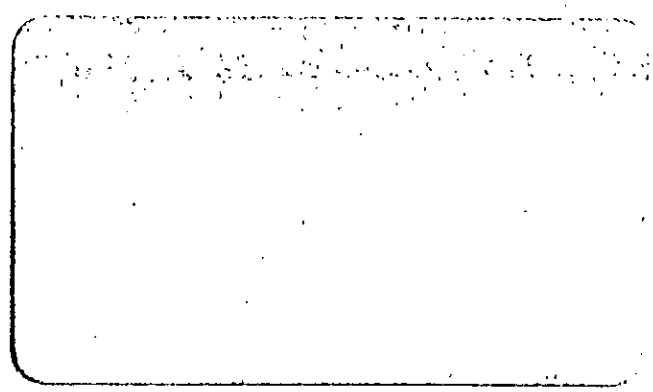
JG 2

ADAS

FOOD, FARMING, LAND & LEISURE



THIS IS THE DOCUMENT PRODUCED AS "JG3" IN THE STATUTORY DECLARATION OF JEREMY GOATER

wg3/ecourt2

PROPOSED BUDGET & CROPPING PROGRAMMES
For 1994/5

for

Mr A Glover
East Court Farm
Finchamstead
Berkshire

Will George BSc M.I.Hort
ADAS Guildford
98 Epsom Road
Guildford
Surrey GU1 2LD

TEL: 0483 62881
FAX: 0483 65356

ADAS

PROPOSED CROPPING FOR EAST COURT FARM 1994/5

Introduction

The holding extends for some 20 acres of which 17 acres are used for agricultural purposes. The remaining area is used as a domestic garden. In the past the agricultural enterprises have been run on a part time basis but it is proposed to increase the output of the farm to provide extra income for the owner.

Present Cropping

The majority of the farm is grassland which is used for grazing a small herd of pedigree polled Hereford cattle. There is a small free range chicken flock of 40-50 birds, the eggs being sold to shops and other outlets in the area. A small polythene tunnel was erected and used in conjunction with an existing glasshouse for the production of bedding plants and planted container and baskets. These were also sold to local shops and similar outlets. All products sold from the farm are via other retail outlets or delivered direct to the final customer. There are no retail sales from the farm. The cropping regime has derived from the farmers various interests however the integration of these enterprises appears to be reasonably successful.

Proposed Cropping

It is proposed to increase the production of all three enterprises. The suckler herd will be increased to 12 cows. The progeny will be reared and sold as yearlings. It is proposed to halter train the young stock to provide a higher value and more marketable animal. The chickens will be moved to the main part of the farm using mobile arks that can moved around the pasture. The flock size will be increased to 200.

A substantial contract has been secured to supply hanging baskets, planted containers and bedding plants to a local leisure facility. It is also proposed to expand the production of bedding plants through the existing outlets. It will be necessary to erect another polythene tunnel to cope with this increased production.

There will be no direct sales on the farm. All produce will be sold wholesale to retail outlets or delivered directly to the final customer.

This expansion will give a net farm income of £4901 which is detailed in Appendix 5.

It would be possible to expand all three enterprises further although it would not be possible to increase the beef enterprise on the farm unless more grazing land were made available.

The expansion of the egg and bedding plant enterprises could be considered providing there are sufficient market outlets for the extra produce. It should be noted that if either of these enterprises were expanded significantly, then extra land may be required for the beef enterprise.

Appendix 1

PROPOSED INCREASE IN BEDDING PLANT PRODUCTION

	NO OF BOXES '93	NO OF BOXES '94
LOBELIA	100	200
PETUNIA	50	200
ASTERS	30	50
IMPATIANS	30	150
MARIGOLD	30	30
MESEMB.	150	150
NICOTIANA	30	30
PINKS/CARNATION	55	55
CONTRACT BEDDING	0	1400
PANSIES	30	100
POLYANTHUS	0	100
TOTAL BOXES	505	2465
GERANIUMS (POTS)	150	150
HANGING BASKETS	50	250

ADAS

Appendix 2

BUDGET FOR PROPOSED BEDDING PLANT PRODUCTION

Output	**£**
2219 Boxes of Bedding @ £2.00	4438
143 Pots of Geraniums @ £0.50	72
238 Hanging Baskets @ £15.00	3570
Gross Output	**8080**
Variable Costs	
2465 Boxes of Bedding @ £0.85	2095
150 Pots of Geraniums @ £0.15	23
250 Hanging Baskets @ £7.30	1825
Total Variable Costs	3943
Output Net of Variable Costs	**4137**

Note: Variable costs include the cost of plants, compost, containers, heating, sprays, labels and additional casual labour during production.

