

I, Christopher Kay, of The Lake House, 178 Bearwood Road, Wokingham, Berkshire, RG41 4SH do solemnly and sincerely declare as follows:

1. I had previously provided a Statutory Declaration and Statement of Truth, to support the approval of two respective Certificate of Lawfulness applications at 'The Lodge' and 'The Lake House' submitted to Wokingham Borough Council (Application Reference Numbers 231275 and 231276).

2. This Statutory Declaration seeks to provide, in clear and unambiguous detail, the residential nature of the land the LPA omitted from the previously approved Certificates of Lawfulness.

3. As stated in my previous declaration my parents had purchased 178 Bearwood Road and its associated garden in 1957 (this included the whole plot outlined in red on the provided plan GCLBW001). The property (and its plot) was beneficially transferred to me in 1967, however the occupants of the property did not change as a result of the change in ownership at the time.

4. The main dwelling and the surrounding land provides a long history for my family. Most notably, following the purchase of the property my maternal grandparents (George Joseph Andrews and Caroline Dorothy Andrews) moved in and lived at the property until 1994. My grandfather passed away in 1969 but my grandmother lived until she was 106 years old and passed away in 1994.

5. My Aunt (Joyce Andrews) lived at the property between 1958-1994, this was originally on a periodical but later permanent basis to help care for my grandmother (her mother).

6. My half-brother (Wojtek Kokosinski) and his wife (Ika) and children (Peter and Olga) lived at the property on weekends between 1975-1977.

7. My Mother (Patricia Kay, previously known as Patricia Kokosinski, and prior to that Patricia Andrews) became a permanent resident of 178 Bearwood Road in 1977 to assist her sister with looking after their mother. Upon my grandmother's death, both my mother and aunt moved out of the property (in 1994).

8. I spent a vast amount of time at the property during my childhood, staying at the property routinely on weekends and school holidays. I would often stay at the property with my grandparents, parents and my cousins. We would play in the garden and on the ponds.

9. My father took a keen interest in planning and developing the garden design with my grandparents. He liked to collect rare species and planted an area of additional rhododendrons and azaleas in the grounds

to complement those that grow wild along Bearwood Road. A large portion of our family time would be spent helping with gardening activities. Whilst by no means the only activities, I have particularly fond memories of building a tree house to the east of the north pond and maintaining the deliberately cultivated rhododendron and azaleas with my family.

10. To summarise, between 1957 and 1994 there were a number of extended family members who would visit and stay at the house for various periods, and would contribute and utilise the wider garden of the property. As such, there would more often than not be a large family unit present.

11. The gardening activities that took place during this period would vary but ultimately could be described as a 'large project' to provide an appealing, functional and attractive garden for my grandparents and wider family. This resulted in the garden as drawn in plan number 'GCLBW001', enclosure 1 to this Declaration.

12. I have attached a number of old photographs (as part of enclosure 6) to this declaration which I can confirm are pictures of myself as a child and of my family during this period (1957-1994). Owing to the age of the photographs they are not dated or have any metadata to provide a digital capture date. As such, I have provided a table below with references to the photographs from the dates I believe they were taken to the best of my ability.

13. The garden to 178 Bearwood Road formed over a number of years and the activity and work to achieve this was extensive. The activities this involved began in 1958 and concluded to achieve the layout as per 'GCLBW001' in 1972. Activities and work of note involved:

- Planting flowers in the front and rear gardens;
- Extending an orchard in the north and east areas of the garden to comprise a range of apple trees (comprising of apple, pear, cherry, crab apple, damson trees and coppiced hazel stands);
- Planting a large range of vegetable patches including but not limited to: radishes, lettuces, potatoes, tomatoes, carrots, cabbages, parsnips, beetroot, rhubarb and spring onions (to the east of the south pond);
- Erection of cold frames to the north of the vegetable patch area to grow strawberries;
- A zone for soft fruits to grow was created in the southern area of the garden (to grow red, white and black currants);
- The erection of greenhouses for cultivating plants to be planted in all areas of the garden this coincided with paths being

constructed around the south pond (the latter allowing us better access across the plot);

- Chicken houses were constructed and an area of the garden was fenced to allow the chickens to roam safely outside (this was later partly converted to a pigsty to accommodate a pig won at gymkana at a local riding school).

The above is not exhaustive nor is it in in chronological order but were activities I have witnessed or been involved with first hand during this time period.

14. All of the activities listed above, as well as the general use of the land as a garden, was purely for the enjoyment of the family who occupied or visited 178 Bearwood Road. No produce or livestock was sold on any commercial basis. Vegetables and fruits were picked and cooked/preserved by myself and family and often taken in to the house to be used in meals.

15. Following, the death of my grandparents and my mother and aunt moving out, I moved into the property with my family (myself, my wife and children) in 1994.

16. Upon our occupation of the dwelling in 1994, we began to simplify the garden for maintenance purposes as my wife and I both worked full time.

17. Our children and their friends were particularly interested in sports and outdoor activities (such as camping) so we removed the flower beds to the front of the house and the chicken run and vegetable patches to the rear. We sought to maintain these areas as large grassed areas on a more regimented basis than the rest of the plot to accommodate a variety of activities such as: football, tennis, badminton, circus skills, cricket, trampolining and more. We would erect goals, nets and other paraphernalia when needed for our children's leisure.

18. We also constructed a zip line platform in one of the larger trees. We would attach swings to some of the larger trees and reconstructed the tree house. Whilst we provided these features it should be noted that our children would utilise the whole plot including areas we did not regularly maintain (particularly for exploration and camping activities).

19. During this period, we maintained the existing orchards and soft fruit area as these were low maintenance in terms of their upkeep, and we were still able to harvest an amount of produce more reflective of the current occupation of the dwelling. We did not continue to keep any chickens or pigs in this time.

20. It should be noted that when our friends and family would enjoy the amenities of the land this was not always in one particular area and indeed the entirety of the surrounding land was used as part of the activities associated with no. 178 Bearwood Road. This resulted in the garden layout as per plan GCLB002 (enclosure 2) during this period.

21. In 2004, we began construction of the dwelling now known as 'The Lodge' (LPA Certificate of Lawfulness application Ref.231276). This was completed in 2008 and my daughter Philippa Kay and her partner Luke Sanders moved into the property.

