U/11/68654

Ref MD

22nd February 2011

Development Control
Eastleigh Borough Council
Leigh Road
Eastleigh
Hants SO50 9YN

Dear Sir or Madam

Planning Portal Reference PP-01349422.
The Lodge, Hillview Manor Park, Fair Oak
Application for Certificate of Lawfulness

We refer to the above application submitted via the Planning Portal.

Background
This application seeks to establish the lawfulness of the residential property known as The Lodge, situated at the Hillview Manor residential caravan park.

The Lodge, formerly referred to as 'the bedsit' has been in existence at Hillview Manor Park for at least 20 years and has been used throughout that time variously as accommodation for a park warden, as temporary accommodation for park residents (for example while repairs are carried out to their caravans) and as accommodation for the park owner. The current owner, Mr Barney, has owned the site since 2002 and is now resident in The Lodge and is paying council tax on it.

The Lodge has been occupied continuously as a self-contained dwelling for in excess of four years.

Evidence
It is self-evident from inspection of the building that it is a self-contained dwelling, comprising living room, kitchen, utility room, bedroom and bathroom.

The principal evidence regarding occupation of the dwelling is statutory declarations from Mr Brown and Mr McFarlane who lived in The Lodge from January 2007 to January 2010, and Mr Barney who lives at The Lodge currently, having moved in after Mr Brown, and following a short period of renovation. This evidence is supported by statutory declarations from Dorothy James and Terence Barfoot, who live opposite The Lodge; and Mr Palmer who has worked at Hillview for the last five years as a Gardener. In

Speer Dade Planning Consultants
Meru Cottage, Gatehouse Lane, Framfield E Sussex TN22 5RS
01825 890870 *Fax 01825 890870* *e mail m ichael.dade@btconnect.com.*

addition, a statutory declaration from Mr Halford, who attests to use from June 2008, when he moved to the park.

The statutory declarations confirm:

- the building in question has been used for self-contained residential purposes for in excess of four years
- that use has been continuous
- the building has not been used for any other purpose during that time

Balance of probabilities
There is clear and specific evidence from the owner, previous occupiers and other park residents of occupation of The Lodge as a dwelling and continuing occupation to date. Accordingly, on the balance of probabilities, it must be concluded that the use is now lawful.

Should you require any further information in connection with this application please contact Michael Dade at our Framfield office.

Yours faithfully



Speer Dade

Attached documents:

Statutory declarations of:
Mr Barney
Mr McFarlane
Mr Brown
Mr Palmer
Dorothy James and Terence Barfoot

Floor plan
Site location plan

I DOROTHY LILIAN JAMES AND PARTNER, MR TERENCE BARFOOT, 1a HILLVIEW MANOR PARK, WINCHESTER ROAD, FAIR OAK, EASTLEIGH, SO50 7JF

DO SOLEMNLY AND SINCERELY DECLARE AS FOLLOWS:

The following statement refers to 'The Lodge' etched blue on the attached plan. AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING THE SAME TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATIONS ACT 1835

I CONFIRM that I have lived on the Park since 2003. My home is situated adjacent to 'The Lodge', which was known as the bedsit. In fact, the front door of 'The Lodge' faces my front door so I am in a good position on the site to know what is going on. I have had problems with Mr Barney in the past when I purchased my home from him. The council will have the records of this as they advised me that my home was sited without planning consent. This has now been settled and I have seen many other improvements carried out. 'The Lodge' has been used regularly since I moved onto the site in 2003. A garage building, which was a complete eyesore and was having a detrimental affect on my home was demolished within the last three years. I have also seen furniture moved in and out of 'The Lodge' as different people have occupied the premises. I normally keep myself to myself but I cannot avoid seeing the comings and goings at 'The Lodge' because my windows and front door fact it.

I would add that I would give Mr Barney much credit for the improvements he has carried out on the site. If I can be of any further help please do not hesitate to contact us.