Appendix 3

PROPOSED BUDGET FOR HEREFORD HERD OF 12 PEDIGREE SUCKLER COWS WITH ALL PROGENY SOLD AS YEARLINGS

	Per Cow	Total
Output		
Sale of Calf	500	
Premium	34*	
Less Livestock depreciation	100	
Gross Output	434	5208
Variable Costs		
Concentrates	34	
Bedding	20	
Vet & Med	18	
Miscellaneous	10	
Forage Costs	40	
Total Variable Costs	122	1464
Output Net of Variable Costs	**312**	**3744**

* The beef special premium has been calculated on one payment on all male calves at 1994 rate £69.07, (assuming 50% male)

ADAS

Appendix 4

PROPOSED BUDGET FOR FREE RANGE CHICKEN FLOCK (200 BIRDS)

Output

Egg Sales	4332 doz. @ £1.20 / doz	5198
Cull Birds	184 head @ £0.25 / head	46
Less Pullets	200 head @ £2.50 / head	-500
Gross Output		4744

Variable Costs

Feed	9900 kg @ £155 / tonne	1535
Heat		70
Casual Labour		24
Vet & Med		11
Repairs		20
Total Variable Costs		1660
Output Net of Variable Costs		**3084**

ADAS

Appendix 5

PROPOSED BUDGET FOR FREE RANGE CHICKEN FLOCK (200 BIRDS)

Output Net of Variable Cost	
Bedding Plants	4137
Cattle	3744
Eggs	3084
Total Output Net of Variable Costs	10965
Whole Farm Fixed Costs	
Rent & Rates (notional)	680
Labour (excluding own)	Nil
Power & Machinery	
Fuel & Electricity (including Transport)	1850
Repairs & Insurance	234
Depreciation (buildings & machinery)	1500
Sundries	300
Interest on capital invested in new buildings & fixed equipment	1500
Total Fixed Costs	6064
Net Income for Labour & Capital for Reinvestment	**4901**

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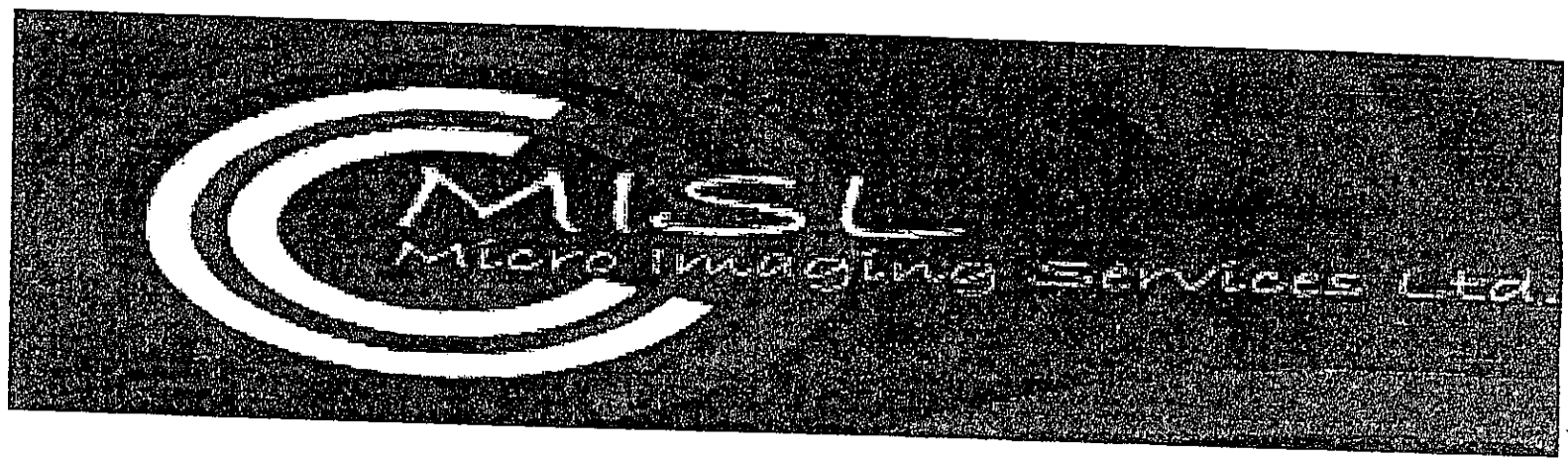


FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN



JG4



JG 5



JS 6



JQ7



JG 8

Statutory Declaration

I PAUL DAVID MAYNARD of 39 Longwater Lane, Fichampstead, Berkshire do **SOLEMNLY** and **SINCERELY DECLARE** as follows:-

1. I have known the properties known as East Court & East Court Farm for 30 years
2. For 28 years I have been a Groundsman at Fichampstead Sports Club.
3. The grounds that I look after partially adjoin East Court Farm.
4. I knew Mr Glover when he owned both East Court and the property now known as East Court Farm. During this entire period the land now fronting the Bungalow and Jubilee Road has always been a combination of formal flower beds, kitchen garden and mature trees
5. The agricultural activity relating to East Court Farm was carried out on land behind the large brick wall at the rear of the bungalow.