22. The history of the building operations pertaining to The Lodge have already been documented and are known to the LPA, however, I wish to again state in no uncertain terms that the creation of The Lodge inevitably separated an area of the garden solely for the use of The Lodge (as per the area outlined in red on 'GCLBW003' and 'GCLBW004' enclosure 3 and 4).

23. Luke and Philippa immediately began maintaining the garden area closest to The Lodge and harvested the southern orchard and part of the orchard centred within the land, as well as the soft fruit area. From this point onwards we (myself and the remaining family who occupied 178 Bearwood Road) only sought to harvest fruit for 178 Bearwood Road from the remaining section of the central orchard for our own personal use, and no other areas. In short, we would not maintain or utilise the area of the land which was now the garden of The Lodge, it was important to us that Philippa and Luke had their own independent life.

24. Luke and Philippa would park their car next to The Lodge. Likewise, whenever Luke and Philippa had guests or visitors over, they would use The Lodge's parking area and amenities and they would not venture into our separate garden. We would only be in their garden when invited and on a purposeful basis (for example, when have had wider family BBQs).

25. In 2013, the construction of the dwelling known as The Lake House was completed (LPA Certificate of Lawfulness application Ref.231275). As documented in the previous submission to the LPA my son Joseph Kay, moved into the Lake House upon its completion, and was subsequently joined by his partner Jennifer Williams and their children.

26. Much like the arrangement for The Lodge, we wanted Joseph and his family to have their own independent life and The Lake House had its own separate garden and parking areas (from both no.178 Bearwood Road and The Lodge). The extent of this separate area is as per the blue line on plans 'GCLBW003' and 'GCLBW005'. They were responsible for the maintenance of this plot.

27. Whilst Joseph and his family lived in The Lake House, if they had visitors and guests, they would park in either the parking space, the car port or adjacent to the southern boundary (adjacent to the car port). They would utilise the decking and the small area immediately in front of it as part of their garden on a regular basis and the small patch of the grassed area to the east of the southern pond.

28. In 2022, my wife and I became occupiers of The Lake House whilst Joseph and his family moved into no.178 Bearwood Road. Since this change in occupation, we are no longer responsible for the maintenance of the larger garden of no.178 Bearwood Road, and we occupy the decking and areas of the land outlined in blue on plan no. GCLBW003.

29. In summary, I wish to state in no uncertain terms that since the construction and separate independent occupation of The Lodge and The Lake House, the site has been split into 3 separate garden areas as per enclosure 3. I can attest that these areas have indeed been used as a separate garden serving each respective dwelling they are associated with over 10 years respectively.

30. Prior to the construction of the additional dwellings the land was already in use as the residential garden to no.178 Bearwood Road. As such, there is no doubt that the areas of land identified as part of this declaration have always been in use as a residential garden.

AND I MAKE this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the statutory declarations act 1835.

DATE: 28th March 2024

NAME: CHRISTOPHER KAY

SIGNATURE:



SOLICITOR WITNESS NAME:

SOLICITOR WITNESS ADDRESS:

SOLICITOR ADDRESS:



JAMES C. A. BURGESS

FIELD SEYMOUR PARKES LLP
1 LONDON STREET
READING
RG1 4PN

Enclosure 1.



Enclosure 2.



Enclosure 3.



Notes

- Do not scale from drawing.
- Historical garden elements not drawn to scale; size and location determined by photographic evidence and memory of residents from the time.

Hatch & Symbol Key

- Open density woodland - oak, silver birch and chestnut
- Self-seeded miodendron interspersed with silver birch
- Incidental orchard
- Soft fruit patch
- General sports and games area
- Driveway and vehicle access to garden
- Vegetable Patch
- Well
- Standsion
- Utility pole

Lodge Garden Boundary

Lodge Washing Line

Disused Utility Pole

Lodge Zipline

Tree With Swing/Swing Chair

Lodge General Sports/Games Area

Lodge Log Fire

Rosenthal Estate

Lodge Incidental Orchard - Apple Pear Coppiced Hazel Bands

Lodge Store

Lodge Soft Fruits Area - Blackberries Black Currants Red Currants White Currants

Lodge Log Store

Platform With Slides 2014-2022

Tree With Swing

Lodge Incidental Orchard - Apples & Damsons

Lodge Rainwater Tanks - Variously Stacked

Lodge Decking

Lodge Parking Area

Lodge Splash Pad

Lodge Vegetable Patch Spring 2019 - Autumn 2022

Lodge Vehicle Access

Lodge Septic Tank

Lodge General Sports/Games Area

Lodge Vegetable Patch Spring 2019 - Summer 2023

Lodge Septic System Sump-away

Lodge Vegetable Patch 2020

Lake House Garden Boundary-Blue

Lodge Compost Heap

LH Decking

LH Office

LH Shed

CRB

LH Wood Store

LH Car Port

Scale 1:250

Drawing Title:
The Lodge Garden 2008-present

Project Name:
Main House, The Lake House & The Lodge
178 Besswood Road
Wokingham, RG41 4SH

