APPLICATION NO:

**CLE/2002/7345**

LOCATION:
**Sequoia Field Wellingtonia Avenue, Crowthorne.**

APPLICANT:
**Mr D Evans C/O Graham Simpkin Planning**

PROPOSAL:
**Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.**

EARLIEST DATE FOR DECISION: **14/09/2002**

**APPLICATION WILL HAVE EXPIRED ON:**
**04/10/2002**

CASE OFFICER: **Heidi Lynch**

APPROVED

R/A/I/L/E/X
Marbleboard

Application No : CLE/2002/7345

**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 25 September 2002 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and coloured red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use commenced more than ten years ago and there has been no subsequent change of use.

Signed T. G Watson ..... (Head of Development Control)

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

Date: 25 September 2002

FIRST SCHEDULE

Occupation of farmhouse without complying with the agricultural occupancy condition on Application 54/63.

SECOND SCHEDULE

Land at Sequoia Field, Wellingtonia Avenue, Crowthorne

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 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.

Application No : CLE/2002/7345

**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 25 September 2002 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and coloured red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use commenced more than ten years ago and there has been no subsequent change of use.

Signed ..... (Head of Development Control)

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

Date: [redacted] September 2002

FIRST SCHEDULE

~~[redacted] premises as a dwelling for residential use.~~
Occupation of farmhouse without complying with the agricultural occupancy condition on application 54/63.

SECOND SCHEDULE

Land at [redacted]
Sequoia Field, Wellingtonia Avenue, Cowthorpe

**Application for Certificate of Lawfulness (existing) by Mr. D Evans at Sequoia Field, Wellingtonia Avenue, Crowthorne, for the existing occupation of the farmhouse building as a dwelling, without complying with the agricultural occupancy condition.**

Planning History

In 1963 consent was given for a house and garage at the above site with the following condition:

*The occupation of the dwelling shall be limited to persons employed or last employed locally in agriculture as defined in section 119/(1) of the Town and Country Planning Act 1947, or in forestry and the dependents of such persons.*

The application form for this planning application stated that residential development was required in conjunction with a pony-breeding establishment.

In 1988 a planning application was received to remove the agricultural occupancy condition of the above planning permission, thereby allowing residential use of the site. The owner of the site at this time had a beef cattle enterprise that was not financially viable. The owner wished to sell the site but required the removal of the previous restrictive condition for a potential buyer. The planning application was refused however due to potential pressure for additional residential development in the future.

Application and Activities on Site

Mr. D Evans purchased the above site in 1989. The application states that the Mr. Evans was unaware of the refusal of the previous planning permission to remove the restrictive condition on the dwelling.

Mr. Evans and his family have lived in the dwelling since 1989. The applicant has stated that since this time he has not been employed in agriculture or forestry. He has been the director of Tramar D & M Limited since 1979, which is involved with the manufacture of feed-stuffs produced from by-products of the food industry. No other member of the family unit has been employed by agriculture in the past 11 years.

Mr. Evans did purchase some cattle when he originally moved to the property, however this was for hobby purposes and lasted no more than 18 months. Mr. Evans has also planted Christmas trees as a hobby on some of his land however this was carried out by a contractor.

It is therefore claimed that the premise has been used as a residential dwelling for over 10 years without the occupants complying with the agricultural occupancy condition.

Evidence

- A statement in support of the application signed by the applicant in July 2002.
- A letter from the applicant's accountant stating the applicant has derived no income from the agricultural use of the land in question over the past 11 years.
- Site visit carried out on 18/09/02 showed house to be in residential use.

Conclusion

Evidence has been provided to show the premises at Sequoia Field, Wellingtonia Avenue, Crowthorne has been used as a residential dwelling without complying with the agricultural occupancy condition for more than ten years and a certificate should be issued.

Heidi Lynch
20th September 2002

T. Gwilliam 25/9/02

## Heidi Lynch

**From:** Mary Severin
**Sent:** 20 September 2002 15:27
**To:** Heidi Lynch
**Subject:** RE: Sequoia Field, Wellingtonia Ave

Heidi,

Thanks for your e-mail. I note that there are no independent witnesses to dispute what the applicant has stated, that you have made a site visit and seen that the applicant has not carried out any agriculture business on the site, but that he has nevertheless lived there for 10 years or more. I therefore confirm that I am happy from the legal aspect for you to issue a certificate of lawful use based on what the applicant has already submitted.

Mary

PS the signed affidavit thingy is also called a statutory declaration! (but I knew what you meant).