6. Since Mr Glover owned the properties I have visited the premises frequently as I had an arrangement for parking agricultural trailers on the land to the rear of the brick wall

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at in the County of Berkshire
this day of 200

Before me

.....
A Commissioner for Oaths/ a Solicitor empowered to administer oaths

CONFIRMATION NOTICE

WE PAUL DAVID MAYNARD, ALEXANDER RICHARD GLOVER, PETER WILLIAM OWEN WILLIAMS AND JEREMY GOATES
hereby confirm that if required to do so we are willing to swear formal Statutory Declarations in the form of the drafts forming part of the submission document in relation to the Applicaton for a Certificate of Lawfulness in respect of land at East Court Farm , Finchampstead

SIGNED BY

Paul David Maynard

Alexander Richard Glover

Peter William Owen Williams

Jeremy Goates

Dated: 04 December 2002

Statutory Declaration

I PAUL DAVID MAYNARD of 39 Longwater Lane, Fichampstead, Berkshire do **SOLEMNLY** and **SINCERELY DECLARE** as follows:-

1. I have known the properties known as East Court & East Court Farm for 30 years
2. For 28 years I have been a Groundsman at Fichampstead Sports Club.
3. The grounds that I look after partially adjoin East Court Farm.
4. I knew Mr Glover when he owned both East Court and the property now known as East Court Farm. During this entire period the land now fronting the Bungalow and Jubilee Road has always been a combination of formal flower beds, kitchen garden and mature trees
5. The agricultural activity relating to East Court Farm was carried out on land behind the large brick wall at the rear of the bungalow.

6. Since Mr Glover owned the properties I have visited the premises frequently as I had an arrangement for parking agricultural trailers on the land to the rear of the brick wall

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory ~~Declarations~~ Act 1835

Declared at 157 Oxford Road Reading Berkshire in the County of Berkshire
this 29th day of May 2003

Before me

.....Praveen B. Rai

A Commissioner for Oaths/ a Solicitor empowered to administer oaths

AVERY CLIFFORD & CO
157 OXFORD ROAD
READING, BERKS, RG1 7UY
TEL.. (0118) 959 6631
DX 40103 READING CASTLE STREET

STATUTORY DECLARATION

I **PETER WILLIAM OWEN WILLIAMS** of Flat 8, 3 Bulmershe Road, Reading Berkshire
DO MAKE OATH and say as follows:

1. I have known the property now known as East Court Farm, Jubilee Road, Finchampstead for upward of twelve years.
2. I first visited the area now known as East Court Farm when it and the house known as East Court were in the ownership of Alex Glover. I have been a friend, and business associate of Alex for more than 20 years. As such I have visited both East Court and the bungalow now known as East Court Farm on many occasions. During this period of time I have never seen any Agricultural use being made of the land, which is the subject of the application for a Lawful Use Certificate. The land has always been used as garden land for flower beds, lawns and a small area for domestic vegetable production

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at 55 57 London Street, Reading in the County of Berkshire
this 30 day of October 2003.

HEWETTS
55-57 LONDON STREET
READING
BERKSHIRE RG1 4PS

Before me

.....D. Smith.....

A Commissioner for Oaths/~~a Solicitor~~ empowered to administer oaths

Application for Certificate of existing Lawful use of land as a formal garden.

CLE/2002/8171

East Court Farm, The Village, Finchampstead.

Use of land as residential garden.

Planning and Enforcement History

The land originally formed part of the curtilage of the property known as East Court, which is a Grade II Listed Building. It appears that the land may have been used as a vegetable garden/nursery to the main house. The land was subdivided from the main curtilage in approximately 1991. Application number 28031 for a chalet bungalow on the land was withdrawn in 1987. Application 41072 for relocation of agricultural access was approved in July 1993. Planning application 41657 for mobile home was withdrawn and Planning application 43134 for a mobile home was granted temporary permission until 30th November 1997. Planning application 96/63687/F for a bungalow was refused planning permission on 18th June 1996. Planning application 96/64049/F for a bungalow was approved on 27th August 1996.

Consultation Response

Finchampstead Parish Council: Object to the proposed change of use from agricultural to formal garden.
Councillor Mrs Long: This was formerly the garden of East Court.

Supporting Evidence

Letter: (Statutory Declaration) from Alexander Richard Glover claiming that he purchased the property known as East Court in 1987. In 1991 he moved into a mobile home on the land known as East Court Farm and fenced off between the two properties. In 1994 an application was submitted for a bungalow on the land. The accompanying ADAS GUILDFORD report related to 17 acres of agricultural land and specifically excluded 3 acres of domestic garden. Mr Glover lived in the bungalow until 2001 and throughout that period continued to maintain the lawns, flower beds and kitchen garden areas. He states that the area has not changed since he purchased the property in 1987 and some of the features present indicate that it has been a formal garden since Victorian times.

