
Long Meadow, Stroudwood Lane, Lower Upham, SO32 1HG

Certificate of lawfulness for an existing lawful use of land used incidentally associated with an existing lawful residential use (falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987).

SUPPORTING STATEMENT

July 2022

Version: 01

Prepared by

Alan Davies BSc (Hons) Dip TP MA (Urban Design) MRTPI

Chapman Lily Planning Limited

T: 01929 553818

1.0 Background

- 1.1. This statement has been produced in support of an application made under section 191 of the Town and Country Planning Act 1990 by William (Bill) Grimes and Heidi Grimes for a lawful development certificate in relation to the use of land surrounding a mobile home for residential purposes (falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987). The use began more than ten years ago and has thereafter been a continued use.
- 1.2 This application provides information in the form of evidence and explanation, to support the application.
- 1.3 The application of a certificate of lawfulness is accompanied by sworn statements which support there has been residential use of the land;
 - Statutory Declaration from Francine Iggleston
 - Statutory Declaration from Ian Nance
 - Statutory Declaration from Lewis Grimes
 - Statutory Declaration from Louise Mellor
 - Council pre application response of 3rd February 2022
 - Email correspondence from 2020 between applicant and Chris Last, Planning Enforcement Officer, Eastleigh Borough Council.
 - Aerial photographs of site taken in 2012, 2014, 2015 and 2019 showing the area enclosed and used for purposes ancillary to the lawful residential use.
 - Appendix to this statement containing photographs of the land being used for purposes associated with the residential use.

Background

- 1.6. The Council approved a certificate of Lawful Use (LDC/20/88486) dated 14th December 2020 that stated;

“Eastleigh Borough Council hereby certify that on 12th August 2020 the development described in the First Schedule to this Certificate relating to the land specified in the Second Schedule to this Certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

On the balance of probability, the local planning authority is satisfied that the information submitted in support of the application demonstrates that a mobile home has been stationed on the land for a continuous period in excess of ten years. However, this certificate does not permit the permanent

residential occupation of the mobile home as the applicant has failed to demonstrate residential occupation of the mobile home on the land for a continuous ten year period prior to the submission of the application”.

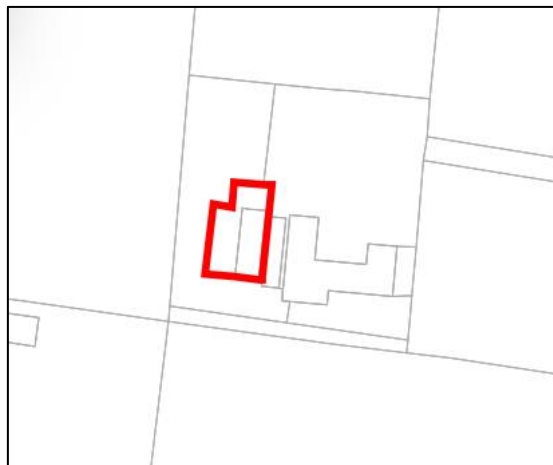
FIRST SCHEDULE

Stationing of one mobile home on the land as shown on the plan edged red

SECOND SCHEDULE

Land at Long Meadow, Stroudwood Lane, Lower Upham, SO32 1HG

- 1.7 The stationing of the mobile home itself then became lawful. The red line accompanying the certificate was drawn immediately around the mobile home.
- 1.8 In order to establish the fact that the mobile home could be used for residential purposes, a further CLU (Council reference LDC/21/91115) was submitted to and subsequently approved by the Council on 23 September 2021. The plan attached to the Certificate allowed a small area of curtilage around the mobile home – extract from Certificate plan below;



- 1.9 The current application provides information / clarification which demonstrates that a wider area of land around mobile home used in conjunction with the residential occupation of the mobile home has occurred continually for over 10 years and is therefore lawfully in use as residential curtilage.

2.0 The Planning Unit

- 2.1 As explained above, in approving the use of the mobile home for residential purposes, as would be expected, there is in fact a larger area of land surrounding the mobile

home that has also been used in association with its residential occupation to form a garden / area for drying clothes parking of vehicles and general outdoor amenity area. This domestic curtilage is indicated by the red line on the application plan.

