



Use of land for the storage of scaffolding with ancillary offices and parking.

The Grove, Upper Northam Drive, West End

SUPPORTING STATEMENT

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SECTION I

INTRODUCTION

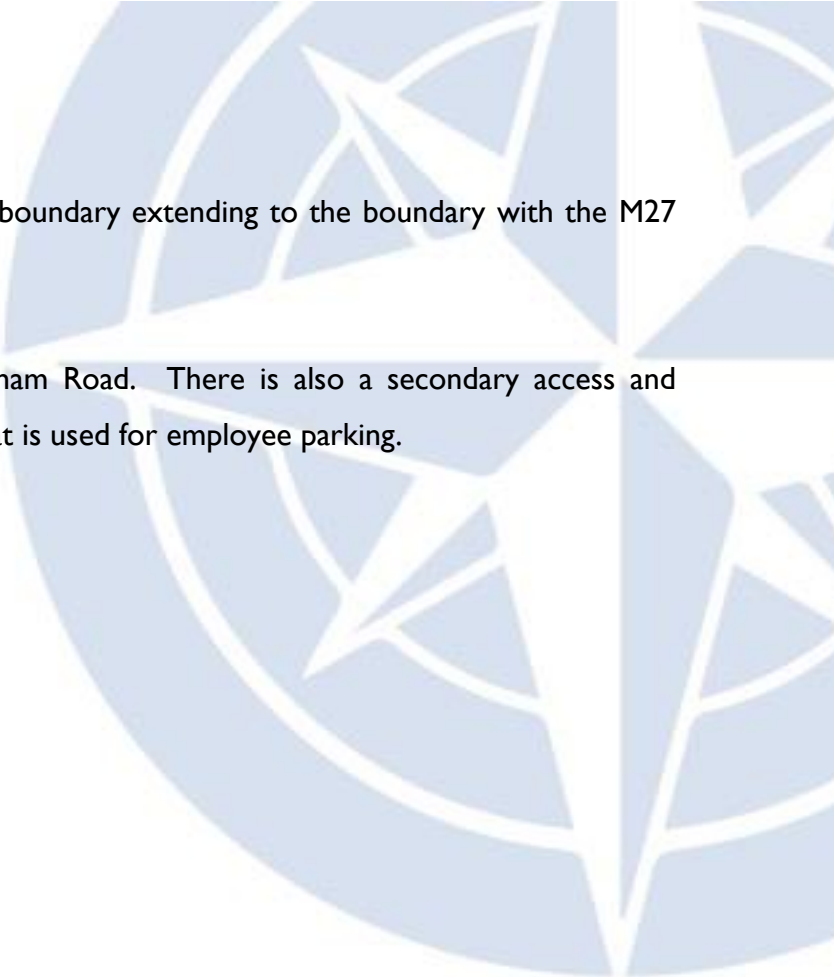
- I.1 This statement supports an application for a lawful development certificate (LDC) on behalf of Denise Shaw of RBS Scaffolding for the use of land for the storage of scaffolding with ancillary offices and parking at The Grove Upper Northam Road. Such use having taken place in excess of 10 years prior to the submission of this application.
- I.2 This Statement has been produced by Southern Planning Practice to demonstrate that the land at Grove Road, West End has been in continuous use as a scaffolding yard with ancillary offices and parking for a period greater than 10 years. This statement provides evidence to support an application under Section 191 of the Town and Country Planning Act 1990, to demonstrate that the use of the land as a scaffolding yard is lawful.
- I.3 Section 171B of the Town and Country Planning Act 1990 outlines the relevant time limits within which enforcement action can be taken against unauthorised development. Where there has been a breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. With regards to a change of use of land, any applicant needs to be able to demonstrate that the land in question has been in continuous use for more than 10 years.
- I.4 Paragraph 6 (ref ID: 17c-006-2014030) of the National Planning Practice Guidance (NPPG) states that the applicant is responsible for providing sufficient evidence to the Council, in order to support such an application. The NPPG states:
- “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.”*
- I.5 This Statement seeks to demonstrate clearly and unambiguously that the land at The Grove Upper Northam Road, West End has been in continuous use as a scaffolding yard for a period in excess of 10 years.

SECTION 2

SITE

- 2.1 The site is located on the north side of Upper Northam Drive adjacent to the M27 motorway.
- 2.2 The northern side of Upper Northam Drive contains a mixture of residential properties and commercial uses. The south side at the eastern end contains a number of commercial buildings surrounded by agricultural fields.
- 2.3 The site contains: -
- Part of the curtilage of a residential property (The Grove) with a barn to the rear.
 - The main storage building and ancillary operational land associated with the scaffolding business (to the north of the main storage building)
 - An area to the east of the Grove fronting onto Upper Northam Drive.
 - Land to the rear (north) of a residential property know as Peacehaven.
 - Land to the rear (north) of a residential property know as of South View.



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- 2.4 The site is elongated with the eastern boundary extending to the boundary with the M27 motorway.
 - 2.5 The main access is from Upper Northam Road. There is also a secondary access and driveway to the south of The Grove that is used for employee parking.

SECTION 3

HISTORY AND USE

3.1 The site has been operated by RBS for the storage of scaffolding since June 1994.

3.2 The site has evolved as follows: -

- The use of the property as a scaffold yard commenced in June 1994.
- The use of barn to, the rear of The Grove, for storage of scaffold materials commenced in June 1994.
- The use of the gravel driveway next to the house was used for RBS parking in June 1994.
- The use of front lawn area for the storage of scaffolding commenced in December 1999.
- A Porta-Cabin used to store scaffolding related materials was placed in front garden in July 1999. This was replaced with a chalet style building in 2007.
- The officer block and storage building was originally granted planning permission in 1998 (ref Z/33701/001/00). Following various amendments, the building was completed in April 2001.
- The garden to the rear of Peacehaven has been used for storage of scaffolding since October 2002.
- The garden to the rear of south view has been used for storage of scaffolding since about December 2004.



SECTION 4

GROUND UNDER WHICH A CERTIFICATE IS SOUGHT

- 4.1 Section 191 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) provides for any person wishing to ascertain whether an existing use of buildings or land is lawful to submit an application for a Certificate of Lawfulness of an existing use. This application is submitted under section 191(1) on the grounds that the storage use has continued uninterrupted for more than 10 years and therefore by virtue of section 171B (2) of the 1990 Act no enforcement action can be taken against the use.

SECTION 5

EVIDENCE IN SUPPORT OF THE LDC

5.1 Evidence in support of the LDC is in the form of: -

- Aerial Photographs (Appendix 1)
- Photographs (Appendix 2)

5.2 The evidence confirms that the land been used as a scaffolding yard with ancillary offices and parking for at least 10 years and has been used continuously.

SECTION 6

CONCLUSION

- 6.1 For a certificate of lawfulness to be issued the applicants need to provide sufficient evidence that, on the balance of probabilities, the use of land has occurred for a continuous period of ten years or more up to the date of the application, (i.e. not less than the time limit for immunity from enforcement action prescribed under Section 171B (3) (Time Limits) of the 1990 Act whereby the time limit for taking enforcement action had expired). The relevant time limit for the breach of planning is ten years prior to the date of application.
- 6.2 Taking into consideration the evidence provided, it is considered the applicant has adequately demonstrated, clearly and precisely on the balance of probabilities, that the use of land has been continuous up to the date of the application and in excess of 10 years. A Certificate should therefore be issued.