Letter: (Statutory Declaration) Peter William Owen Williams states that he has known the property for more than 12 years. During this period the land has

always been used as garden land for flower beds, lawns and a small area for domestic vegetable production.

Letter: (Statutory Declaration) Paul David Maynard states that he has known the properties known as East Court and East Court Farm for 30 years. During this period the land now fronting the bungalow and Jubilee Road has always been a combination of formal flower beds, kitchen garden and mature trees. Mr Maynard states that the agricultural activity relating to East Court Farm was carried out behind the large brick wall at the rear of the bungalow.

Letter: (Agreement to sign Statutory Declaration) Jeremy Goates states that he has known the site for more than 12 years and it was part of the formal gardens and kitchen gardens of East Court. Ornamental features including an urn and formal pond existed on the site prior to the erection of the bungalow. Mr Goates states that he acted as a consultant for Mr Glover when he made an application for the retention of a mobile home on the site. A report commissioned from ADAS excluded the 3 acres of garden from the assessment as it had no agricultural potential. It comprised mature shrubs, trees, flower beds and an area of kitchen garden and has been used for garden land and not for agricultural purposes.

Application 96/64049/F for detached bungalow shows area of site as 8 hectares and the red line defines the whole site.

Conflicting Evidence

Application 41072 for Relocation of agricultural access was approved for this land. The red line enclosed the whole of the land.

Application 43134 Mobile home to be used in connection with farm was approved. The blue line enclosed the whole of the land and the red line defined the mobile home.

Conclusion

The balance of probability is that the use of the land as formal garden has continuously taken place for more than ten years. A CLU(E) should therefore be granted for the use of the land as a formal garden.

Mike Hamlin
3rd November 2003

Statutory Declaration

I PAUL DAVID MAYNARD of 39 Longwater Lane, Finchampstead, Berkshire do **SOLEMNLY** and **SINCERELY DECLARE** as follows:-

1. I have known the properties known as East Court & East Court Farm for 30 years
2. For 28 years I have been a Groundsman at Finchampstead Sports Club.
3. The grounds that I look after partially adjoin East Court Farm.
4. I knew Mr Glover when he owned both East Court and the property now known as East Court Farm. During this entire period the land now fronting the Bungalow and Jubilee Road has always been a combination of formal flower beds, kitchen garden and mature trees
5. The agricultural activity relating to East Court Farm was carried out on land behind the large brick wall at the rear of the bungalow.

6. Since Mr Glover owned the properties I have visited the premises frequently as I had an arrangement for parking agricultural trailers on the land to the rear of the brick wall

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

PAUL MAYNARD

Declared at HERRINGTON & CARMICHAEL SOLICITORS in the County of Berkshire
this 27 day of October 2003

Before me

.....

A Commissioner for Oaths/ a Solicitor empowered to administer oaths

STATUTORY DECLARATION

I **PETER WILLIAM OWEN WILLIAMS** of Flat 8, 3 Bulmershe Road, Reading Berkshire
DO MAKE OATH and say as follows:

1. I have known the property now known as East Court Farm, Jubilee Road, Finchampstead for upward of twelve years.
2. I first visited the area now known as East Court Farm when it and the house known as East Court were in the ownership of Alex Glover. I have been a friend, and business associate of Alex for more than 20 years. As such I have visited both East Court and the bungalow now known as East Court Farm on many occasions. During this period of time I have never seen any Agricultural use being made of the land, which is the subject of the application for a Lawful Use Certificate. The land has always been used as garden land for flower beds, lawns and a small area for domestic vegetable production

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at Reading in the County of Berkshire
this 31st day of March 2003

Before me

.....

A Commissioner for Oaths/ a Solicitor empowered to administer oaths

C. N. KENNEDY

HEWETTS
55-57 LONDON STREET
READING
BERKSHIRE RG1 4PS

STATUTORY DECLARATION

I **ALEXANDER RICHARD GLOVER** of 1 Long moor Close, Finchampstead

DO MAKE OATH and say as follows:

1. I purchased the property known as East Court, Finchampstead in 1987

2. I lived in that house until 1991

3. I moved into a mobile home situated on the premises now known as East Court Farm and which had formerly been part of East Court in 1991 and a fence was erected between the two premises

4. In early 1994 I sought assistance from ADAS GUILDFORD in relation to obtaining planning consent for a permanent bungalow on the land. The report related to 17 acres, which were being used for Agricultural purposes and specifically excluded the three acres of domestic garden.