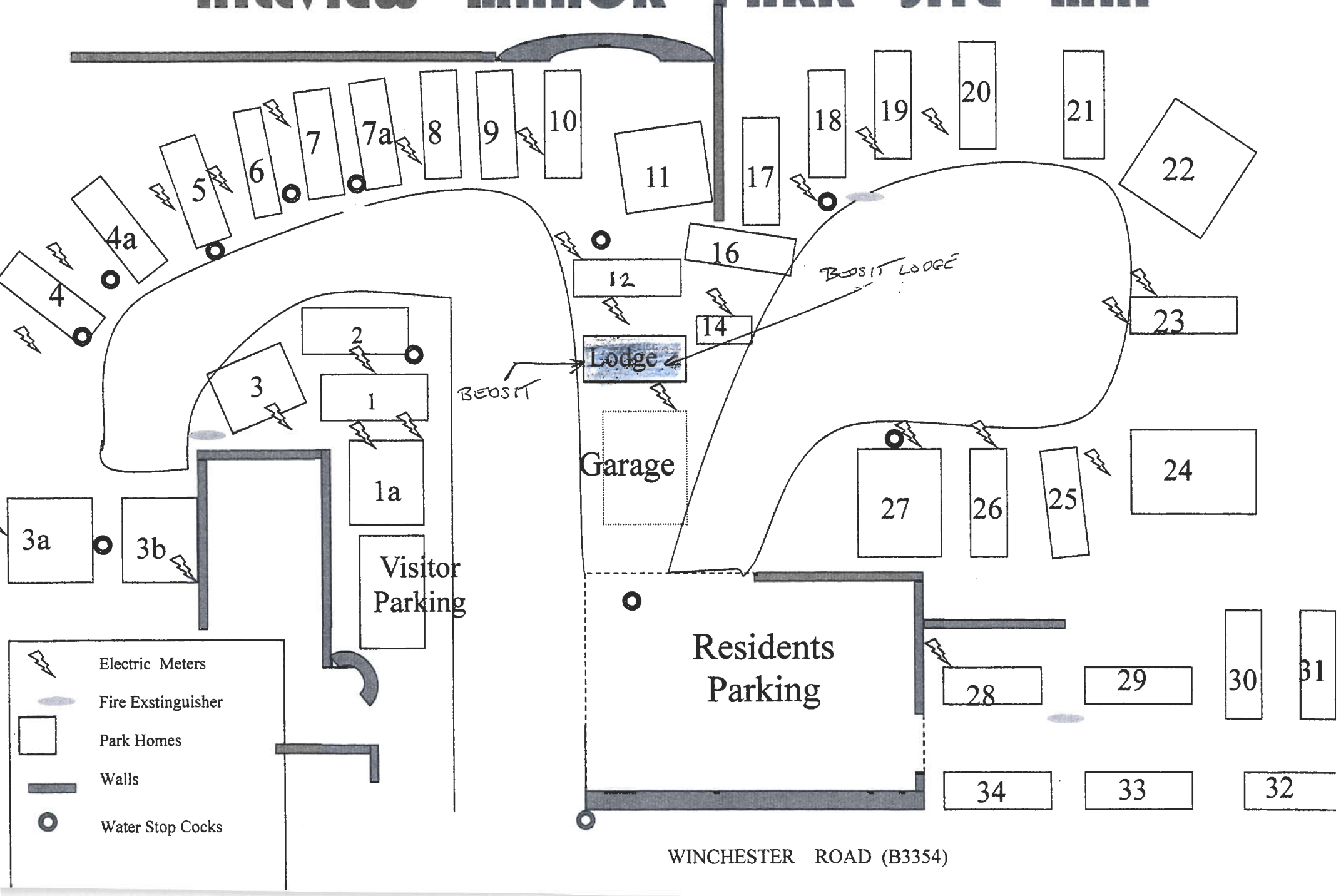
DECLARED AT [redacted]

THIS 17th DAY OF December 2010

Before me [redacted] (A Solicitor).

M L LAW
463 FAIR OAK ROAD
FAIR OAK
EASTLEIGH
[illegible]SHIRE

HILLVIEW MANOR PARK SITE MAP



I Steve Brown of 29 Hillview Manor Park, Winchester Road, Fair Oak, Eastleigh SO50 7JF

DO SOLEMNLY AND SINCERELY DECLARE as follows:-

1. November 2007 to May 2008 I stayed in Bedsit (now known as The Lodge)
2. September 2008 to January 2010 I stayed in the Lodge

- I first moved to the park in the spring of 2007, can't give exact dates without finding my original rent book (I have somewhere)
- Later that year in the winter around November 2007 I had problems with the plumbing in Number 19 that it was agreed that I move into the lodge for a short period because that at least was heated and had running water (needed decorating) but was warm and dry, stayed until May 2008, then moved back into 19
- I asked to move, it was agreed that I could, moved to number 6, in September 2008 the boiler broke and a new one was arranged to be put in, the company supplying it went bust so to ease my problems was moved once again to lodge which had been cleaned and decorated by now and was quite nice, ended up staying there till January 2010.
- Moved back to number 6 in that January2010 then moved later that year to number 29 which is where I live currently.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the statutory declarations act 1835 [redacted]

DECLARED AT [redacted]

M L LAW
463 FAIR OAK ROAD
FAIR OAK
EASTLEIGH
HAMPSHIRE

THIS 18th DAY OF February 2011

Before me [redacted]
Solicitor / ~~Commissioner of Oaths~~ [redacted]

(A SOLICITOR).

