

Supporting Statement

Certificate of Lawful Existing Use - Use of land for the siting of mobile homes and launderette portacabin and operational development including staff amenity building, amenity building and staff gazebo building, Sheeplands Farm, Goffs Barn, Wargrave Road, Wargrave RG10 8DJ

Introduction

This Statement is submitted in support of the accompanying application for a Certificate of Lawful Use to seek confirmation of the lawfulness of the use of land at Sheeplands Farm for the siting of staff mobile homes and associated operational development. The application is made on behalf of Hall Hunter Partnership who are the operators of the fruit farming business at Sheeplands Farm.

The application is submitted following the issue of a split decision relating to application reference 242918 on 23rd January 2025 which sought to confirm the lawfulness of the following development:

Application for a certificate of existing lawful development for the use of land for the stationing of 64no. mobile homes for use as habitable accommodation by farm staff, staff shop, staff launderette portacabin and staff parking, and operational development including staff amenity building, staff gazebo building and associated pathways, hardstanding and drainage.

The following reasons for not confirming the LDC in whole are set out in the decision notice as follows:

The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered to have not been demonstrated that the stationing of 64no. mobile homes for use as habitable accommodation by farm staff, staff shop, staff launderette portacabin and staff parking has been occurring for a consecutive period of ten years i.e. since 25 November 2014.

With regards to the staff amenity building, staff gazebo building and associated drainage and southern pathways, being ancillary to the use of the site, it has not been demonstrated that they were substantially complete/constructed on site 10 years prior to the submission of the application.

However, on the balance of probabilities, the hardstanding constructed to the south of the site and the footpaths in the northern section of the site shown in green on the attached plan have been in situ for a period in excess of 10 years.

The officer report relating to the application confirmed that officers are satisfied that the land has been used for the siting of mobile homes, staff shop and launderette for more than 10 years but officers were not satisfied that the mobile homes had been permanently occupied over this period. Officers were also of the view that the staff amenity building and gazebo where

required to have been completed for a 10 year period having regard to the *Murfit* case despite agreeing that these had been substantially completed four years prior to 25th April 2024.

Officers did however agree that the hardstanding and footpaths on the site had been in place for 10 years and therefore the decision confirmed the lawfulness of this development.

Following the receipt of the decision the applicant sought a legal opinion relating to the officer assessment of the application. This legal opinion dated 14th February 2025 is submitted in support of this application. In summary, the legal opinion confirms that officers misapplied the principles established in the *Murfit* case. Furthermore, the opinion sets out the relevant case law relating to the intermittent use of the mobile homes which establishes that there is no requirement to show that the mobile homes have been occupied all year round.

On this basis the application is resubmitted for consideration. The description of the application has been amended to delete reference to the hardstandings which are already deemed lawful.

Site Layout

The layout of the mobile homes on the site is shown illustratively on the plan below in Figure.1 which shows the numbering of the mobile homes and the location of the associated staff amenities.



Figure.1 –Plan showing numbering of mobile homes and location of shop, laundry and gym /games room (Play Room)

Relevant Planning History

CLE/2010/1310 - Application for a certificate of lawfulness for existing building works relating to 21 mobile homes comprising construction of earth bunds, erection of fencing, laying of underground drains and services and construction of hardstandings – Refused 18th August 2020.

150522 - Proposed change of use of land for the siting of four mobile homes for occupation by agricultural workers – Dismissed on appeal 27th June 2016

The officer report relating to this application referred to the presence of 60 temporary mobile homes for staff. This report was dated 7th December 2015.

Description of the Development

The development on the land the subject of this application comprises the following:

- 63 mobile homes which accommodate staff employed on the farm by Hall Hunter Partnership
- Mobile home used as a shop for staff residing on site
- Staff amenity building accommodating gym/games room
- Portacabin containing a staff laundry
- Gazebo structure in staff garden area
- Parking for mobile home occupants

See plan in Figure.2 below for location of the amenity building, launderette, shop and gazebo.