- 2.2 The presence of an associated curtilage can clearly be seen on aerial photographs separating the stabling yards and its associated parking area for vehicles, from the mobile home, and its amenity patio area immediately to the west of the mobile home;

Google Earth image from February 2012



Google Earth image from September 2014



Google Earth image from April 2015



Google Earth image from September 2019



3.0 Explanation of evidence submitted.

3.1 The 4 statutory declarations all confirm that the land outlined on the submitted plan has been continuously used as domestic curtilage associated with the lawful residential mobile home for over 10 years. They indicate as follows;

- Statutory Declaration from Francine Iggleston explains she and her husband have been friends with the applicants since 2009. Since they have been friends they have visited regularly and seen the area outlined used for normal domestic purposes, for example seen their (the applicants) grandchildren playing, dogs roaming the garden, drying of washing on a clothesline and their cars and vans parked. She explains that in 2020 a marquee was erected in this garden for her 60th birthday.
- Statutory Declaration from Ian Nance who has known the applicants since 2002 and visited on a regular basis. He explains the applicants were kind

enough to let him use Long Meadow to hold a couple of social gatherings for the boys (Hedge End Rangers football team) and their parents, as they had space to accommodate everyone. He confirms the area they used was that outlined on the plan. He confirms that he knows the area outlined is used by the applicant's, family and visitors as part of their living space and have witnessed first-hand such use i.e., grandchildren playing, the applicants gardening/maintaining the area and social gatherings.

- Statutory Declaration from Lewis Grimes, son of the applicants. He explains that his mum and dad always regarded the area outlined as their garden and outdoor area. The family have always used this area for their dogs and when people come to visit, if the weather was nice, they used the garden as well as the decking area for social gatherings as the mobile home is small. On occasions, gazebo and marquees have been put up for the family if they have a few people coming or if the weather is particularly hot. He confirms his parent's vehicles have always been kept parked within this area, as well as his own, as well as visitor parking. He and his father often used to hand wash and vacuum the cars – he still does so today when he visits his parents. His mother has an area where she does the laundry and hangs out the washing.
- Statutory Declaration from Louise Mellor who is a friend of the applicants and has visited them on a regular basis at Long Meadow for over 10 years. She confirms the area outlined has been used for residential purposes. Her granddaughters have played in the applicant's garden on numerous occasions when they were younger. She has enjoyed social events, including BBQs in good weather. She confirms the applicant's dogs use the garden, driveway and yard area to roam. She takes a motorhome to the application site to wash and clean.
- Pre application response dated 3rd February 2022 from Alex Webb of Eastleigh Borough Council describes the land. She explains;

'The site is accessed via a gated entrance and track from Stroudwood Lane. The track leads up to a large area of scalping which serves a stable block and mobile home (with decking area) to the south and what appears as a compound to the north containing domestic items, 4 x storage containers and building materials. It is separated from the rest of the site by close board fencing. A tent structure has been erected within this compound and on an existing concrete area between the mobile home and the stable block to accommodate the applicants' cars.'

'There is a grassed area between the compound and mobile home which leads to the grazing paddock to the west. There are several domestic items including goal posts, a trampoline and a children's playhouse located in the paddock.'

'In terms of the compound, this has previously been investigated by Planning Enforcement Officer, Chris Last under enforcement case ENF/2020/415. This was closed as it was considered that there were no commercial activities taking place, materials have been stored on the land in excess of 10 years and therefore such activity is immune from enforcement action. The outcome would suggest that this land has residential use however this has not been confirmed through a lawful development certificate.'

'Although not confirmed, the wording to close enforcement case ENF/2020/415 again suggests the land to the north has been used for residential purposes and I would advise the applicant to apply for a lawful development certificate to confirm this'.

- Email correspondence from 2020 between applicant and Chris Last, Planning Enforcement Officer, Eastleigh Borough Council where, after inspecting the land, Mr Last in his email of 27 November 2020 explained;

'I have been taking a look at the aerial photographs of the land (including the one that you offered in your LDC application). It would appear to me that materials of one form or another have been continuously stored on the land since 2009 (again judging from your aerial photo). Could I ask you to confirm this? Also on account of the shipping containers, whilst they should have been sought planning consent the fact they have been in position on the land for 4+ years would mean that they are immune.'

I accept that equipment within the containers was chattel and also equipment that one might store at home with respect to your trade'.

In response to the above, the applicants confirmed by email on 29th November 2020;

'Thank you for your email below and we confirm that materials have been stored on the land at least since 2009, in line with our discussions when we met on site and the aerial photos.'