**Mary Severin**
Solicitor
Legal Services
Direct Dial: 0118 974 6539
Fax: 0118 974 6542
Mary.severin@wokingham.gov.uk
**www.wokingham.gov.uk**

-----Original Message-----
**From:** **Heidi Lynch**
**Sent:** Thursday, September 19, 2002 11:13 AM
**To:** Mary Severin
**Subject:** Sequoia Field, Wellingtonia Ave

Hi Mary,

I went out on site yesterday and the house is definitely being used for residential use etc. I guess there is no reason to doubt what the applicant has stated in their letter. Is the information provided therefore adequate or should i get them to get a signed affidavit thingy?

Cheers
Heidi Lynch

**WORK SHEET FOR :** Heidi Lynch

**Application Number :** CLE/2002/7345

**Applicant :** Mr D Evans C/O Graham Simpkin Planning.

**Location :** Sequoia Field, Wellingtonia Avenue, , Crowthorne.

**Proposal :** Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.

| **Site Notice Displayed ? :** | YES | NO | DATE |
|---|---|---|---|
| | ✓ | | 18/9/02 |

**Date of Neighbour Notifications :** .....

**Date of Site Visit :** 18/9/02

**Date Registered : 09/08/2002**

**Earliest Date for Decision : 14/09/2002**

**Latest Consultation Date/Site Notice Expiry Date : 14/09/2002**

**This application will have expired on: 04/10/2002. 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 :**

Bracknell Forest Planning Authority –
Finchampstead Parish – no objections
Neighbours – support

**Planning Issues :**

Area special lasc impartance
Cantryside

Saith East Local Area Plan

# RECORD OF SITE VISIT

SITE ADDRESS: Sequoia Field
Wellingtonia Avenue Crowthorne.

APPLICATION NUMBER:
CLE/2002/7345

OFFICER: Heidi Lynch

DATE OF SITE VISIT: 18/9/02

1 SITE/STATUTORY NOTICE DISPLAYED ? ~~NO~~ Yes

2. DESCRIPTION OF SURROUNDINGS

3. DESCRIPTION OF SITE/BUILDING

4. RELATIONSHIP TO ADJOINING PROPERTIES

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

House definitely used as residential use.

**PLANNING APPLICATION COMMENTS SHEET FOR CLE/2002/7345. (Case Officer:Heidi Lynch)**

PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

**WOKINGHAM UNITARY**
**Aiming for Excellence**

Received after decision

THINGS WE **CAN** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION:
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
LOSS OF LIGHT.
OVERSHADOWING/OVERLOOKING (loss of privacy).
NOISE, DISTURBANCE, SMELL etc ONCE THE DEVELOPMENT IS IN USE (e.g. from a proposed restaurant, takeaway, public house or industrial unit).

THINGS WE **CAN'T** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION:
PRIVATE PROPERTY ISSUES, FOR EXAMPLE BOUNDARY AND ACCESS DISPUTES.
LOSS OF VIEW OVER OTHER LAND.
EFFECT ON PROPERTY VALUES.
POTENTIAL INCONVENIENCE, NOISE AND DISTURBANCE CAUSED BY CONSTRUCTION WORKS.
MATTERS COVERED BY OTHER LAWS (e.g. alcohol, betting, restaurant, music licensing).
MATTERS SUBJECT TO MARKET COMPETITION (we can't refuse an application on the basis that its approval would harm other commercial activity of a similar nature in the area).
THE SPECULATIVE USE OF A DEVELOPMENT AFTER IT HAS BEEN BUILT.
RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

17/09

**COMMENTS ON APPLICATION: CLE/2002/7345**

**YOUR NAME:** L. WARREN

**YOUR ADDRESS:** (if these details are incorrect please amend)
RHODODENDRONS WELLINGTONIA AVENUE
CROWTHORNE
B
RG456AF

**PLEASE RETURN YOUR COMPLETED FORM TO:**

**Environmental Services Department,**
**Planning Services**
**P.O. Box 157**
**Shute End, Wokingham**
**Berkshire RG40 1WR**

**I WISH TO** (tick relevant box); OBJECT TO THE APPLICATION ☐
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☑

Comments:

LETTER ATTACHED TO CLARIFY MY VIEWS, WHICH IN SUMMARY, IS TO MAINTAIN AND PROTECT ONE OF THE MOST BEAUTIFUL ROADS IN THE AREA.

Continue over the page if more room required



POSITIVE ABOUT DISABLED PEOPLE
INVESTOR IN PEOPLE

DEAR MR LYNCH

SHOULD YOU WISH TO CONTACT ME OVER THE NEXT FEW DAYS I AM IN MANCHESTER LOOKING AFTER GRANDCHILDREN WHO TRAGICALLY LOST THEIR MOTHER IN A ROAD ACCIDENT.