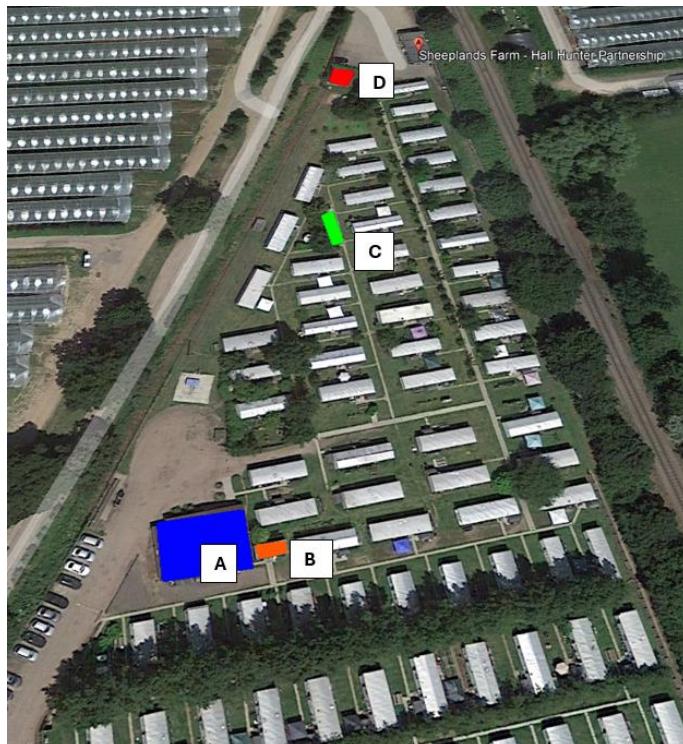


Figure.2 – Location of staff amenity building A (blue), launderette portacabin B (orange), shop C (green) and gazebo D (red) (source Google Earth)

Evidence Provided

In addition to the legal opinion dated 14th February 2025, the following evidence is submitted with the application to demonstrate that the land has been used continuously for the siting of mobile homes for over 10 years before the date of this application and the gazebo and staff amenity building have been complete for in excess of 4 years before 25th April 2024.

The submitted evidence is as follows:

- Photographs (see **Appendix.1**)
- Aerial photographs dated January 2004, June 2009, June 2013, March 2017, April 2020, July 2021,
- Caravan Occupation list 3rd September 2017
- Fire Drill record sheet 31st May 2018
- Campsite Inspection Sheet 28th May 2018
- Fire Drill report 28th February 2020
- Fire Drill report 29th January 2021
- Caravan Occupation list 4th February 2021
- Fire Drill report 30th May 2022
- Caravan Occupation list 24th August 2023
- Fire Drill report 25th August 2023
- Fire Drill report 21st June 2024

Analysis of Evidence Provided

Aerial Photographs -

January 2004 - This photograph is dated January 2004 and shows that the majority of the red line site area was in use for the siting of 31 mobile homes with associated paths. The site shop is in place.

June 2009 - This photograph shows that the site had expanded to the south through the addition of a further 12 mobile homes to the southern edge of the site and the arrangement of the mobile homes on the remainder of the site has been altered. In total there were 53 mobile homes on the land at the time. A staff amenity polytunnel is evident for the first time and the shop remains in place. Parking has also been formed to the western side of the site.

June 2013 - A further row of 11 mobile homes had been added to the site by this date bringing the total to 64. The staff amenity polytunnel building is evident in the photograph as well as the site shop. The laundrette portacabin is evident and the parking area had been enlarged at this time.

March 2017 - 64 mobile homes remained on the site at this time. The parking remains unchanged and the staff amenity building and shop are evident. The position of the laundrette portacabin had been changed by this date.

April 2020 – A new staff amenity building is evident on the site which replaced the former polytunnel structure in March 2018. The gazebo is also shown on the site for the first time (this was constructed Spring 2018). In addition, by this time a further row of 11 mobile homes had been added to the southern boundary of the site (these are not within the red line land and will be subject to a planning application for their retention).

