

Simon Greenland

Application for lawful use certificate under section 191(Existing) of the 1990 Act, as amended by section 10 of the Planning and Compensation Act 1991. See annex 8 of Circular 24/97

CONSULTATION RESPONSES	Objects	No Objection	Comments	Accepts/ Supports	No reply
Community Council	✓				
Local member(s)					✓
Legal (with comments)					
Other					✓
Neighbours	3				

USE APPLIED FOR Hard surfacing and parking area	Summary of Relevant History P/2021/1002 removal of C2 of P/2018/0657 Current P/2018/0657 Construction of manege (in retrospect) Granted 11/9/018 P/2016/0726 Conversion of farm building to holiday let Granted 8/9/2016 P/2006/0686 Change of use of land and buildings to livery yard Granted 8/8/2006 P/2001/0029 replacement agricultural storage building Granted 5/3/2001 P/2000/0744 farm building refused 3/10/2000 ENQ/2021/0318 mixed holiday development comprising 5 lodges, 5 camping pods an area for touring caravans, tented camping and an amenity block ENF/2021/00241 Hardstanding
Action required	All LUC applications are delegated

PLANNING POLICY/CONSTRAINTS (for information)

UDP NOTATION	YES	Comments
Outside settlement	✓	
Inside settlement		
Conservation Area		
Green Barrier		
Special Landscape Area/LANDMAP		
Flood Risk		
Within 500m or affecting SAC*		
World Heritage Site		
Other		

OBSERVATIONS:

The development is the creation of a hardstanding area within the area covered by the change of use permission P/2006/0686. This work represents operational development. As the land ceased to be agricultural following the permission in 2006 the work would not be within Part 6 PD.

Submitted documents:

The application relates to a hardstanding area to the north of the farm. This land was within the area covered by planning permission P/2006/0686.

It is stated that the work to create a hard surface took place in Spring 2011. Supporting letters have been submitted to confirm this.

Agent's statement in response to Aerial photo evidence:

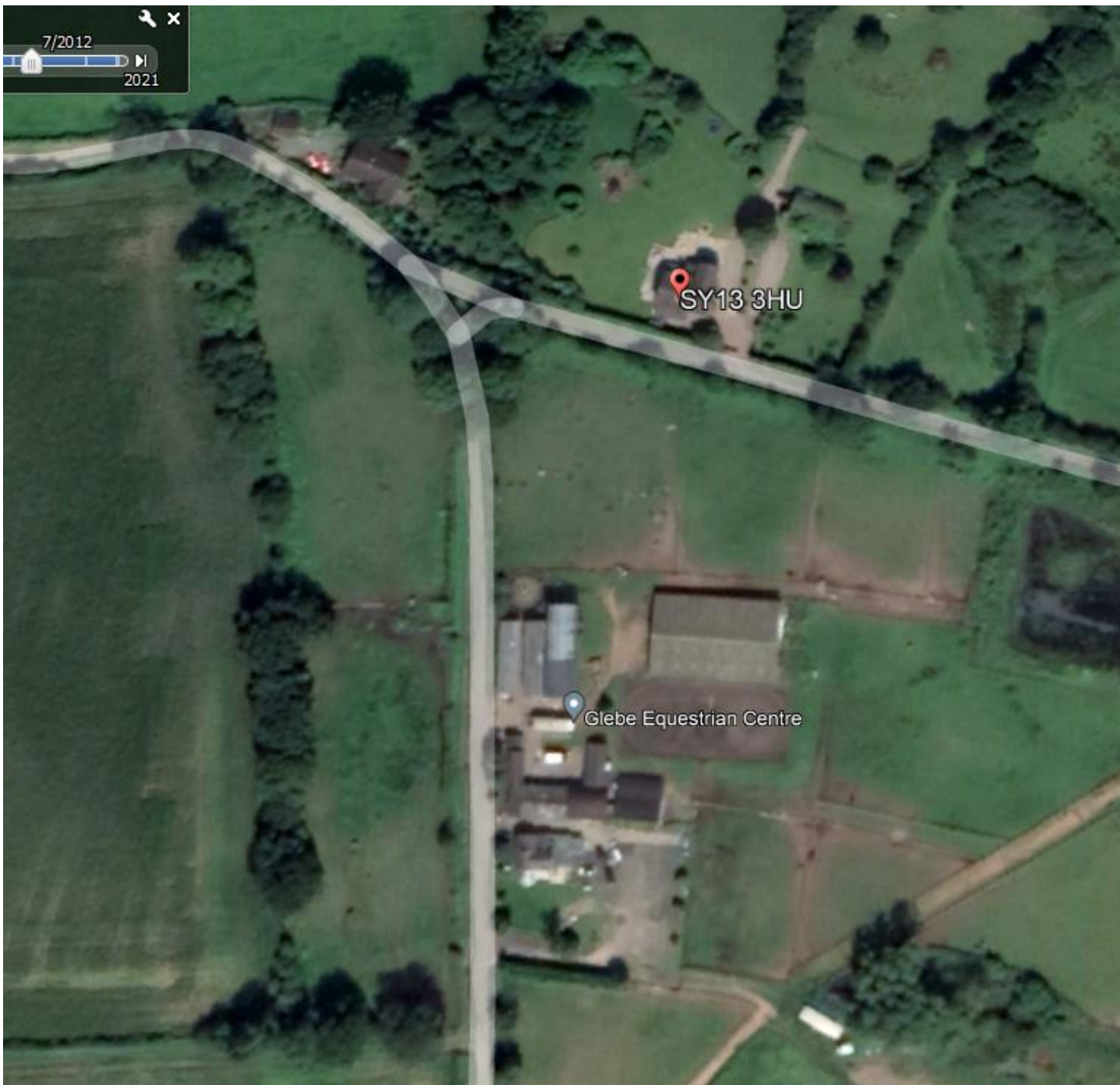
We will be submitting a supplementary document to explain the apparent discrepancy.

I understand that the area was laid with chippings in 2011 but by July the grass had grown through. It was done for a show that took place in that year. Obviously the hard surfacing would not be apparent in an aerial photograph but has been obvious on the ground. and it has remained in a usable state as a car park. It remains solid enough for parking when needed. From time to time the chippings have been topped up to retain its usability.

Planning Department records:**Aerial photos 2009.**

The site is divided into grassed paddocks.

Google Images



07/2012 Grassed paddocks



06/2018 – no formal hardstanding – possibly a parking area on loose earth



07/2021 – hardstanding in place

P/2018/0657

The hardstanding is not shown on the plans

P/2006/0686

Site is within red line and shown as paddocks

Representations received

Most of the representations relate to planning issues regarding traffic, noise and amenity which are not relevant to the consideration of a Lawful use application. However one comment states that the hardstanding was constructed less than 2 years ago, and the field was used on one occasion for parking before this.

Conclusions:

On the evidence available a certificate should not be granted as the operational development of creating a formal hardstanding on land beyond any informal parking area that existed previously has taken place within the past 4 years and is therefore not immune from enforcement action. .

Insert map/photo



RECOMMENDATION SUMMARY

Recommend Grant	Without Limitations	With Limits..	Notes

Recommend Refusal	Summary of Reasons
✓	The operational development of creating a hardstanding has taken place less than 4 years prior to the date of the application and is therefore not lawful

Please complete Green Register Sheet with conditions/ reasons and any special instructions.

Remember to prepare a plan to go with the decision notice

*If site affects a SAC add NTA from TAN5