Author	Drawing Number
Ariel	GCLBW004

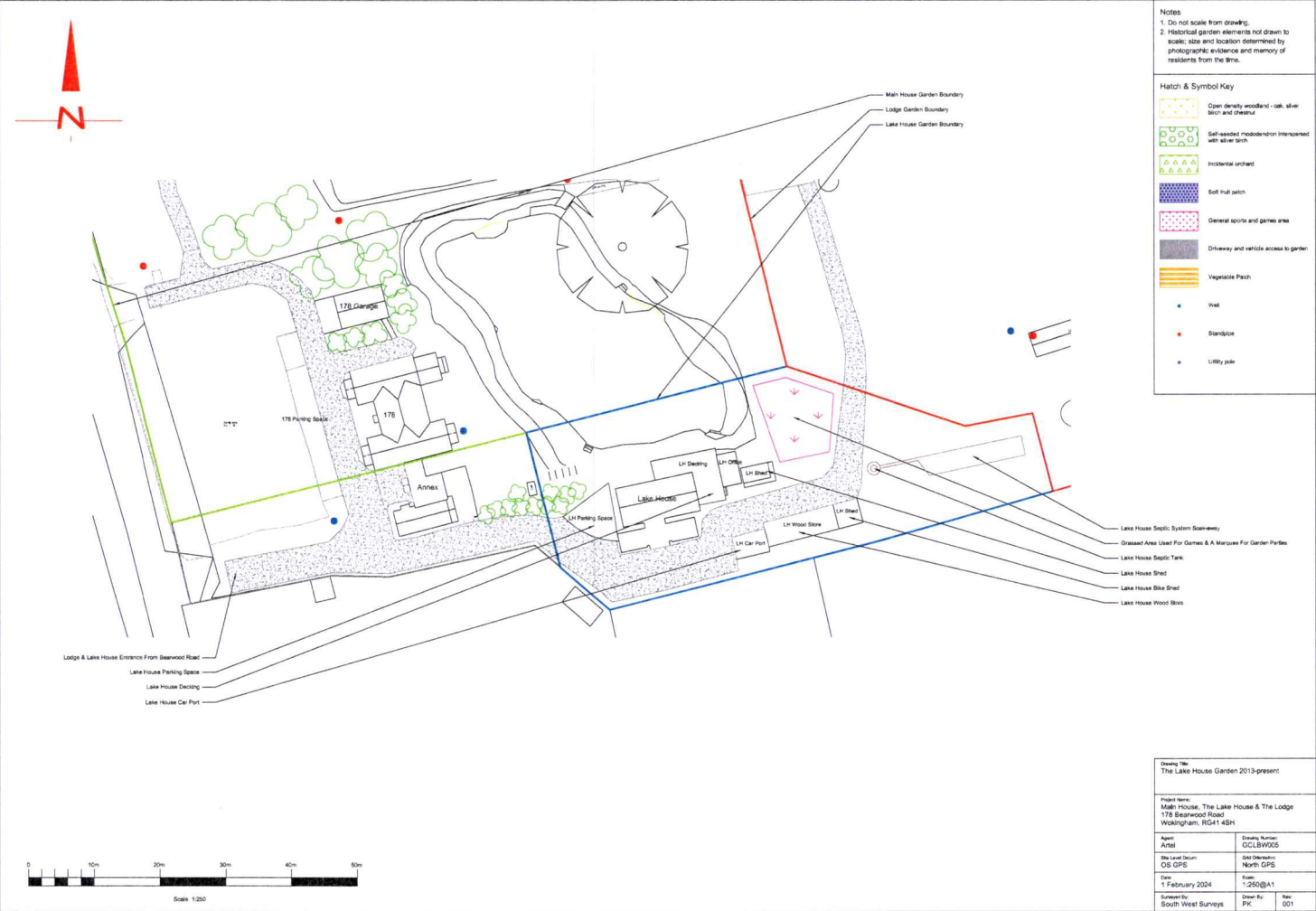
Date	Scale
1 February 2024	1:250@A1

Drawn By:
South West Surveys

Check By:
JPK

Rev:
001

Enclosure 5.



Enclosure 6

Photograph Reference	Date	Description
01	1958	Christopher Kay and cousins rowing boat in the southern pond (also pictures remote control boat). Path around the pond is not yet built.
02	1963	Christopher Kay and cousins ice skating on frozen south pond. Path around pond not built. No.178 Bearwood Road in background.
03	1963	Christopher Kay and cousins ice skating on frozen south pond. Path around pond not built. Former garage (demolished for the construction of The Lake House in background).
04	1958 - 1972*	Joyce Andrews feeding chickens (chicken house in background).
05	1958 – pre 1969*	Eugeniusz Kokosinski and George Andrews sitting on bench viewing southern pond (chicken house and tops of orchard trees in background).
06	1958 – pre 1969*	Caroline, George and Eugeniusz standing by the eastern garden boundary (gate overlooks farmland).
07	1958 – pre 1969*	View of 178 Bearwood Road taken from across the southern pond.
08	1958 – 1972*	Photograph of south-eastern orchard facing towards neighbouring farmland.
09	1958 - 1972*	Aerial view of house and garden details front

		garden, house, path around southern pond, flower beds, vegetable patch and northern orchard.
10	1968	Christopher Kay preparing the vegetable patch for planting, background details vegetable patch, north orchard and cold frames.
11	1968-1972*	Chris and cousin fishing in the southern pond.
12	1968-1972*	Rose beds on east bank of southern pond.
13	1968-1972*	Aerial View of house showing flower bed to the front – rose beds and south orchard trees visible.
14	1968-1972*	Northern part of driveway detailing cultivated flower beds.
15	1968-1972*	View of no.178 Bearwood Road from across pond detailing established planting.
16	1968-1972*	View from veranda facing north-west showing cultivated rhododendron
17	1968-1972*	View of driveway and front garden flower beds in bloom
18	02/09/2005	Christopher Kay, Philippa and Aidan following completion of the shell of 'The Lodge'.
19	05/06/2016	Extended family BBQ in garden area of The Lodge – which I attended.
*Can only provide date range based on memory and what is shown in the photographs. Photographs in colour unlikely to have been taken prior to mid 60s.		

Photo 1.



Photo 2.



Photo 3.



Photo 4.



Photo 5.