The submitted aerial photographs are clear and show that the red line land was in use for the siting of mobile homes between January 2004 and April 2020, a period in excess of 10 years. The Council may view the photographs on Google Earth to verify. Inspection of the site today will show that the land remains in use for the siting of mobile homes.

Camp Site Inspection sheets – These list the mobile homes on the site at the time of the inspections in May 2018 and September 2024.

Fire Drill Reports – These listed the number of occupants of the mobile homes at the time of the fire drills in May 2018 (219 staff), February 2020 (51 staff), January 2021, May 2022 (367 staff) and June 2024 (410 staff). This documentation demonstrates that the mobile homes were on the land and occupied on the dates which the fire drills took place.

Records Held by Council

It is also clear from the officer report relating to application CLE/2010/1310 that there were mobile homes present on the site at the time that this application was considered in September 2010. The report refers to the evidence submitted with the application stating that mobile homes were first brought onto the red line site area in summer 2003. The report also noted that an aerial photograph taken in 2003 shows mobile homes on the red line land.

The officer report relating to planning application 150522 dated December 2015 noted the presence of 60 mobile homes for staff on the site at the time.

Conclusions

It is clear from the legal opinion that the Council that the decision to refuse the previous Lawful Development application was incorrect having regard to the relevant case law. The Council are therefore requested to reconsider application afresh in light of the legal opinion.

APPENDIX 1- PHOTOGRAPHS



Photo.1 – Typical mobile home and paths within the site



Photo.2 – towing hitch on mobile home



Photo.3 – Site mobile shop



Photo.4 – Staff amenity building

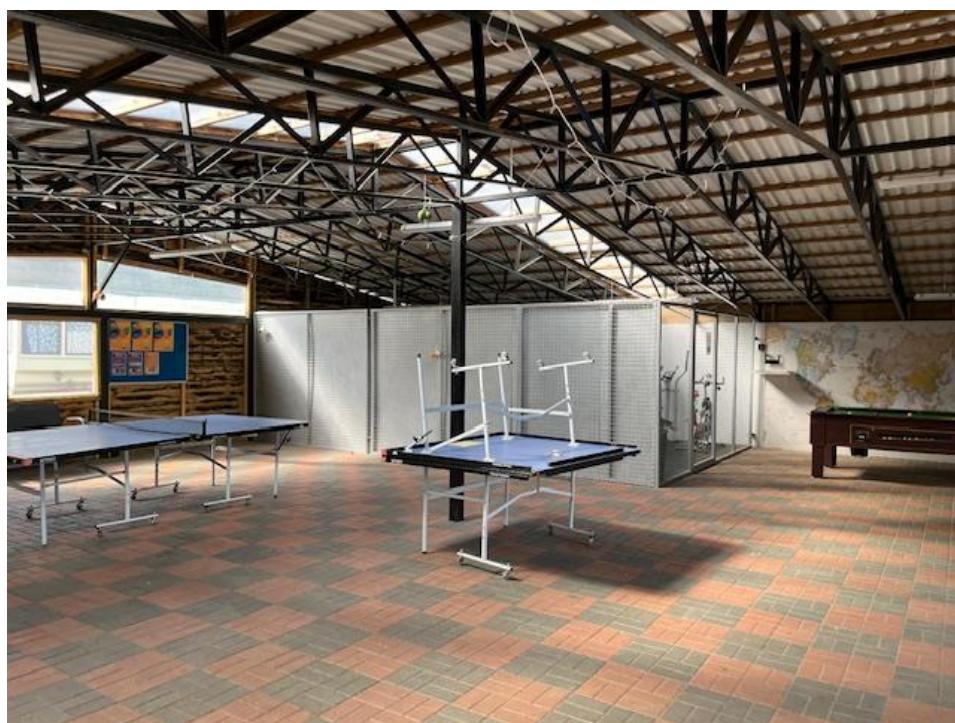


Photo.5 – Interior of staff amenity building



Photo.6 – Portacabin used as launderette



Photo.7 – Staff gazebo



Photo.8 – Parking area