TEL: 01625 860505

MANY THANKS

IMPORTANT

RHODODENDRONS
WORLINGTONIA AND
CROWTHORNE.
12. SEPT. 2007

RE APP:
CLE/2007/7345

DEAR HEIDI LYNCH,

FURTHER TO MY CALL EARLIER THIS WEEK, WE HAVE OWNED RHODODENDRONS FOR APPROX 30 YEARS, BUT WERE NOT AWARE THAT 'SEQUOIA FIELD' WAS STILL CLASSIFIED AS A FARMHOUSE, AS WE HAVE SEEN NO FARMING ACTIVITY AS SUCH SINCE ITS LAST CHANGE OF OWNERSHIP.

AS BACKGROUND, HOWEVER, DESPITE OPPOSITION FROM LOCAL RESIDENTS, A LARGE TRAILER REPAIR WORKSHOP WAS CONSTRUCTED ON ITS LAND AND RETRO ACTIVELY APPROVED BY THE COUNCIL AND MORE RECENTLY AN XMAS TREE BUSINESS STARTED - PRESUMABLY MANAGED FROM THE ABOVE PROPERTY.

I AM AWARE THAT SEVERAL FAMILIES LIVE IN THE HOUSE AND TRUST THAT SHOULD THE APPLICATION BE

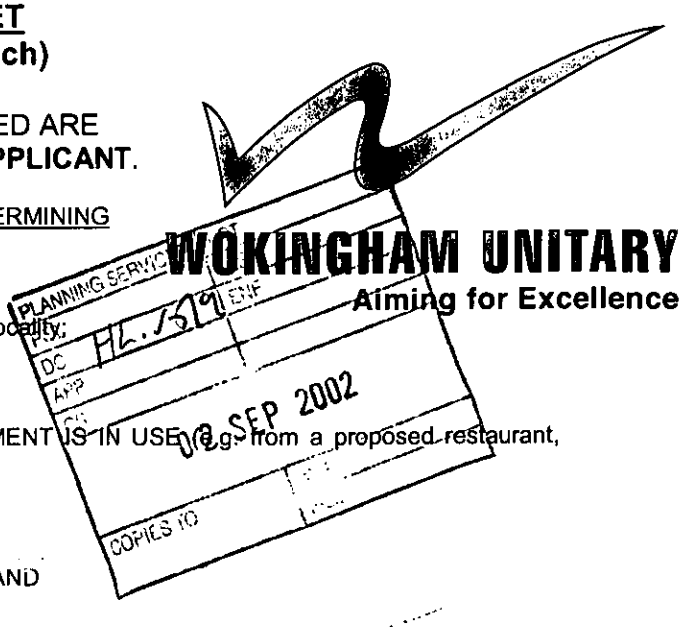
SUCCESSFUL, THIS DOES NOT AUTOMATICALLY GIVE ANY FURTHER RIGHTS OF ACCESS, ALTERATIONS, DEVELOPMENT ON THE SURROUNDING LAND ETC, WITHOUT REGULAR PRIOR PLANNING PERMISSION NOTIFICATION AND APPROVAL

YOURS FAITHFULLY

L.T.V WARREN

## PLANNING APPLICATION COMMENTS SHEET FOR CLE/2002/7345. (Case Officer:Heidi Lynch)

PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT**.




THINGS WE **CAN** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
LOSS OF LIGHT.
OVERSHADOWING/OVERLOOKING (loss of privacy).
NOISE, DISTURBANCE, SMELL etc ONCE THE DEVELOPMENT IS IN USE (e.g. from a proposed restaurant, takeaway, public house or industrial unit).

THINGS WE **CAN'T** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
PRIVATE PROPERTY ISSUES, FOR EXAMPLE BOUNDARY AND ACCESS DISPUTES.
LOSS OF VIEW OVER OTHER LAND.
EFFECT ON PROPERTY VALUES.
POTENTIAL INCONVENIENCE, NOISE AND DISTURBANCE CAUSED BY CONSTRUCTION WORKS.
MATTERS COVERED BY OTHER LAWS (e.g. alcohol, betting, restaurant, music licensing).
MATTERS SUBJECT TO MARKET COMPETITION (we can't refuse an application on the basis that its approval would harm other commercial activity of a similar nature in the area).
THE SPECULATIVE USE OF A DEVELOPMENT AFTER IT HAS BEEN BUILT.
RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

---

**COMMENTS ON APPLICATION: CLE/2002/7345**

**YOUR NAME:** PAUL HAISMAN

**YOUR ADDRESS:** (if these details are incorrect please amend)
CEDAR LODGE WELLINGTONIA AVENUE
CROWTHORNE
B
RG456AD

**PLEASE RETURN YOUR COMPLETED FORM TO:**

**Environmental Services Department,**
**Planning Services**
**P.O. Box 157**
**Shute End, Wokingham**
**Berkshire RG40 1WR**

**I WISH TO** (tick relevant box); OBJECT TO THE APPLICATION ☐
SUPPORT THE APPLICATION ☑ COMMENT ON THE APPLICATION ☐

Comments:

Continue over the page if more room required

FROM: Heidi Lynch

DATE: 21 August 2002

DELEGATED

## FINCHAMPSTEAD PARISH CONSULTATION SHEET

**Application Number:** CLE/2002/7345

**Proposal:** Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition..

**Site Address:** Sequoia Field, Wellingtonia Avenue, , Crowthorne.

**Applicant:** Mr D Evans C/O Graham Simpkin Planning.

Your observations are required in respect of this application **by 14/09/2002** .

| PLANNING SERVICES | |
|---|---|
| PCL | TLS |
| DC | ENF |
| APP | |
| CS | |
| 30 AUG 2002 | |
| COPIES TO | ACK: |
| | FILE: |

The Parish Council has no objections to this application

SIGNED: C.S.C.

DATE: 29 AUG 2002

Clerk To Finchampstead Parish/Town Council.

## Heidi Lynch

**From:** Pam Ruffman [pam.ruffman@Bracknell-Forest.gov.uk]
**Sent:** 08 August 2003 10:08
**To:** heidi.lynch@wokingham.gov.uk
**Subject:** Sequoia Field Farm, Wellingtonia Avenue, Finchampstead

Heidi

I understand that you have been the case officer in respect of various applications at this site and that you are familiar with it so I wonder if you could assist.

We have recently received an application for a Lawful Development Certificate in respect of the barn [which falls within Bracknell] for use as a single residential dwellinghouse.

In the evidence that has been submitted the applicant claims that the barn was shown as being within the residential curtilage of the main dwellingouse in a recent application for the removal of the agricultural condition.

Although this may not be key to their current application it is of significance bearing in mind the contents of a Planning Inspectors decision dated 1.4.97 in respect of the refusal to grant planning permission for the residential occupation of the barn and in which the claim that the building fell within the residential curtilage does not appear to have been made.

I would therefore be grateful if you could advise me whether the barn is shown as being within the curtilage in the plans that have been submitted/approved by yourselves and to receive a copy of the relevant plan[s]. I would also be grateful if you could advise me as to any observatins that you or your colleagues may have made during the course of your visits to the site relating to the use of the barn.

replied by sending fax of certificate.
27/8/03

I look forward to hearing from you.

My direct line is 01344 351132 if you sould wish to discuss this matter.

Regards

Pam RUffman

This e-mail may be read by employees of the Council and is therefore not to be considered private by the recipient. The views expressed in this e-mail are those of the individual and not necessarily the views or opinions of Bracknell Forest Borough Council.

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error please notify the system manager. Email: mail.administrator@bracknell-forest.gov.uk

This footnote also confirms that this e-mail has been swept by MailSweeper for the presence of computer viruses. Although the Council has taken steps to ensure that this e-mail and any attachments are virus free we advise that in keeping with good ICT practice the recipients should confirm this for themselves.

* * * COMMUNICATION RESULT REPORT ( 27. AUG. 2003 10:02 ) * * *

FAX HEADER:

TRANSMITTED/STORED : 27. AUG. 2003 10:01

| FILE | MODE | OPTION | ADDRESS | RESULT | PAGE |
|---|---|---|---|---|---|
| 330 | MEMORY TX | | 901344351104 | OK | 4/4 |

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) BUSY
E-3) NO ANSWER
E-4) NO FACSIMILE CONNECTION

WOKINGHAM UNITARY
Aiming for Excellence

# PLANNING SERVICES

## Fax Cover Sheet

**DATE:** 27/8/03

**TO:** Pam Ruffman

**FROM:** Heidi Lynch **Planning Services.**

**NUMBER OF PAGES INCLUDING THIS HEADER SHEET:** 4

**RECIPIENT FAX NUMBER:** 01344351104

**OUR FAX NUMBER: (0118) 974 6484**

**SUBJECT:** Sequoia

**NOTES:**

WOKINGHAM UNITARY
Aiming for Excellence

# PLANNING SERVICES

## Fax Cover Sheet

**DATE:** 27/8/03

**TO:** Pam Ruffman

**FROM:** Heidi Lynch **Planning Services.**

**NUMBER OF PAGES INCLUDING THIS HEADER SHEET:** 4

**RECIPIENT FAX NUMBER:** 01344351104

**OUR FAX NUMBER: (0118) 974 6484**

**SUBJECT:** Segvoia

**NOTES:**

Application No : CLE/2002/7345

**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 25 September 2002 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and coloured red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use commenced more than ten years ago and there has been no subsequent change of use.

Signed T. G Watson ..... (Head of Development Control)

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

Date: 25 September 2002

FIRST SCHEDULE

Occupation of farmhouse without complying with the agricultural occupancy condition on Application 54/63.