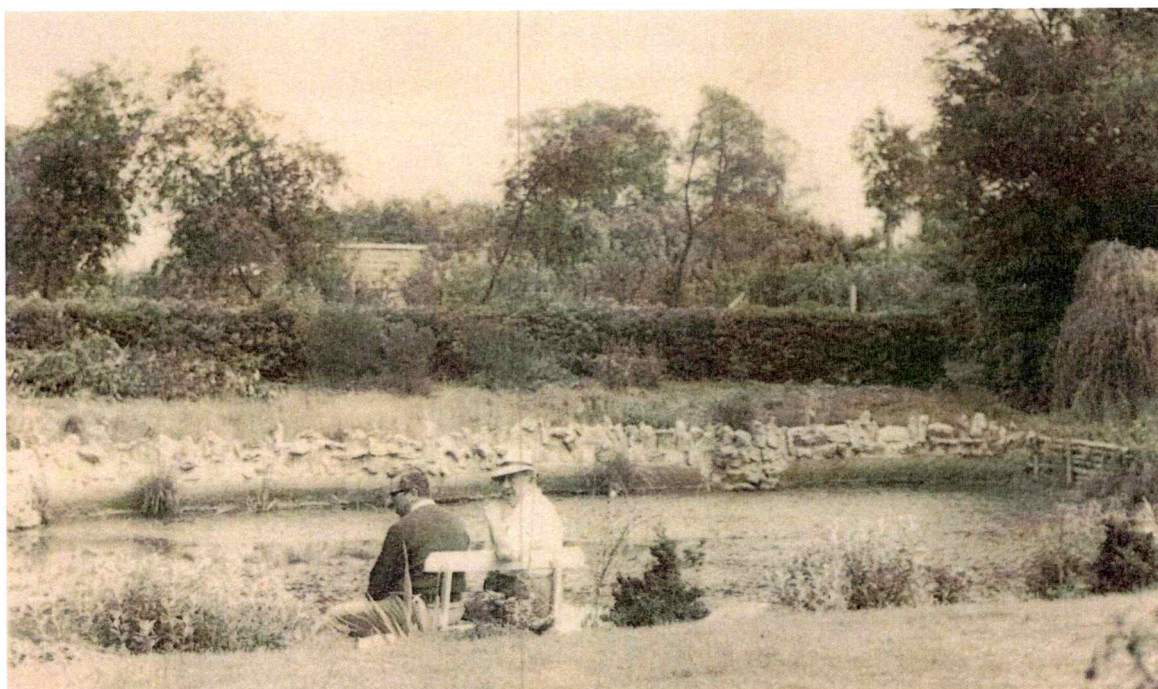


Photo 6.



Photo 7.

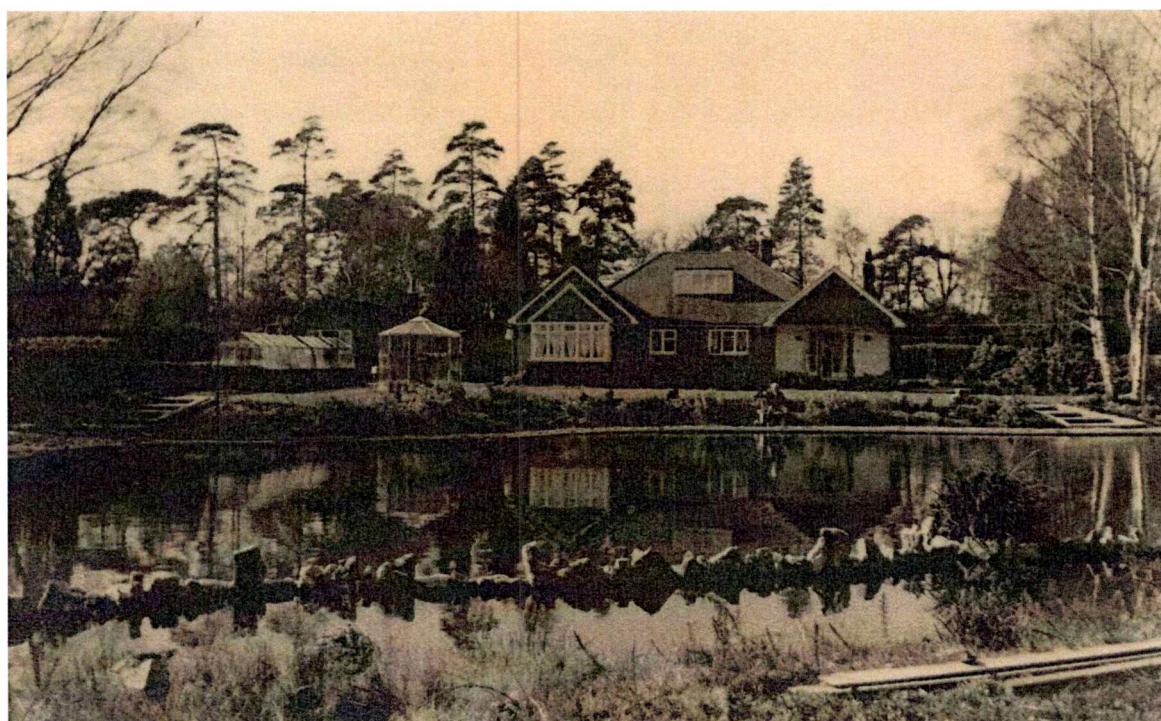


Photo 8.



Photo 9.



Photo 10.



Photo 11.



Photo 12.



Photo 13.



Photo 14.



Photo 15.



Photo 16.



Photo 17.