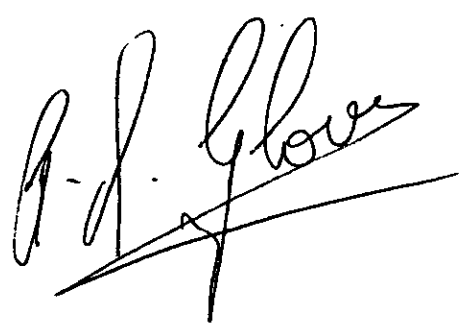
5. Planning permission was obtained and the bungalow now known as East Court Farm was erected.

6. I lived in East Court Farm until 2001 and throughout that period I continued to maintain the lawns, flower beds, and kitchen garden areas.

7. In 1989 I re-constructed the ornamental pond which is now part of the garden of East Court Farm and carried out work to the potting shed. This happened prior to the separation of the two properties.

8. The nature of the area which is the subject of the application for the Certificate of Lawfulness has not changed since I purchased the property in 1987 and it is clear from the age of various features on the land that it has been formal garden land at least since Victorian times.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835



Declared at Reading in the County of Berkshire
this 31st day of March 2003

Before me .....

A Commissioner for Oaths/ a Solicitor empowered to administer oaths

C. N. VIENNIS

HEWETTS
55-57 LONDON STREET
READING
BERKSHIRE RG1 4PS

Application for Certificate of existing Lawful use of land as a formal garden.

CLE/2002/8171

East Court Farm, The Village, Finchampstead.

Use of land as residential garden.

Planning and Enforcement History

The land originally formed part of the curtilage of the property known as East Court, which is a Grade II Listed Building. It appears that the land may have been used as a vegetable garden/nursery to the main house. The land was subdivided from the main curtilage in approximately 1991. Application number 28031 for a chalet bungalow on the land was withdrawn in 1987. Application 41072 for relocation of agricultural access was approved in July 1993. Planning application 41657 for mobile home was withdrawn and Planning application 43134 for a mobile home was granted temporary permission until 30th November 1997. Planning application 96/63687/F for a bungalow was refused planning permission on 18th June 1996. Planning application 96/64049/F for a bungalow was approved on 27th August 1996.

Consultation Response

Finchampstead Parish Council: Object to the proposed change of use from agricultural to formal garden.
Councillor Mrs Long: This was formerly the garden of East Court.

Supporting Evidence

Letter: (Statutory Declaration) from Alexander Richard Glover claiming that he purchased the property known as East Court in 1987. In 1991 he moved into a mobile home on the land known as East Court Farm and fenced off between the two properties. In 1994 an application was submitted for a bungalow on the land. The accompanying ADAS GUILDFORD report related to 17 acres of agricultural land and specifically excluded 3 acres of domestic garden. Mr Glover lived in the bungalow until 2001 and throughout that period continued to maintain the lawns, flower beds and kitchen garden areas. He states that the area has not changed since he purchased the property in 1987 and some of the features present indicate that it has been a formal garden since Victorian times.

Letter: (Statutory Declaration) Peter William Owen Williams states that he has known the property for more than 12 years. During this period the land has

always been used as garden land for flower beds, lawns and a small area for domestic vegetable production.

Letter: (Statutory Declaration) Jeremy Goates states that he has known the site for more than 12 years and it was part of the formal gardens and kitchen gardens of East Court. Ornamental features including an urn and formal pond existed on the site prior to the erection of the bungalow. Mr Goates states that he acted as a consultant for Mr Glover when he made an application for the retention of a mobile home on the site. A report commissioned from ADAS excluded the 3 acres of garden from the assessment as it had no agricultural potential. It comprised mature shrubs, trees, flower beds and an area of kitchen garden and has been used for garden land and not for agricultural purposes.

Letter: (Statutory Declaration) Paul David Maynard states that he has known the properties known as East Court and East Court Farm for 30 years. During this period the land now fronting the bungalow and Jubilee Road has always been a combination of formal flower beds, kitchen garden and mature trees. Mr Maynard states that the agricultural activity relating to East Court Farm was carried out behind the large brick wall at the rear of the bungalow.

Application 96/64049/F for detached bungalow shows area of site as 8 hectares and the red line defines the whole site.

Conflicting Evidence

Application 41072 for Relocation of agricultural access was approved for this land. The red line enclosed the whole of the land.

Application 43134 Mobile home to be used in connection with farm was approved. The blue line enclosed the whole of the land and the red line defined the mobile home.

Council Tax:

Conclusion

The balance of probability is that the use of the land as formal garden has continuously taken place for more than ten years. A CLU(E) should therefore be granted for the use of the land as a formal garden.

Mike Hamlin
19th February 2003

068

Bolney House,
Finchampstead,
Berks. RG40 3RU

Tel: Eversley (0118) 973 2284

MDH

10 FEB 2003

COPIES TO ✓ 11/2/03

Feb. 5th

Dear Sir

CLE2002/8171 East Court Farm.