We hereby certify this to be a true, accurate and complete copy of the original

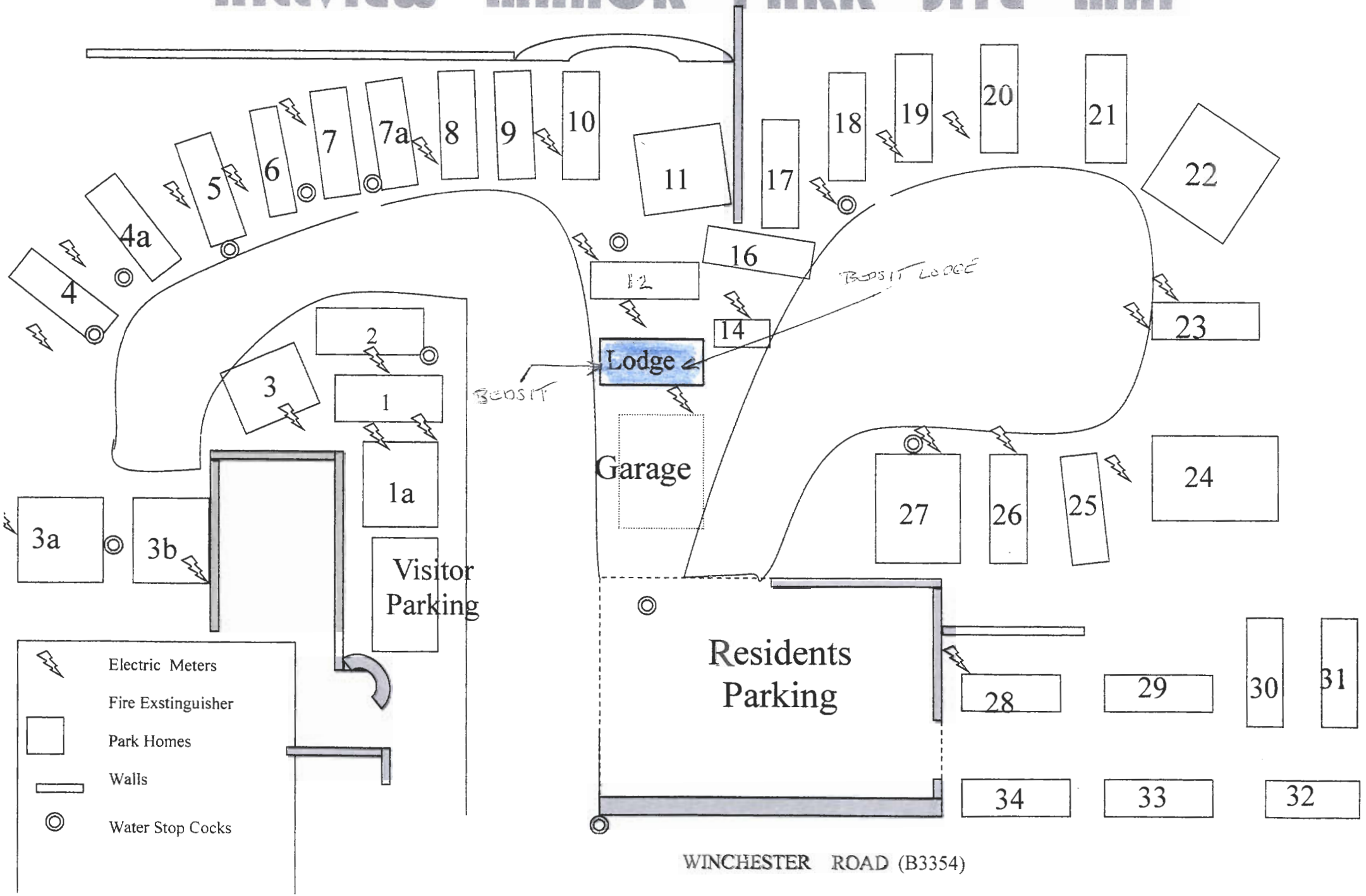
[redacted]

M L L[illegible]
([illegible]ed by the Law Society)
[illegible] Oak Road
F[illegible]
Eastleigh Hampshire

[illegible] certify [illegible] accurate [illegible] the original

[illegible] by the Law [illegible] Road

HILLVIEW MANOR PARK SITE MAP



I ANTHONY JAMES BARNEY am THE OWNER of HILLVIEW PARK.