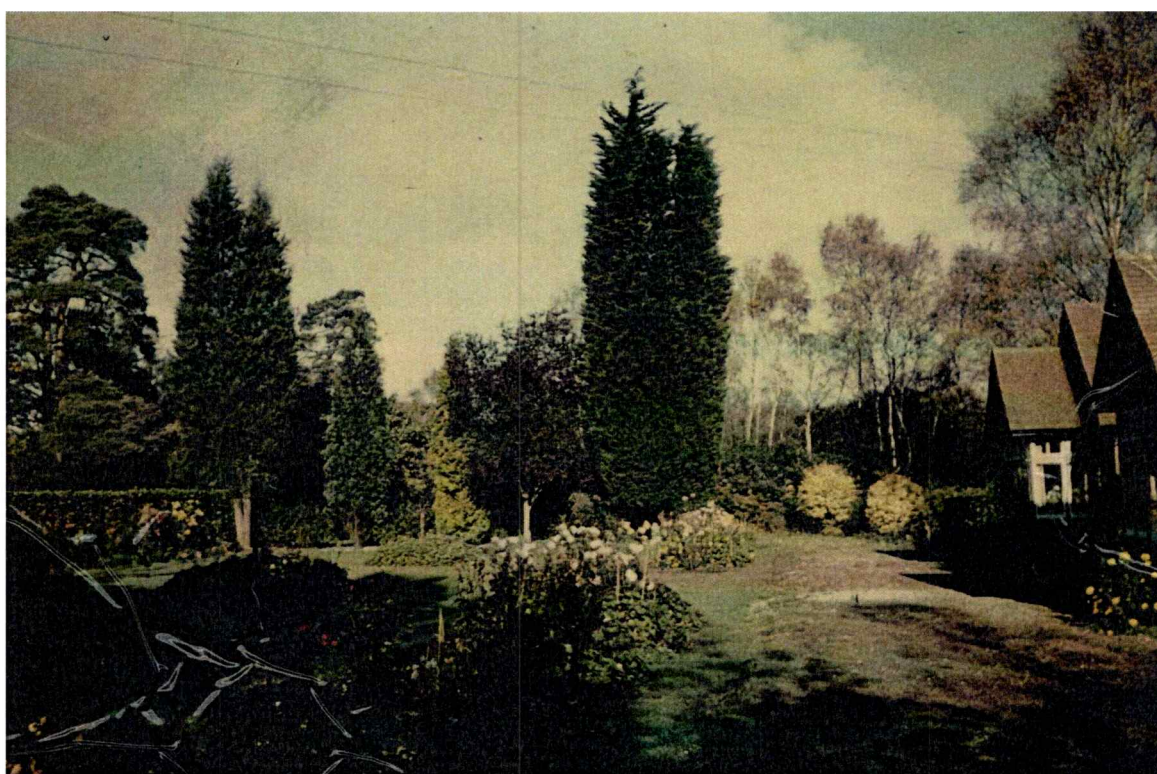


Photo 18.



Photo 19.



I, Joseph Adam Kay of, 178 Bearwood Road, Wokingham, do solemnly and sincerely declare as follows:

1. I had previously provided a Statutory Declaration to support the approval of two respective Certificate of Lawfulness applications at 'The Lodge' and 'The Lake House' submitted to Wokingham Borough Council (Application Reference Numbers 231275 and 231276).
2. This Statutory Declaration seeks to provide, in clear and unambiguous detail, the residential nature of the land the LPA omitted from the previously approved Certificate of Lawfulness applications 231275 and 231276.
3. I can confirm that prior to the respective construction of the dwellings of 'The Lodge' and 'The Lake House', that the land shown on plan no. GCLBW002 (Enclosure 1) was the residential garden of no.178 Bearwood Road.
4. From the age of 15, I lived and grew up in the original dwelling of no.178 Bearwood Road having moved into the property in 1994 with my parents and siblings.
5. My siblings and I (4 of us in total) were at different stages in our childhood and teenage years and as such our activities across the site would vary. For the majority of the time, we collectively took a keen interest in sports and outdoor activities and the garden (including its landscaping/layout) was reflective of this.
6. I would often play football, badminton and tennis with my friends and siblings. To accommodate this the garden would often feature nets and goals (which would be moved between flat areas when needed) as opposed to previously established plant beds. This occurred at varying areas across the site largely as illustrated in enclosure 1 (GCLBW002) but we would play games wherever we could, particularly in warmer weather.
7. My youngest sister had an interest in circus skills and the garden would often have a range of equipment set up but I notably remember: a trapeze, a trampoline and a tightrope. She would often practice using stilts and unicycling on flatter areas of the garden.
8. My other sister, Philippa Kay, would often sunbathe and read books across the garden away in quieter areas.
9. My younger siblings would often make dens and campsites throughout the garden and we had swings in various trees, as well as a zip line set up near the old north chicken house.

10. We utilised the established orchards to collect fruit for our own consumption during this time.

11. As is known to the LPA, in 2013, I moved into the Lake House and was subsequently joined by my partner, now wife, Jennifer Williams and our two children. During our occupation of the Lake House we used its garden as indicated in drawings GCLBW003 and GCLBW005 outlined in blue. Upon our occupation of the Lake House we became responsible for the maintenance of these areas and they were no longer used as part of the garden of no.178 Bearwood Road.

12. We used the Lake House garden predominantly for relaxing and entertaining. The garden has a large decking area that links the house and the office pod. In the summer the living room door was almost always open and the decking was an extension of the living space, where we ate, relaxed and had BBQs with our friends. The grassed area in the east of the garden and adjacent to the pond was used frequently for outdoor toys and games, particularly when we had children. Neither of these areas or activities were associated with no.178 Bearwood Road or The Lodge as they had their own separate private gardens.

13. In no uncertain terms, the full extent of the land outlined in blue in enclosure 3 was our sole garden and parking area during our occupation of the Lake House, and this remains the same arrangement for its current occupiers.

14. In 2022, my wife, children and I moved out of the Lake House and into no.178 Bearwood Road. Likewise, my parents who were residing in no.178 Bearwood Road subsequently moved into the Lake House. This change in residence naturally resulted in my wife, children and I utilising and maintaining the large garden area of no.178 Bearwood Road as shown outlined in green in enclosure 2 (GCLBW003).

15. Conversely, my parents utilised and became responsible for the maintenance of the smaller garden areas of the Lake House at this time. To this day they utilise the existing outbuildings, decking and parking areas associated with the Lake House. There is no association between their current occupation of the Lake House and their previous occupation of no.178 Bearwood Road (and the reverse is true for my own occupation of no.178 Bearwood Road as we no longer occupy the Lake House).

16. Since our occupation of no.178 Bearwood Road, my children and I have had access to the ponds and enjoy canoeing, boating and feeding the ducks. The north pond increasingly often dries up in the summer and as such, we use the main 'south' pond more for water based activities however, the different habitat it reveals (compared to the rest of the garden) during low levels is of interest to me and my children and we regularly walk around and into this area at these times of the year.

17. Whenever I have played sports or outdoor activities with my children this has been in the areas to the front of the house, behind the house and in the garden beyond the ponds where we have a swing. My children love riding their bikes and they regularly cycle all around our garden. My children also like to investigate the larger woodland areas, as my siblings and I did when we were children.

18. Since living in no.178 Bearwood Road we now benefit from the produce of the central orchard associated with the dwelling (which is now our responsibility to upkeep).

19. I can confirm that my sister Philippa Rose Kay and her partner, now husband, Luke Sanders, began living at the Lodge in 2008, and were subsequently joined by their daughter in 2012. From that time onwards they have had sole use of the garden associated with the Lodge, indicated in drawings GCLBW003 outlined in red. Over the years they have used their garden for a range of sports, games and activities. They regularly entertain in the garden and have developed their interests in gardening. They harvest fruit from their orchard, soft fruit areas and brambles.