This application should be turned down right away as it opens the area up to still more development.

The site originally was part of East Ct Farm. He then sold it. Metaxed this area or Oriel a caravan was put & the planning permission for a house.

Its creeping encroachment all the time.

Yours faithfully

J A Kentish Barnes

WORK SHEET FOR : Mike Hamlin

Application Number : CLE/2002/8171

Applicant : Mr/Mrs P Taylor C/O J C Associates.

Location : East Court Farm, The Village, Finchampstead, Wokingham.

Proposal : Application for certificate of existing lawful use of land as formal garden.

Site Notice Displayed ? :	YES	NO	DATE
	✓		28/1/03.

Date of Neighbour Notifications : .....

Date of Site Visit : 28/1/03.....

Date Registered : 10/12/2002

Earliest Date for Decision : 16/01/2003

Latest Consultation Date/Site Notice Expiry Date : 16/01/2003

This application will have expired on: 04/02/2003. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

See REPORT.

Planning Issues :

Application Number: CLE/2002/8171

Appraisal :

Recomendation : Approval: ☐ **Refusal:** ☐
(tick appropriate box)

Application Number CLE/2002/8171
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal

RECORD OF SITE VISIT

SITE ADDRESS: East Court Farm The Village Finchampstead Wokingham.

APPLICATION NUMBER: CLE/2002/8171

OFFICER: Mike Hamlin

DATE OF SITE VISIT:.....

1 SITE/STATUTORY NOTICE DISPLAYED ?

2. DESCRIPTION OF SURROUNDINGS

3. DESCRIPTION OF SITE/BUILDING

4. RELATIONSHIP TO ADJOINING PROPERTIES

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

Mike Hamlin

Tel: (0118) 974 6442

Date: 24 December 2002

My ref: CLE/2002/8171

Considering the property was derided from East Court in my time on Planning is this a means of keeping the land at the back as a seperate property that could be need a house there ?

Councillor Long
Foxfield
Wick Hill Lane
Finchampstead
RG40 3PY

Dear Councillor

Muriel Long

They seem to have the application "well sown up" with evidence - this was the garden of East Court formerly

WOKINGHAM UNITARY
Aiming for Excellence

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Application Number: CLE/2002/8171
East Court Farm, The Village, Finchampstead, Wokingham.
Application for certificate of existing lawful use of land as formal garden.

I write to let you know that the above mentioned application has been received.

At this stage a recommendation has not yet been made. This form should only be returned if it is likely that you might wish for the application to be listed for consideration by the Development Control Committee. This form must be received no later than 28 days from the date of this letter.

If you have concerns about the proposals it may be possible for these to be addressed during the consideration of the application. In these circumstances it would be helpful if you could discuss these with the case officer **Mike Hamlin** on **(0118) 974 6442** in the first instance.

Yours sincerely

Trevor Watson

Development Control Manager

LISTING FORM

Case officer: **Mike Hamlin** Application Number: **CLE/2002/8171**
East Court Farm, The Village, Finchampstead, Wokingham.
Application for certificate of existing lawful use of land as formal garden.
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor Long

FROM: Mike Hamlin

DATE: 24 December 2002

DELEGATED

FINCHAMPSTEAD PARISH CONSULTATION SHEET

Application Number: CLE/2002/8171

Proposal: Application for certificate of existing lawful use of land as formal garden..

Site Address: East Court Farm, The Village, Finchampstead, Wokingham.

Applicant: Mr/Mrs P Taylor C/O J C Associates.

Your observations are required in respect of this application **by 16/01/2003** .

13 JAN 2003

The Parish Council has opted to maintain the status quo and object to the application relating to the proposed change of use from agricultural to a formal garden.

10 JAN 2003

SIGNED: C.S. DATE:

Clerk To Finchampstead Parish Council Parish/Town Council.

Application Number: CLE/2002/8171

Case Officer : MH

Valid Date : 10.12.02.

Map No : 114

Site Area :

Received Date: 10/12/2002

Level : Delegated Application

Description : Application for certificate of existing lawful use of land as formal garden.

Location : East Court Farm, The Village, Finchampstead, Wokingham.

Parish : FI Ward : FIS 24.12.02 JB.

Applicant : Mr/Mrs P Taylor C/O J C Associates.

Fee Required: £220 Fee Received: £220 (3)

Additional: ..... or Refund: .....