AND DO SOLEMNLY AND SINCERELY DECLARE as follows:

The following statement refers to 'The Lodge' etched blue on the attached plan.

I confirm that the bedsit known as 'The Lodge' has always been in use since I acquired the Park in 2002, either by tenants or the family. I am now residing in 'The Lodge' and have been for the past nine months or so. I can also confirm that I have recently installed a new central heating system as the old boiler was defective and have carried out certain renovation work to the interior and exterior. I also removed a brick-built garage that had been part of the site for many, many years, and was situated at the immediate front of 'The Lodge' entrance. This garage blocked the light into 'The Lodge' and in any event was in a very bad condition structurally, and possibly presented a danger to the residents. I would also mention that I am being charged Council Tax for 'The Lodge'.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED AT [redacted]

TRETHOWANS LLP
THE DIRECTOR GENERAL'S HOUSE
15 ROCKSTONE PLACE
SOUTHAMPTON SO15 2EP

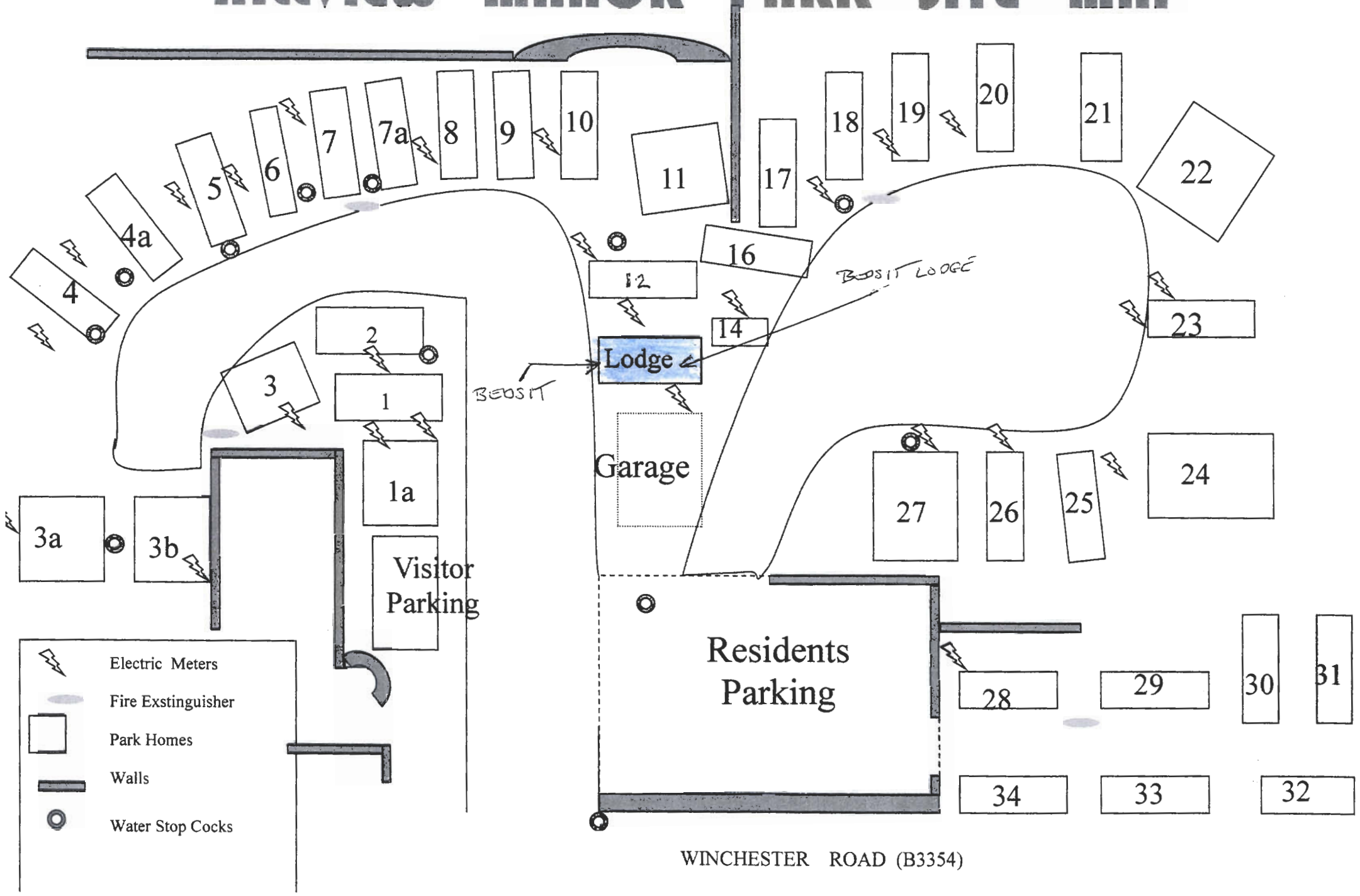
THIS 13 DAY OF DEC 2010

Before me [redacted]

CARLY NEWPORT of Trethowans LLP

Solicitor

HILLVIEW MANOR PARK SITE MAP



I Michael McFarlane of 17 Hillview Manor Park, Winchester Road, Fair Oak, Eastleigh SO50 7JF

DO SOLEMNLY AND SINCERELY DECLARE as follows:-

1. January 2007 to November 2007 I stayed in Bedsit (now known as The Lodge)
2. May 2008 to September 2008 I stayed in the Lodge

- I confirm I stayed in the Lodge whilst works were carried out on no17
- I stayed in the Lodge from January 2007 until November 2007.
- Mr Barney the site owner again agreed to let me stay from May 2008 until September 2008 after which I moved back to no 17. During this time Mr Barney carried out works on no17 which included a new central heating system and decorating