20. In summary, I can confirm the entirety of the site prior to the construction of The Lodge and The Lake House served as the incidental residential garden of no. 178 Bearwood Road. Following the construction and occupation of The Lodge and The Lake House on the site, three respective garden areas established as per enclosure 2. The respective use of these areas by their occupiers has not overlapped since their establishment and remains in situ to this day. This arrangement has existed since 2013 (in excess of 10 years).

DATE: 28th March 2024

NAME: JOSEPH ADAM KAY

SIGNATURE:

SOLICITOR WITNESS NAME:

SOLICITOR WITNESS ADDRESS:

SOLICITOR ADDRESS:

FIELD SEYMOUR PARKES LLP
1 LONDON STREET
READING
RG1 4PN

SALVO C. A. BULL

Enclosure 1.



Enclosure 2.



Notes

- Do not scale from drawing.
- Historical garden elements not drawn to scale, size and location determined by photographic evidence and memory of residents from the time.

Haich & Symbol Key

- Open dense woodland - oak, ash, birch and chestnut
- Sell seeded rhododendron interspersed with shrub path
- Insular earth
- Bull huf path
- General sports and games area
- Driveway and vehicle access to garden
- Vegetative Patch
- Wall
- Bankside
- Utility path

Drawing Title
The Lake House Garden 2015-present

Project Name
Main House, The Lake House & The Lodge
178 Beechwood Road
Wokingham, RG41 4SH

Appt
AHSI

Design Number
GCLB0005

Set and Drawn
OS GPS

Site Orientation
North GPS

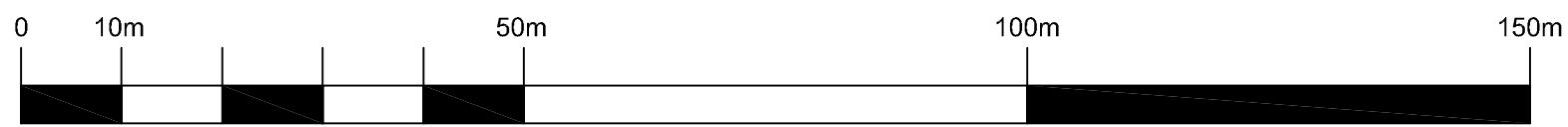
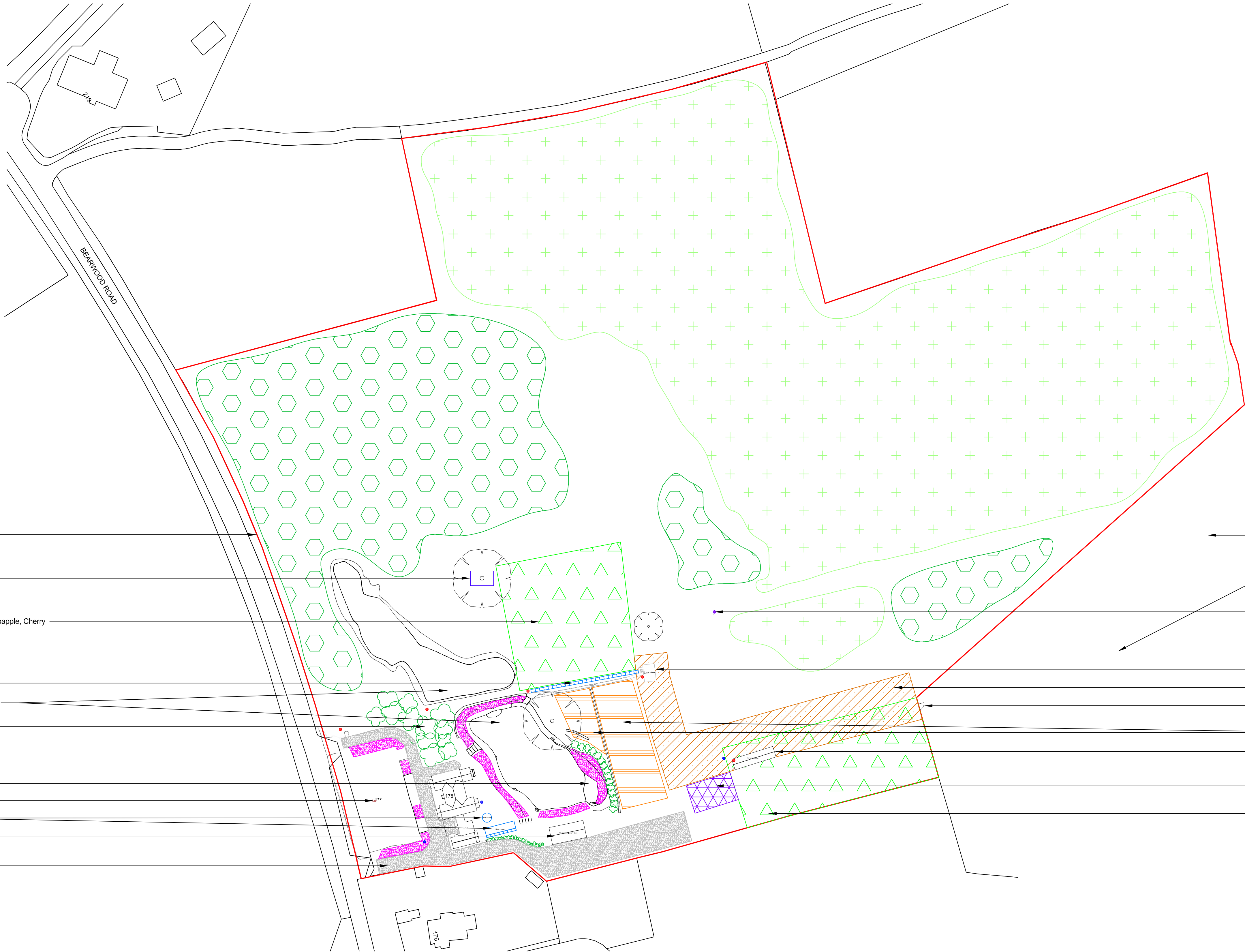
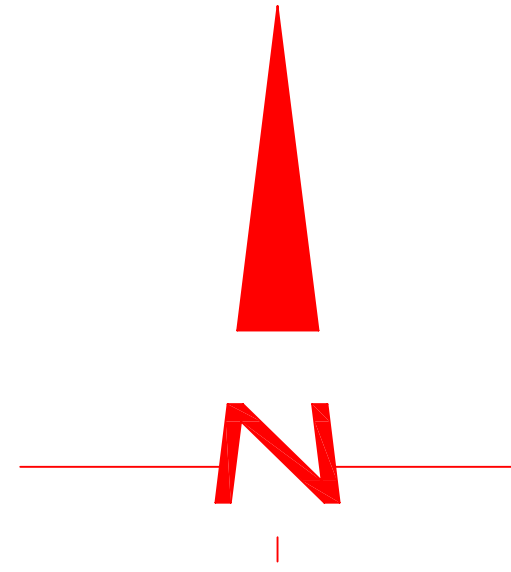
Date
1 February 2024