Enforcement Section to be notified ☐ (tick if required)

Additional information required for validation;

REASON	NOTES	DATE REQ	DATE RECD
LOCATION PLANS	Scale 1:2500?		
BLOCK PLANS			
FORMS UNSIGNED			
S.66 MISSING/INCORRECT/ UNSIGNED			
ELEVATION PLANS			
FLOOR PLANS			
NO SCALE OR SCALE IS IMPERIAL			
ENCROACHMENT LETTER REQUIRED			
OTHER	NB Statements not Signed/dated?	phoned 23/12	

Is it valid without these? → Not invalid

Is the site in a Conservation Area: ☐ Yes ☐ No I f "Yes" which one _____

Is the site a Listed Building: ☐ Yes ☐ No

Is a Statutory Advertisement required: ☐ Yes ☐ No

INTERNAL CONSULTATIONS 24. 12. 02 →J

Building Control

Heritage (Harold Sanders)

Landscape

Trees

Environmental Health

Housing

Leisure & Cultural Services

Public Rights of Way Officer

Property

Policy & Plans

Joint Strategic Planning Unit

Archaeological Officer (BABTIE)

Education

Social Services

Highways

EXTERNAL CONSULTATIONS

Adjacent DPA : _____

Adjacent Parish : _____

SEB

British Gas

Oil pipeline

Transco

Environment Agency

Railtrack

Police Arch Officer

HERITAGE BODIES

Victorian Society
The Georgian Group
Ancient Monuments Society
Council for British Arch
RCHME
NRPB (Telecommunications)
Sport England
Society for Proct' of Ancient Bldgs
English Heritage

OTHERS

Countryside

Rural Area

Area of Special Landscape Importance

Area of Special Characters

NEIGHBOURS

S/N + See map

No pre-apps.

Organisation_Name	Building_Name	address1	Postcode
	EAST COURT FARM		RG40 3SD
	EAST COURT		RG40 3SD
MANOR FARM			RG40 3SE
	CHATTERINGS HOUSE	CHATTERINGS HOUSELONGWATER LANEWOKINGH	RG40 4NR
	VILLAGE POINT		RG40 4NP
	LITTLE ORCHARD	LITTLE ORCHARDTHE VILLAGEWOKINGHAM	RG40 4JN
	POPLAR POINT	POPLAR POINTTHE VILLAGEWOKINGHAM	RG40 4JN
	EAST COURT FARM	EAST COURT FARMTHE VILLAGEFINCHAMPSTEAD	
	CHURCH VIEW	CHURCH VIEWTHE VILLAGEWOKINGHAM	RG40 4JN

**********FILE COPY**********

Tel: (0118) 974 6442

Date: 24 December 2002

My ref: CLE/2002/8171

WOKINGHAM UNITARY
Aiming for Excellence

Councillor Cockroft
113a Nine Mile Ride
Finchampstead
RG40 4HX

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Councillor

Application Number: CLE/2002/8171
East Court Farm, The Village, Finchampstead, Wokingham.
Application for certificate of existing lawful use of land as formal garden.

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Yours sincerely
Trevor Watson
Development Control Manager

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East Court Farm, The Village, Finchampstead, Wokingham.
Application for certificate of existing lawful use of land as formal garden.
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor Cockroft

**********FILE COPY**********

**********FILE COPY**********

Tel: (0118) 974 6442

Date: 24 December 2002

My ref: CLE/2002/8171

WOKINGHAM UNITARY
Aiming for Excellence

Councillor Long
Foxfield
Wick Hill Lane
Finchampstead
RG40 3PY

Environmental Services Department
Planning Services
P.O. Box 157
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Berkshire RG40 1WR
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Trevor Watson
Development Control Manager

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Case officer: **Mike Hamlin** Application Number: **CLE/2002/8171**
East Court Farm, The Village, Finchampstead, Wokingham.
Application for certificate of existing lawful use of land as formal garden.
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor Long

**********FILE COPY**********

Received by Wokingham District Council

Application No: CLE/2002/8171

Proposal:
Application for certificate of existing lawful use of land as formal garden.

Location:
East Court Farm, The Village, Finchampstead, Wokingham.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY 9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday and 1.00pm - 4.00pm Sunday. Library closed all day Wednesday. If you intend to view this application at Woodley Library please allow 4 days from the date of this letter for delivery of plans and remember to quote application number CLE/2002/8171 to enable the library staff to locate the correct information.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Mike Hamlin P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 16/01/2003. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not be possible for an individual reply to be issued to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Trevor Watson
Development Control Manager

24 December 2002

10.DEC.2002 8171

J.C.Associates

23 A DAYWORTH MEWS
LUNDY LANE
READING RG30 2RR BERKSHIRE
U.K

Phone 01189 574359
Email jerry@jc-associates.fsnet.co.uk

8171

Wokingham Unitary Authority
Council Offices
Shute End
Wokingham

10 DEC 2002

Dear Sirs

Land at East Court Farm Finchampstead
Application for Certificate of Lawfulness

I enclose completed application forms together with supporting documentsin respect of the above.