The above correspondence demonstrates that the area of land to the west of the mobile home has contained domestic items including goal posts, a trampoline and a children's playhouse where the family and friends have played incidentally to the enjoyment of the dwelling, and that the 'compound' area has been used in association with the residential use of the site.

- 3.2 Google Earth images confirm the evidence of the statutory declarations showing the land enclosed as separated from the agricultural land, and that it has been mown and domesticated. It is clearly not in agricultural use.

4.0 Conclusions

- 4.1 This statement demonstrates that the evidence obtained by the Council themselves, plus the additional information submitted with this submission, in relation to the area of land indicated in this application surrounding the mobile home at Long Meadow, overwhelmingly addresses the balance of probability such that the Council can grant the application. The evidence demonstrates that this use has occurred for a continuous period in excess of 10 years.
- 4.2 Having regard to the matters set out in this statement and the supporting evidence and information which accompanies the application, it is requested that the Council grant this application for a certificate of lawfulness.

Appendix 1 - photographs showing the land being used incidentally associated with the lawful residential unit.

Photo 1 - Fran Iggleston in her statement mentions marquee for her 60th party – this photo taken in 2020 shows the marquee at the back of the photo.



Photo 2 - applicant's son and friends daughter in 2014.

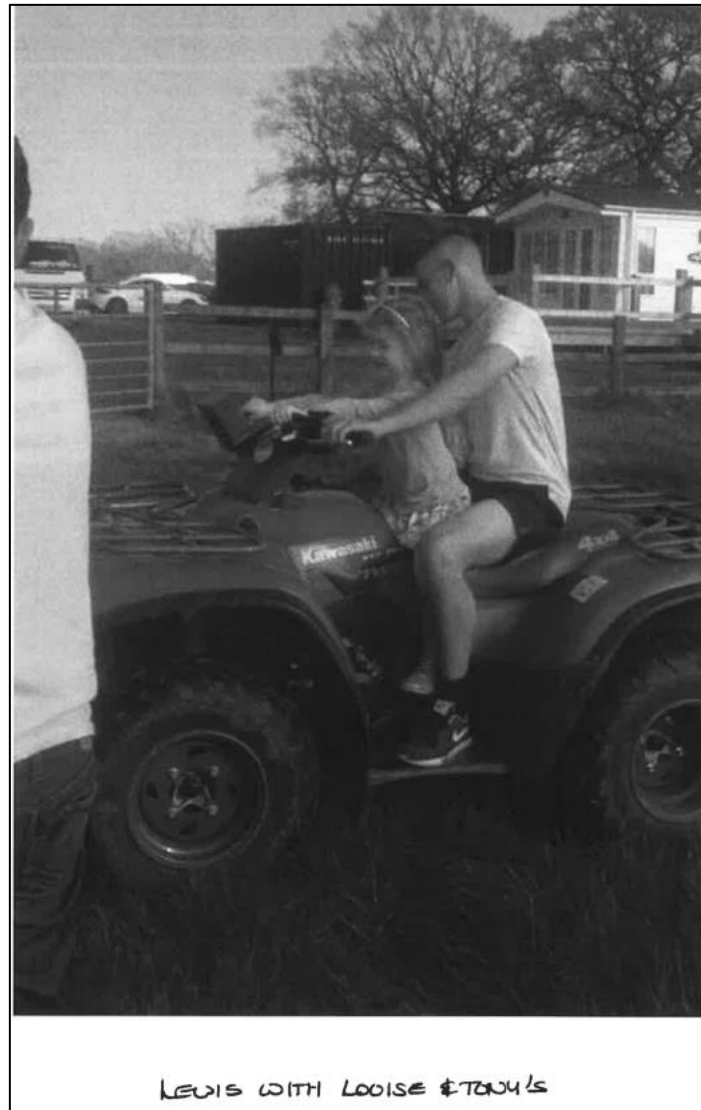


Photo 3 – Harry, the applicant's nephew taken in 2010



Photo 4 – Family taken in 2010 with family dogs.



Photo 5 – applicants dogs laying in garden 2011.



**Photo 6 - applicants daughter Rosanna with Tilly the dog – showing Gazebo in garden
2014.**



Photo 7 - Applicants son, Lewis's wedding day – 2018.



Photo 8 - Races Day with Limo – 2019.