Scale
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Submitted by
South West Surveys

Drawn by
PK

Rev
001

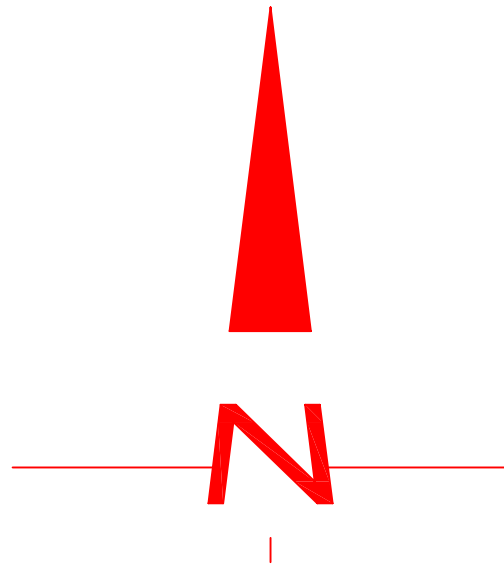


Scale 1:750

Notes
1. Do not scale from drawing.
2. Historical garden elements not drawn to scale; size and location determined by photographic evidence and memory of resident from the time.

Hatch & Symbol Key	
	Open density woodland - oak, silver birch and chestnut
	Self-seeded rhododendron interspersed with silver birch
	Orchard
	Fenced area for chickens and occasionally pigs to roam
	Soft fruit patch
	Vegetable patch
	Flower beds
	Driveway and vehicle access to garden
	Well
	Standpipe
	Telegraph pole

Drawing Title: Garden Usage Plan - Mr & Mrs Kokosinski		
Project Name: 178 Bearwood Road Wokingham, RG41 4SH		
Agent: Artel	Drawing Number: 231205BW001	
Site Level Datum: OS GPS	Grid Orientation: North GPS	
Date: 5 December 2023	Scale: 1:750@A1	
Surveyed By: South West Surveys	Drawn By: PK	Rev: 001



Notes

1. Do not scale from drawing.

2. Historical garden elements not drawn to scale; size and location determined by photographic evidence and memory of resident from the time.

Hatch & Symbol Key

	Open density woodland - oak, silver birch and chestnut
	Self-seeded rhododendron interspersed with silver birch
	Orchard
	Soft fruit patch
	Various sports pitch
	Flower beds
	Driveway and vehicle access to garden
	Well
	Standpipe
	Telegraph pole