I also enclose my Clients cheque for the fee of £220

Yours faithfully

J.Goates
06 December 2002

1943

11 DEC 02 8171

10.DEC.2002 8171

For the Council's use only:

Application No: CLE/2002/8171

Date received: 10.DEC.2002

WOKINGHAM DISTRICT COUNCIL

Town and Country Planning Act 1990, Section 191, as amended by Section 10 of the Planning and Compensation Act 1991.

Town and Country Planning General Development (Amendment) Order, 1992.

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN *EXISTING* USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION.

---

1. Description of existing use or operation or activity applied for:

USE OF LAND SHOWN EDGED RED ON THE ATTACHED PLAN ANCILLARY TO EAST COURT FARM AS FORMAL GARDEN

---

2. Applicant (in block capitals)

Name: PHILIP GORDON TAYLOR AND KAREN JOY TAYLOR

Address: EAST COURT FARM, THE VILLAGE
FINCHAMPSTEAD

Post Code: RG40 3SD

Tel. No: /

---

3. Agent (if any)

Name: J.C. ASSOCIATES

Address: 23A DAYWORTH MEWS, LUNDY LANE
READING, BERKS.

Post Code: RG30 2RR

Tel. No: 01189 574359

4. (1) Nature of applicant's interest in the land, e.g. owner, lessee, occupier. OWNERS

(2) If you do not have an interest:

(a) give name(s) and address(es) of anyone you know who has an interest in the land.

N/A

(b) state the nature of their interest (if known).

N/A

(c) state whether they have been informed about this application.

YES/NO

N/A

---

5. Address or exact location of the land to which this application relates:

EAST COURT FARM
JUBILEE ROAD
FINCHAMPSTEAD
RG40 3SD

Describe here and enclose (4) copies of an OS-based plan showing the boundary of the land edged in red.

THE AREA SURROUNDING THE BUNGALOW KNOWN AS EAST COURT FARM DEFINED BY THE RED EDGING ON THE PLAN HEREWITH

---

6. This application is for:

✓ an existing use;

~~*an existing operation;~~

~~*an existing use, operation or activity in breach of a condition;~~

being a use, operation or activity subsisting on the date of this application.

(*Tick whichever is applicable).

---

7. If there is more than one subsisting use of, or operation or activity on the land at the date of this application, describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates.

N/A

---

8. When was the use or activity begun, or the operation substantially completed?

IN EXCESS OF 100 YEARS

---

9. Under what grounds is the certificate sought?

(Delete those which are not applicable)

(1) The use began more than ten years before the date of this application; or

~~(2) The use, operation or activity in breach of condition began more than ten years before the date of this application; or~~

~~(3) The use began within the last ten years, as a result of a~~ change of use not requiring planning permission in the last ten years; or

(4) The operations were substantially completed more than four years before the date of this application; or

(5) The use as a single dwellinghouse began more than four years before the date of this application.

(6) Other - specify (this might include claims that the change of use or operation was not development, or that it benefited from planning permission granted under the Act or by the General Development Order).

10. If the certificate is sought for a use, operation or activity in breach of a condition or limitation, specify the condition or limitation which has not been complied with, and attach a copy of the relevant planning permission.

NOT APPLICABLE

---

11. Give any additional information you consider necessary to substantiate your claim.

SEE ATTACHED SUBMISSION

(Continue on a separate sheet if necessary)

---

12. List here all the documents, drawings or plans which accompany this application.

SUBMISSION INCORPORATING UNSWORN STATUTORY DECLARATIONS AND A NOTICE OF CONFIRMATION SIGNED BY THE PROPOSED DECLARANTS

I/We hereby apply for a lawful use or development certificate under Section 191 of the 1990 Act in respect of the existing use, operations or activity described in this application and the documents, drawings and plans which accompany it. I/We enclose the appropriate fee of £.....

Signed: ..... Date: 4TH DECEMBER 2002

On behalf of: PHILIP GORDON AND KAREN JOY TAYLOR

(Insert name of applicant if signed by an Agent).

WARNING: The amended Section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

~~LAND ADJ. EAST COURT~~ = EAST COURT FARM

ADDRESS ~~[illegible]~~ ~~ROAD~~ THE VILLAGE PARISH LINCH

PLOT No. X VEGETABLE GARDEN ORD. SHEET No.

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
28031		W/DR		
* 41072	I. BATES	RELOCATION AGR. ACCESS	13.7.93	CLA
41657	GLOVER RETRO	~~MOBILE MOBILE~~	W/DR	
* 43134	A.N. GLOVER	"	24.11.94	30.11.9[illegible]
96/63687/F	"	BUNGALOW	18-6-96	REL
96/5313	"	BUNGALOW	19-6-96	APP
* 96/64049/F	"	"	27-8-96	CLA
* VAR/2001/5508	Mr. + Mrs. Taylor			
CLE/2002/8171	"	Use of land as formal garden		

MINISTRY DECISION

SPECIAL ORDERS TPO 722/95