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the statutory declarations act 1835 [redacted] M. Mc. FARLANE.

DECLARED AT ML LAW · SOLICITORS

M L LAW
463 FAIR OAK ROAD
FAIR OAK
EASTLEIGH
HAMPSHIRE

THIS 18th DAY OF February 2011

Before me [redacted] FARZANA AZ
Solicitor / ~~Commissioner of Oaths~~ (A SOLICITOR)

We hereby certify this to be a true, accurate and complete copy of the original

.....

M L LAW
(Regulated by the Law Society)
463 Fair Oak Road
Fair Oak
Eastleigh Hampshire

I ERIC HALFORD of 10 HILLVIEW MANOR PARK, FAIR OAK, EASTLEIGH, HAMPSHIRE, SO50 7JF

DO SOLEMNLY AND SINCERELY DECLARE as follows:

The following statement refers to 'The Lodge' etched blue on the attached plan.

I the above have been told that there is some concern as to how long The Lodge has been in use.

I have lived on the site since June 2008 and to my knowledge The Lodge has always been in use. A few improvements have been made, but only for the better, over the past couple of years. This has only improved the view when entering the site.

I have spoken to many residents about improvements to the site and upper field because, at the end of the day, we have to live here and they all agree the improvements are for the better. They are also glad the old home was moved from the upper field and replaced with one that blends in.

Sometimes I wish councils would consult residents as to what they would like and not what the council wants. After all we are the one's living here. Sorry to repeat myself but you guys do make me angry at times with your red tape.

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

DECLARED AT [redacted]

