Our ref: DS/Mann

5th December 2023

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Dear Sir,

Town and Country Planning Act 1990
Certificate of lawfulness for land used as storage at Mill Lane, Corston SN16 0HH.

Introduction

1. We are instructed by the owner of the above site, Linda Dolman, to prepare and submit this application for the certificate of lawfulness under provisions of Section 191(1)(a) of the above Act.

2. Please find enclosed in support of this application:
   - The completed planning application forms and certificates;
   - this Covering Letter;
   - the Location Plan, numbered RD/01;
   - the signed Statutory Declaration of Mr Richard Dolman, dated 7th September 2023;
   - the signed Statutory Declaration of Russell Collett, to follow;
   - the signed Statutory Declaration of Jacky Collett, to follow;
   - the signed Statutory Declaration of Nick Maslen, dated 1st December 2023;
   - the Supporting Images document; and,
   - the application fee of £234.

Background

3. The land, as indicated on the location plan, measures some 0.8 hectares (0.2 acres). It is located off a private driveway off Mill Lane, to the north of Stonelea. The land is used by Richard Dolman, son of Linda Dolman, for storing materials and equipment in relation to his dry stone walling business and has been used in this way since 2012.

4. The items stored on the land include; stone, crushed hardcore, tools and equipment. These are indicated on the Supporting Images document and detailed below.

5. The adjoining land to the east is owned by a family friend and is also occasionally used for the storage of building materials by the applicant's son, as shown in the 2014 image of the Supporting Images document.

Planning History

6. There is no planning history in relation to the site.

Relevant Planning Policy

7. The Planning Practice Guidance states, in relation to applications for existing use, ***if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.***

Evidence

8. Supporting Statutory Declarations have been completed by Mr Richard Dolman, the user of the land, and Nick Maslen. These set out the facts of what the land has been used to store and how long it has been in his use for this purpose.

9. Further Statutory Declarations from Russell Collett and Jacky Collett are currently awaiting signatures and will form part of this application. These confirm that the land has been used for storage purposes by the applicant's son, Richard, since 2012.

10. Evidence has been submitted in the form of photographs. The first two of these have been obtained from Getmapping.com which show various items that have been/are being stored on the land. The earliest of these photographs date back to 22nd May 2012. Further images are from Google Earth and Google maps.

11. Email evidence of the dates of the first two images, as conformed by Getmapping.com can be supplied if required. Alternately, these dates are also shown on their website, in relation to the site area.

12. The aerial image taken in 2012 clearly shows the storage shed used in conjunction with Richard's business. Some building stone and general masonry materials are stored outside of the shed, mainly to the south west. There is also an area to the south where hardcore is stored.

13. The aerial image dated 2014 reflects the previous image with the storage shed, masonry materials and stored hardcore. In addition to this building stone and roofing tiles are stored to the north west of the shed and there are timber sheet materials on the adjoining land to the east. These are all materials used in relation to Richard's business.

14. The Google Earth image dated 2019 again shows storage on the land with the storage shed, building materials and hardcore distinctly shown in the same or very similar places to those indicated on the previous images.

15. Finally, the current Google map image clearly shows consistency of the storage on the land with the storage shed, building materials and hardcore again in the same or very similar locations to those of the previous images.

Conclusion

16. This is an application for a certificate of lawfulness for an existing storage use on the land. The evidence submitted with this application clearly shows that the land has been used for storage for more than 10 years, with the earliest evidence dated May 2012.

17. The evidence of lawfulness submitted comprise of signed declarations and aerial images. These corroborate that the land has been used as storage for more than 10 years.

18. There is no evidence of concealment to suggest any active deception. We are confident that the evidence is sufficiently precise and unambiguous in order to justify the grant a certificate of lawfulness.

19. We trust that you have all the necessary information that you require to validate and determine this application and if the officer does require any information or clarification on any element of the proposals we invite a discussion during the determination process.

Yours faithfully,

[redacted]

Marc Willis BTP MRTPI FBIAC