SECOND SCHEDULE

Land at Sequoia Field, Wellingtonia Avenue, Crowthorne

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 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.

| | |
|---|---|
| Application Number : CLE/2002/7345 | Map No : ~~SE~~ 115 + 116 |
| Case Officer : HL | Site Area : 1.19 |
| Valid Date : 9/8/02 | Received Date: 09/08/2002 |

**Level : Delegated Application**

**Description : Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.**

**Location : Sequoia Field, Wellingtonia Avenue, , Crowthorne.**

**Parish : FI Ward : FIS**

**Applicant : Mr D Evans C/O Graham Simpkin Planning.**

**Fee Required: £110 Fee Received: £110** (9)

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

**Enforcement Section to be notified** ☐ (tick if required)

---

**Additional information required for validation;**

| REASON | NOTES | DATE REQ | DATE RECD |
|---|---|---|---|
| LOCATION PLANS | | | |
| BLOCK PLANS | | | |
| FORMS UNSIGNED | | | |
| S.66 MISSING/INCORRECT/ UNSIGNED | NOT WDC forms | | |
| ELEVATION PLANS | DWGS. | | |
| FLOOR PLANS | | | |
| NO SCALE OR SCALE IS IMPERIAL | | | |
| ENCROACHMENT LETTER REQUIRED | | | |
| OTHER | | | |

**Is the site in a Conservation Area:** ☐ Yes ☐ No If "Yes" which one _____

Is the site a Listed Building: ☐ Yes ☐ No

Is a Statutory Advertisement required: ☐ Yes ☐ No

---

## INTERNAL CONSULTATIONS

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) BRACKNELL FOREST

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

.....

.....

.....

.....

.....

.....

## NEIGHBOURS

.....

STN + See map

.....

No pre-apps

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

Tel: (0118) 974 6482

Date: 21 August 2002

My ref: CLE/2002/7345

**WOKINGHAM UNITARY**
**Aiming for Excellence**

Councillor M Long
Foxfield
Wick Hill Lane
Finchampstead
RG40 3PY


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/2002/7345**
**Sequoia Field, Wellingtonia Avenue, , Crowthorne.**
**Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.**

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 **Heidi Lynch** on **(0118) 974 6482** in the first instance.

Yours sincerely
***Trevor Watson***
Development Control Manager

---

**LISTING FORM**

Case officer: **Heidi Lynch** Application Number: **CLE/2002/7345**
**Sequoia Field, Wellingtonia Avenue, , Crowthorne.**
**Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.**
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 M Long

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

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

Tel: (0118) 974 6482

Date: 21 August 2002

My ref: CLE/2002/7345

**WOKINGHAM UNITARY**
**Aiming for Excellence**

Councillor G 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/2002/7345**
**Sequoia Field, Wellingtonia Avenue, , Crowthorne.**
**Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.**

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 **Heidi Lynch** on **(0118) 974 6482** in the first instance.

Yours sincerely
***Trevor Watson***
Development Control Manager

---

**LISTING FORM**

Case officer: **Heidi Lynch** Application Number: **CLE/2002/7345**
**Sequoia Field, Wellingtonia Avenue, , Crowthorne.**
**Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.**
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 G Cockroft

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

**Received by Wokingham District Council**

# Application No: CLE/2002/7345

**Proposal:**
Application for Certificate of Lawful use for occupation of farmhouse without complying with the agricultural occupancy condition.

**Location:**
Sequoia Field, Wellingtonia Avenue, , Crowthorne.

**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/2002/7345 to enable the library staff to locate the correct information.**

**Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Heidi Lynch P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 14/09/2002. 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**

**21 August 2002**

| Organisation_Name | Building_Name | address1 | Postcode |
|---|---|---|---|
| | BIRCHEN HOLT | BIRCHEN HOLTWELLINGTONIA AVENUECROWTHOI | RG456AF |
| | REDWOOD | REDWOODWELLINGTONIA AVENUECROWTHORNE | RG456AF |
| | SEQUOIA FIELD | SEQUOIA FIELDWELLINGTONIA AVENUECROWTHO | RG456AD |
| | RHODODENDRONS | RHODODENDRONSWELLINGTONIA AVENUECROWT | RG456AF |
| | CEDAR LODGE | CEDAR LODGEWELLINGTONIA AVENUECROWTHOF | RG456AD |
| | SOUTH POINT | SOUTH POINTLOWER WOKINGHAM ROADCROWTH | RG456BT |

neighbour consultation list CLE/2002/7345

09.AUG.2002 7345


# Graham Simpkin

PLANNING

2 The Parade, Ash Road, Hartley,
Longfield, Kent DA3 8BG

Telephone: 01474 703705
Fax: 01474 707299

Email: graham@gsimpkin.force9.co.uk


Our Ref: GKS/JH/404

7345

Mrs A O'Dell
Planning Department
Wokingham District Council
PO Box 157
Shute End
Wokingham
Berks RG40 1WL

09 AUG 2002

8th August 2002

Dear Mrs O'Dell

**SEQUOIA FIELD FARM, WELLINGTONIA AVENUE, CROWTHORNE**

I refer to my recent visit to your offices to discuss the above property.