TRETHOWANS LLP
THE DIRECTOR GENERAL'S HOUSE
15 ROCKSTONE PLACE
SOUTHAMPTON SO15 2EP

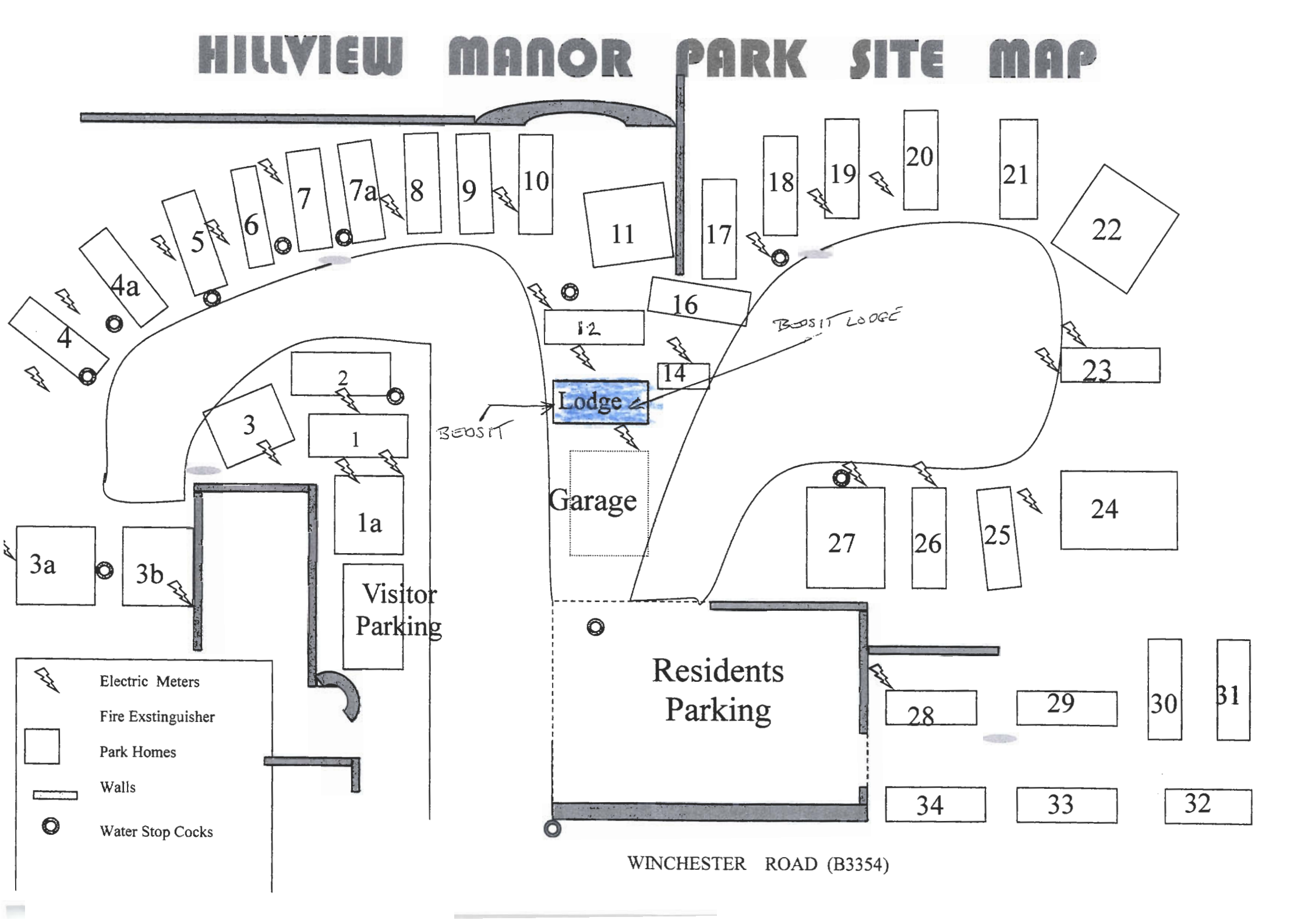
THIS 13TH DAY OF DEC 2010

Before me [redacted]

CARLY NEWPORT of Trethowans LLP

Solicitor

HILLVIEW MANOR PARK SITE MAP



I NIGEL J PALMER of 40 CRANBOURNE PARK, HEDGE END, SOUTHAMPTON, SO30 0MX

DO SOLEMNLY AND SINCERELY DECLARE as follows:

.

The following statement refers to 'The Lodge' etched blue on the attached plan.

I have worked at Hillview Park for the last five years on a regular basis as a full-time gardener and have visited the site sometimes two and three times in a week.

I can confirm that over this period of five years the bedsit, now known as The Lodge, has always been occupied and lived in by residents that I know who have lived on Hillview Park.

In the last five years certain works have been carried out on the bedsit, including clearing blocked sewers. I also removed a dilapidated and disused brick built garage immediately to the front of the bedsit entrance. I have also carried out repairs on The Lodge of the building including replacing roof tiles. To my knowledge this building has been there for at least the last twenty years and in that time it has always been occupied by caretakers and also the owner's family as well as residents.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

DECLARED AT [redacted]

TRETHOWANS LLP
THE DIRECTOR GENERAL'S HOUSE
15 ROCKSTONE PLACE
SOUTHAMPTON SO15 2EP

THIS 13 DAY OF Dec 2010

Before me [redacted]

CARLY NEWPORT of Trethowans LLP

solicitor.

HILLVIEW MANOR PARK SITE MAP

