



Supporting Statement

Proposal: Certificate of lawful use; use of land and buildings for residential purposes ancillary to dwellinghouse
Site: Land at Highway Cottage, Quarry Hill, Box. SN13 8LP
Our Reference: 2490_Planning Statement

Land Development and Planning Consultants Ltd. is a Rural Planning Practice based in Corsham, Wiltshire. The Practice was established in 1989 to provide advice and representation on the range of town and country planning issues relating primarily to the countryside, villages and the market towns of Wessex. Clients include individuals, developers, legal and land agencies, commercial and residential developers, local authorities and amenity groups.

1.0 Introduction

- 1.1 This statement has been drafted in support of an application for a Certificate of Lawful Development by Mr Alex Barton in respect of land adjacent to Highway Cottage, Quarry Hill, Box.
- 1.2 The discrete area of land provides access to an agricultural field to the south west and is accessed off Public Right of Way BOX45 which links Quarry Hill to Box Woods and the bridleway BOX44. Images of the site are provided at Appendix 1 of this statement.
- 1.3 It is the Applicant's contention that the land, containers stationed thereon, and buildings have been used ancillary to the enjoyment of Highway Cottage for a period in excess of 10years and, as such, the uses have become immune to enforcement action through the passage of time, and are thereby lawful.
- 1.4 The application is supported by a Statutory Declaration by the freehold owner of the application site, Mr Alex Barton.

2.0 Relevant Planning History

- 2.1 There is no relevant planning history available for the site, nor has any enforcement action been taken in relation to the existing uses on the site.

3.0 Legal framework

Change of use

- 3.1 Section 55(1) of the Town & Country Planning Act 1990 ('the Act 1990') confirms that 'development' includes 'making a material change of use of any buildings or other land'.
- 3.2 Section 171B(3) of the Act confirms that in cases of a material change of use, other than a change of use to a dwellinghouse, 'no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach'.
- 3.3 Section 191(1)(a) empowers any person to ascertain the existing lawful use of land or buildings through an application for a Certificate of Lawful Use. Section 191(2)(a) confirms that a use is lawful if 'no enforcement action may be taken in respect of them' 'because the time for enforcement action has expired'.
- 3.4 In determining applications under s191 of the Act, para. 006 Reference ID: 17c-006-20140306 of the National Planning Policy Guidance reads; 'In the case of 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'.

4.0 Findings of fact arising from the Statutory Declaration of Mr Alexander James Barton

- 4.1 Alex and Chloe Barton purchased Highway Cottage in August 2012 from Mike Smith who was renting the application site from Messrs Martin and Charles Elton, who also owned the field to the southwest, which they accessed through the application site.

- 4.2 Mr Smith used the land for the parking of his personal vehicles and used the buildings for the storage of domestic goods and also grew vegetables in a greenhouse on the land. When Alex and Chloe took ownership of Highway Cottage they also took on rent of the land through a licence agreement with Messrs Elton. They put tenants into Highway Cottage who continued to use the land for parking their vehicles and their used the greenhouse for growing vegetables, while Mr Smith continued to use the buildings for domestic storage until the end of 2013. Following Mr Smith's vacation of the buildings Alex and Chloe used the buildings for the storage of their domestic goods prior to moving into Highway Cottage.
- 4.3 In early 2014 Alex and Chloe moved into Highway Cottage, using the land, subject of this application for parking and the buildings thereon for the storage of domestic goods, tools and bikes etc.
- 4.4 In July 2016 Alex and Chloe sold Highway Cottage to Mr Shuttleworth and Ms Gabriel and moved out of the dwelling together with the land and buildings, subject of this application, whereupon Mr Shuttleworth and Ms Gabriel continued to use the land and buildings for parking and ancillary domestic storage in association with Highway Cottage by way of a licence agreement with Messrs Elton.
- 4.5 In 2021 Alex and Chloe were approached by Messrs Elton with an offer to purchase the field and the land, subject of this application together the buildings and containers thereon. The purchase was completed in November 2021, and the licence agreement transferred from Messrs Elton to Alex and Chloe Barton, who continue to rent the land and buildings to Mr Shuttleworth and Ms Gabriel, for parking of their vehicles and the storage of domestic goods ancillary to their occupation and ownership of Highway Cottage.



5.0 Concluding notes

- 5.1 Clear and unambiguous evidence has been presented which demonstrates on the balance of probability, the land and buildings shown outlined in red on drawing 02 of the Alex's Statutory Declaration have been used ancillary to the enjoyment of Highway Cottage for parking and domestic storage for a continuous period in excess of 10 years by Mr Smith, Alex and Chloe Barton and most recently by Mr Shuttleworth and Ms Gabriel.
- 5.2 Thus, it is respectfully requested that a Certificate of Existing Lawful Development be issued in respect of the ancillary residential use of the land and buildings as shown on drawing 02 of Alex Barton's Statutory Declaration.

Appendix 1

Site photographs



Buildings 1 & 2, and storage container



Building 3 and shed



Building 5