As discussed, I enclose an application for a Certificate of Existing Lawful Use in respect of the occupation of the house without complying with the agricultural occupancy condition for your consideration. As you will see, the application is supported by a statement which is signed by the applicant and in addition, there is a separate letter from the applicant's Accountant confirming his occupation.

I trust that this is sufficient to allow you to issue the Certificate. If you should require any further information then please let me know. If you should wish to visit the property, would you please telephone my office to make a convenient appointment.

Yours sincerely

**GRAHAM SIMPKIN**
Encls.

09.AUG.2002 7345

**STATEMENT IN SUPPORT OF APPLICATION FOR A CERTIFICATE OF LAWFUL USE AT SEQUOIA FIELD FARM, WELLINGTONIA AVENUE, CROWTHORNE**

This application is submitted under Section 191 of the Town & Country Planning Act 1990 in respect of the occupation of the farmhouse without complying with the agricultural occupancy condition. It is the applicants case that he has lived in the house for more than 10 years but at no time during this period has he been employed in agriculture.

Planning permission was originally granted on 22nd April 1963 under Ref. 54/63 for the erection of a house and garage subject to the following condition:

> *"The occupation of the dwelling shall be limited to persons employed or last employed locally in agriculture as defined in Section 119/1 of the Town & Country Planning Act 1947 or in forestry and the dependants of such persons."*

Just prior to the applicant purchasing this property, it is understood that an application was submitted to the Council to remove this condition of the original planning permission. However, permission was refused at that time but when the applicant purchased the property, he was not aware that permission had been refused.

The applicant, Mr Darrell Evans, was not employed in agriculture when he purchased this property and he has not been employed in agriculture or forestry throughout the time that he has lived at this house. Initially, when he moved to the site, he did purchase some cattle with a view to taking up some form of farming activity but this was no more than a hobby and lasted no more than 18 months before he decided that this was too much trouble for him to undertake. His employment record as a Director of Tramar D & M Limited since 1979 is confirmed in a letter dated 15th July received from his Accountants. The Company, Tramar D & M Limited, are involved in the manufacture of animal feedstuff produced from by-products of the food industry and this activity plainly falls outside of the definition of agriculture referred to in the condition and as subsequently defined in later Planning Acts. In addition, Mr Evans has also planted on some of his land Christmas trees, but this work was carried out by a contractor and Mr Evans has never been employed in these forestry operations and this was not carried out as a business but more as a hobby. The other occupants of the house include his wife, Mrs M Evans, who has not been employed outside of the home throughout this time and she retains the role of housewife. The applicant has 3 children, Mr D Evans Jnr. who has been employed by Tramar D & M Limited since leaving school and has not been employed in agriculture at all, Mr L Evans who left home some 5/6 years ago and he is also employed by Tramar D & M Limited and has never been employed in agriculture. His daughter Shelley, (Mrs S Smith), is a housewife and she also lives at the site with her 3 children and her husband, Mr M Smith, who is a Civil Engineering Contractor and none of this family unit have been employed in agriculture.

The applicant's father-in-law, Mr L Hughes, also lives at the site and he is a retired Scrap Metal Merchant and his wife, Mrs L Hughes, is a housewife, while their daughter Miss C Hughes is a carer. None of this family unit have been employed in agriculture.

It is therefore the case that the agricultural occupancy condition referred to above has not been complied with as a result of the occupation of the dwelling by the above named persons

since the property was purchased in 1989 by the applicant. It therefore follows that this condition has not been complied with for the past 10 years and therefore immunity from Enforcement action has been achieved.

Government advice on the consideration of applications for Certificates of Lawfulness, states that the relevant test of the evidence is the "balance of probability" that the use has continued for a period of 10 years and the stricter criminal burden of proof, i.e. "beyond reasonable doubt" should not be used.

In this case, the applicant's own evidence set out in this statement is supplemented by a separate letter from his Accountant. There can be no doubt that the applicants have not been employed in agriculture during the past 10 years and therefore the relevant Certificate should be issued.

I confirm that this is a true record of the occupation of Sequoia Field Farm, Wellingtonia Avenue, Crowthorne.