178 Plot Boundary

Tree House

Orchard - Apples, Damsons, Crabapple

Walnut Tree Planted

Rowing and canoesing on ponds

Cultivar Rhododendrons

Double Garage

Various sports pitch

Septic Tank

Garden Store

Vehicle Access

Woosehill Estate

Telegraph Pole

Zipline platform

Children's den

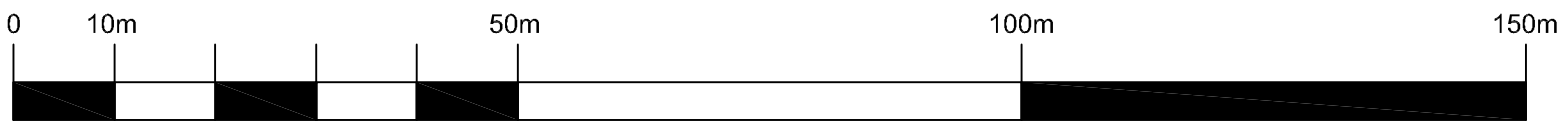
Swing Over Pond

Various Sports Pitch

Tool Store

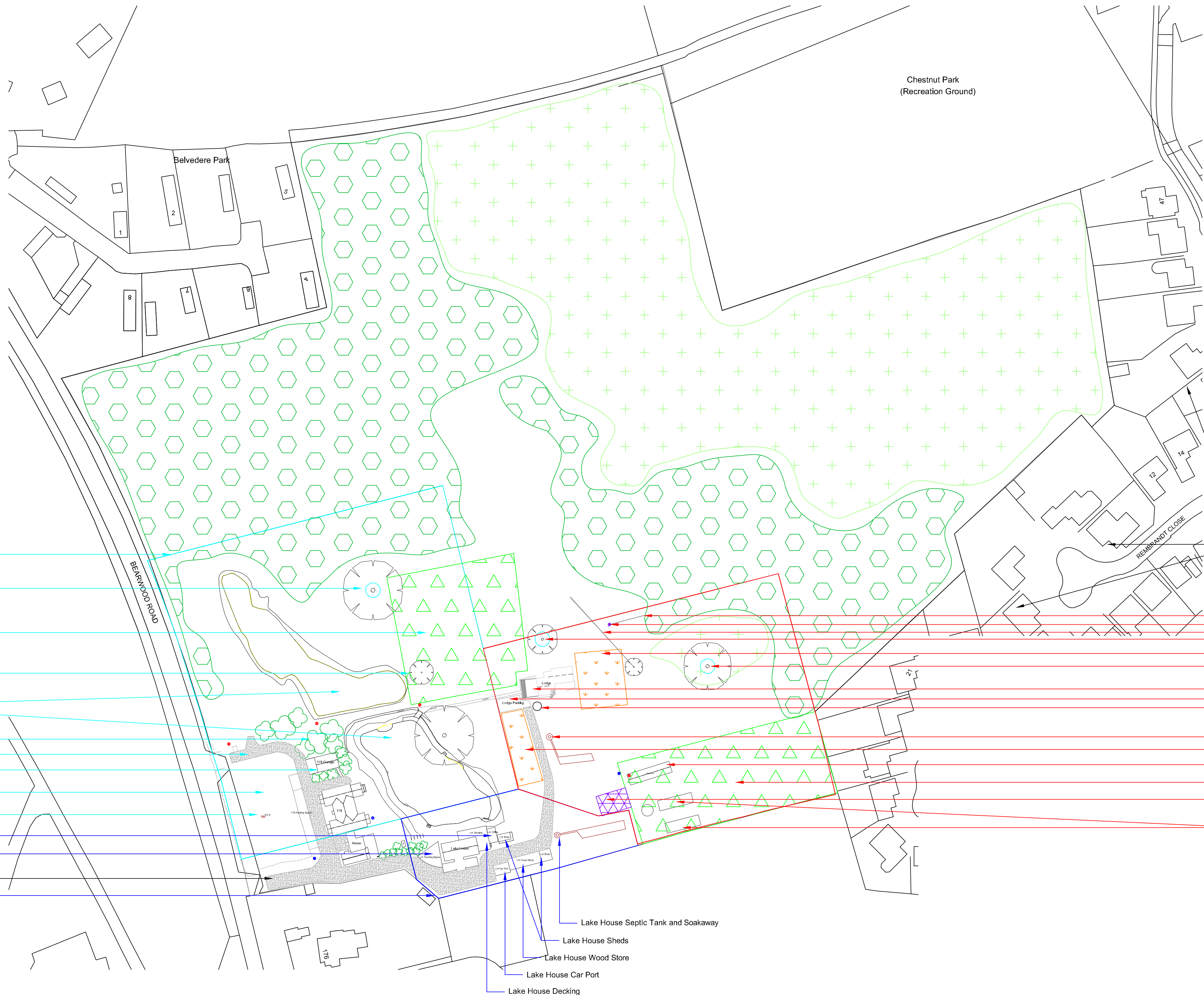
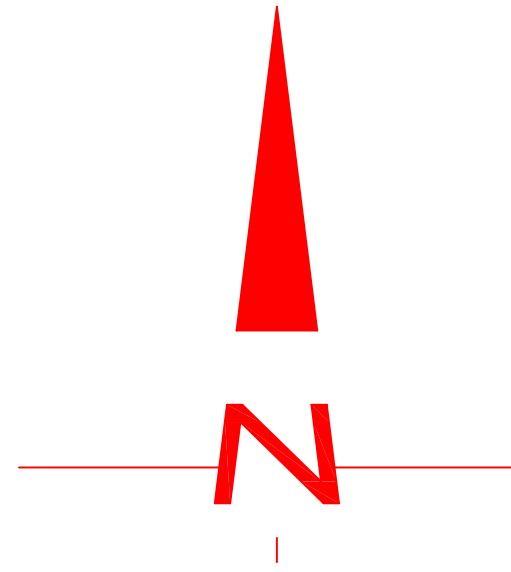
Soft Fruits - Black Currents, Red Currents, White Currents

Orchard - Apple, Pear, Cherry, Coppiced Hazel Stands



Scale 1:750

Drawing Title: Garden Usage Plan - Mr & Mrs Kay		
Project Name: 178 Bearwood Road Wokingham, RG41 4SH		
Agent: Artel	Drawing Number: 231205BW002	
Site Level Datum: OS GPS	Grid Orientation: North GPS	
Date: 5 December 2023	Scale: 1:750@A1	
Surveyed By: South West Surveys	Drawn By: PK	Rev: 001



Notes

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Hatch & Symbol Key

	Open density woodland - oak, silver birch and chestnut
	Self-seeded rhododendron interspersed with silver birch
	Orchard
	Soft fruit patch
	Various sports pitch
	Driveway and vehicle access to garden
	Well
	Standpipe
	Telegraph pole

- 178 Plot Boundary

Tree with swing

Orchard - Apples, Crabapple

Walnut tree - nuts harvested

Canoeing on ponds

Cultivar Rhododendrons

178 Vehicle Access

Double Garage

Various sports pitch

178 Septic Tank

Lake House Office

Lake House Parking

Lodge and Lake House Vehicle Access

Lake House Boundary
- Washing Line

Telegraph Pole

Zipline

Tree with swings

Lodge various sports pitch/games area

Tree with swing/swing chair

Lodge Decking

Lodge Parking Area

Lodge Splash Pool

Septic Tank and Soakaway

Lodge Various Sports Pitch

Store

Orchard - Apple, Pear, Coppiced Hazel Stands

Soft Fruits - Blackberries, Black Currents, Red Currents, White Currents

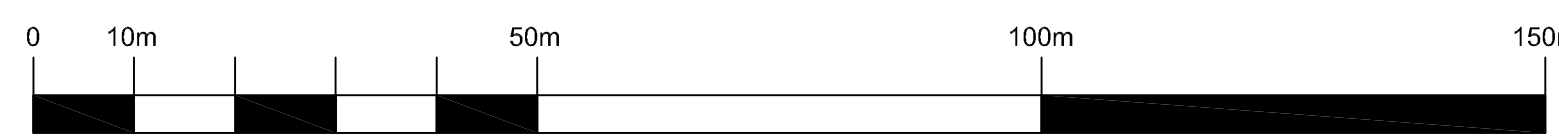
Log store
- Lake House Septic Tank and Soakaway

Lake House Sheds

Lake House Wood Store

Lake House Car Port

Lake House Decking



Scale 1:750

Drawing Title: Garden Usage Plan - Main House Garden Usage Plan - The Lake House Garden Usage Plan - The Lodge		
Project Name: Main House, The Lake House & The Lodge 178 Bearwood Road Wokingham, RG41 4SH		
Agent: Artel	Drawing Number: 231205BW003	
Site Level Datum: OS GPS	Grid Orientation: North GPS	
Date: 5 December 2023	Scale: 1:750@A1	
Surveyed By: South West Surveys	Drawn By: PK	Rev: 001