

APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT

S.191 TOWN AND COUNTRY PLANNING ACT 1990

CURTILAGE OF BARID'S FARM SHOP

CROOKTHORN LANE, CLIMPING, LITTLEHAMPTON, WEST SUSSEX

SUPPORTING STATEMENT

20 NOVEMBER 2013

Contents

1. Introduction
2. Site History
3. The Law

1. Introduction

This statement has been prepared in support of an application for a lawful development certificate under section 191 of the Town and Country Planning Act 1990 (the Act).

The application seeks to clarify the extent of the curtilage of Bairds Farm Shop, Crookthorn Lane, Climping, Littlehampton, West Sussex. The extent of the existing curtilage is shown edged red on the plan submitted with this application.

Supporting evidence is being submitted with this application in the form of statutory declarations sworn by Mr James Baird and Miss Alison Baird.

2. Site History

The history of the site is set out in detail in the statutory declaration of James Baird. This is summarised below.

Bairds Farm shop has been operating from the current site for many years. Originally it was erected by Mr John Baird in 1977. Following the erection of the original farm shop building the land around the farm shop was used as a pick-your-own business, run from the farm shop.

The pick your own business finished in about 1993 as the farm shop began to sell more produce brought in from other parts of the applicant's farm and purchased wholesale. At about that time a hard standing was installed down the eastern side of the building. This was used for deliveries to the farm shop and for parking as explained in the bundle of Statutory declarations from 2007 which are at Exhibit JB.4.

In 1998 the farm shop was extended to the south.

The aerial photograph at Exhibit JB3 was taken in 2001. It shows the hard standing and the extent of the land to the south and east of the farm shop which has been taken out of agricultural use and which was by that time being used as access to the rear. In the photograph this area is clearly distinguishable from the adjoining field which was as is actively farmed. The extent of the curtilage which exists now follows the same line.

The farm shop was then further extended in 2002/3. Upon completion of these works the current structure of the farm shop building was in place. The invoices provided at Exhibit JB.5 show that the extension was completed before the end of October 2003.

In 2006 two portacabins were installed for used respectively as an office and as a laundry/staff rest room. These were placed on part of the site previously used for access, turning and parking.

In 2009 the current fence along the southern boundary of the site was erected to provide security for the farm shop operation.

3. The Law

The current curtilage of the farm shop follows the line of the red edging on the plan. Since 1977 the full extent of that area of land has undergone a material change of use from agriculture to use as

part of the farm shop operation. This change of use has happened in stages as the farm shop has been built and extended.

The most recent material change of use has been to incorporate the land to the south and the east into the curtilage of the farm shop operation. This material change of use occurred sometime between 1993 (when this land began to be used for access) and 2001 (when the aerial photograph was taken). The material change of use had certainly taken place by the time that the farm shop was extended in 2003.

Accordingly, all of the land within the red edging has been used as part of the farm shop operation for in excess of 10 years. None of this land has been used for an agricultural purpose since before that time.

As such this change of use is now immune from enforcement action by virtue of Section 171B(3) and are therefore lawful within the meaning of Section 191(2)(a) of the Act. Accordingly the applicant is entitled to the grant of a lawful development certificate for this use under Section 191(4) of the Act.

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Brachers LLP

20 November 2013