Signed..... Dated...24/7/2002.....
Mr D Evans

Encl. Letter dated 15.7.02 from P K B Chartered Certified Accountants

Ref: S404/1
22.7.02

PKB
Chartered Certified Accountants
Total Business Solutions

Beechey House
87 Church Street
Crowthorne
Berkshire RG45 7AW

Tel: 01344 776225
Fax: 01344 778849
email: accountants@pkb.co.uk
Website: www.pkb.co.uk

03.AUG.2002 7545

Our ref:

Your ref:

RECEIVED
15 JUL 2002

To Whom It May Concern:

Ref: Mr D Evans

We have acted for Mr Evans for 11 years and have been asked to confirm what agricultural/forestry activities have been undertaken. To our knowledge Mr Evans has not derived anything other than a nominal income from agriculture or forestry during that Period. Mr Evans has derived all his earned income from his employment.

Mr Evans has been employed by Tramar D&M Limited since 1979 and has been the managing director of that company since 1991. The company has remunerated Mr Evans for his services throughout that period, and this has been his primary source of income.

I trust this is sufficient but if you require any further information, please do not hesitate to contact me.

Yours Faithfully

Paul Bright
Account Manager

Registered to carry on audit work and regulated for a range of investment business activities by the Association of Chartered Certified Accountants.

NBA GROUP NATIONAL BUSINESS ADVISERS

MEMBER OF ASSOCIATION DE RECOUVRT

Associated with Accountancy Practices throughout the United Kingdom and Member States of The European Community.

Partners: A.J. Hindley FCA FCCA S.P. Greehy MBIM D.R. Blackwell MBA FCCA R.S. Parry FCA FCCA MBIM

# Application for Lawful Development Certificate - Existing Development

09 AUG 2002

**Form 9**

09.AUG.2002 7345

Town and Country Planning Act 1990 (Section 191)
Planning and Compensation Act 1991 (Section 10)
Town and Country Planning (General Development Procedures) Order 1995 (Article 24)

FOR OFFICE USE ONLY

| | |
|---|---|
| APPLICATION No. CLE/2002/7345 | |
| FEE PAID | |
| DATE REGISTERED 09 AUG 2002 | PLEASE READ ACCOMPANYING GUIDANCE NOTES FIRST & COMPLETE IN BLOCK LETTERS |

| 1a. Name and Address of Applicant | 1b. Name and Address of Agents (if any) |
|---|---|
| MR D EVANS | GRAHAM SIMPKIN PLANNING |
| c/o AGENT | 2 THE PARADE, ASH ROAD |
| | HARTLEY, LONGFIELD |
| | KENT DA3 8BG |
| | Contact Name G SIMPKIN |
| Tel. No. | Tel. No. 01474 703705 |

2. Address of the Site *
SEQUOIA FIELD FARM, WELLINGTONIA AVENUE, CROWTHORNE

3. This application is for: (please tick as appropriate)

- ☐ an existing use; (please describe)
- ☐ an existing operation; (please describe)
- ☑ an existing use/operation or activity in breach of condition

4. If there is more than one subsisting use/operation or activity on the land at the date of this application, please describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates
1) OCCUPATION OF FARMHOUSE WITHOUT COMPLYING WITH THE AGRICULTURAL OCCUPANCY CONDITION

5. When was the use or activity begun, or the operation substantially completed? 1989

6. Under what grounds is the certificate sought? (please tick as appropriate)

A ☐ The use began more than ten years before the date of this application

B ☐ The use, operation or activity in breach of condition began more than ten years before the date of this application

Specify Condition No. 1.....

Planning Permission Reference No. 54/63.....

C ☐ The use began within the last ten years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission, in the last ten years

D ☐ The operations were substantially completed more than four years before the date of this application

E ☐ The use as a single dwellinghouse began more than four years before the date of this application; (including self contained flats)

F ☐ Other (please specify):** .....

7. Please state the applicant's interest in the land : ☑ Owner ☐ Lessee ☐ Occupier ☐ None

If you do not have an interest in the land please tick 'NONE' and complete the following:

| Name and address of persons known to have an interest in the land | Nature of interest if known |
|---|---|
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |

Have they been informed about this application? Yes ☐ No ☐

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

SEE ATTACHED STATEMENT

Continue overleaf if necessary

PLEASE COMPLETE DECLARATION ON LAST PAGE

08.AUG.2002 7345

Attach additional sheet if necessary

9. **Declaration** TO BE COMPLETED BY ALL APPLICANTS

I/we hereby apply for a Lawful Development Certificate in accordance with the details described above, and I submit the following plan(s) and documents .....

.....

together with the fee of £ ...110.00.....

Signed .....

on behalf of MR D EVANS

(insert applicant's name if signed by agent)

Date 22.7.02

# Application for Lawful Development Certificate - Existing Development

Town and Country Planning Act 1990 (Section 191)
Planning and Compensation Act 1991 (Section 10)
Town and Country Planning (General Development Procedure) Order 1995 (Article 24)

**Guidance Notes**

Existing buildings, operations, activities or uses of the land

If you are in doubt as to whether or not **existing** buildings, operations, activities or uses of land are lawful you may apply to the local planning authority for a Lawful Development Certificate by completing Form 9 and returning it with any necessary supporting documentation and the prescribed fee (see Scale of Fees). In submitting an application you should provide as much information as possible including where appropriate plans, drawings, photographs and witness statements in support of your claim. If there is insufficient information presented to satisfy the local planning authority that the use, operation or activity is lawful, a certificate will not be issued.

If you would like to know whether or not **proposed** development, or changes of use of land would be lawful you may apply to the local planning authority for a Lawful Development Certificate by completing Form 10.

Notes to assist completing the Form

* Describe precisely the location of the land to which this application relates and attach two copies of an Ordnance Survey based plan showing the boundary of the land in red.

** This would 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.

PLEASE SUBMIT TWO COPIES OF THIS FORM AND ALL ACCOMPANYING DOCUMENTS.

**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 false or misleading information.

SEQUOIA/FIELD FARM

① ADDRESS WELLINGTONIA AVENUE PARISH FINCHAMPSTEAD

PLOT No. ORD. SHEET No. SU.8163 (115

BUILDER

| Plan No. | Applicant | Description of Development | Date of Decision | Decision |
|---|---|---|---|---|
| 54/63 | Mr. A Whaley | House + garage | | |
| PD 401/73 | Mr A Whaley | cow shed | 26·11·73 | APP N |
| BR 3722 | " | implements store | 2·11·75 | APP N |
| 03687 | " | " | 27·11·75 | N/A C |
| BR 7467 | " | HAY BARN | 11·11·77 | APP N |
| 07327 | " | " | 24·11·77 | N/A C |
| BR18153 | MR B MOOR | ALTS TO CARPORT + CLA ROOM | 24·2·82 | APP N/A |
| 17056 | " | FARM ACCESS | 11·3·82 | N/A REF |
| B(2A) R81/25W | BUILDING DESIGN SERVICES | FARM BUILDING | | |
| BC 18432 | MR B MOORE | CARPORT | 1·7·82 | APP N/A |
| B(2A) R81/70W 18558 | BUILDING DESIGN SERVICES MR B MOOR | AGR BARN | 16·11·82 16·12·82 | N/A CLA |

DATE OF COMPLETION

MINISTRY DECISION 17056 APPEAL DISMISSED 4·8·82

SPECIAL ORDERS TPO 55 CLA(P)49 - MOBILE HOME - ISSUED 10·6·94 - F

DRAINAGE

091074

② (SEQUOIA) FIELD FARM

ADDRESS WELLINGTONIA AVENUE PARISH FINCHAMPST.

PLOT No. ORD. SHEET No. SU 8163 (115)

BUILDER

| Plan No. | Applicant | Description of Development | Date of Decision | Decision |
|---|---|---|---|---|
| BR 23393 | MR B MOOR | BARN | AGENT | |
| BR 23450 | " | GRANNY ANNEXE + GARAGE/SHELTER | 16·9·84 | APP N/A |
| 22243 | " | " | 20·9·84 | N/A CLA |
| 22591 | " | AGR. BARN | 13·12·84 | N/A CLA |
| 24544 | " | CARAVAN SHELTER | 4·11·85 | N/A CLA |
| 31090 | " | REMOVE COND. 7 ON 54/63 | 4·5·88 | REF |
| 35749 | MR. EVANS | 1ST FLOOR EXT. | 15·2·90 | R |
| BR 84450 | " | " | 26·2·90 | REF. |
| 38935 | " | 1·5M HIGH BOUNDARY FENCE | 24·2·92 | REF |
| FP/92/0134 | " | (RETRO) GARAGE + CARPORT TO RHS | 21·2·92 | APP |
| 40624 | " | RETRO SECURITY FENCE TO FRONT | 26·4·93 | CLA |

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

091074

1933
(3)

ADDRESS Sequoia Field Farm Wellingtonia Avenue PARISH Finem

PLOT No. ORD. SHEET No. 115

BUILDER

| Plan No. | Applicant | Description of Development | Date of Decision | Decisi |
|---|---|---|---|---|
| 41242 | APPEAL MR. D. EVANS RETRO. SEE-BARN END. | REDUNDANT AGR. BLDG TO TROLLEY REPAIR WORKSHOP (B/C) | 01/12/93 | R |
| 44050 | N/P | | | |
| 95/60139/E | | | | |
| CLE/2002/7345 | Cert. of Lawful Use for Occupation of farmhouse without complying with Ag. occup. condition | Mr. D. Evans | | |

MINISTRY DECISION 41242 – APPEAL GRANTED – 13.4.94

SPECIAL ORDERS