

STEPHEN JUPP

BA(Hons), LLM, MRTPI

**CHARTERED
TOWN PLANNER**

Planning and Building Control Division
Arun District Council
1 Maltravers Road
Littlehampton
BN17 5LF

Tuesday, 17 May 2022

Dear Sir/Madam:

Re: Lazy W, Yapton Lane, Walberton, BN18 0AS

Certificate of Lawfulness of Existing Use / Development

**Erection of 2no buildings and use of land and buildings in
connection with logging business**

Introduction

The application is submitted under the provisions of section 171B(1) for “*operational development*” and 171B(3) – for “*any other breach of planning control*” wherein the immunity period are four and ten years respectively.

The application in this case seeks confirmation that there has been a material change of use of the land to use as a logging business for a period of more than ten years and in addition that two buildings used in connection with that use have been erected for a period in excess of four years.

Legal Background

Section 191(1)(a) provides that if any person wishes to ascertain whether any use of buildings or other land is lawful; and section 191(1)(b) provides that if any person wishes to ascertain whether any operations which have been carried out in, on, over or under land are lawful, they may make an application to the local planning authority.

PLANNING APPLICATIONS.

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GENERAL ADVICE.

OBJECTION LETTERS.

APPEALS.

SITE DEVELOPMENT APPRAISALS.

LOCAL PLAN SUBMISSIONS.

EXPERT PLANNING ADVICE.

SPECIALISING IN:

DEVELOPMENT CONTROL,

AGRICULTURE,

ENFORCEMENT AND

NATURE CONSERVATION LAW

PARTNERS:

STEPHEN PAUL JUPP
BA(Hons), LLM, MRTPI

LYNN ALEXANDRA JUPP

**PO BOX 839
CHICHESTER
WEST SUSSEX
PO19 9XQ**



As the PPG makes clear at Paragraph: 006 Reference ID: 17c-006-20140306:

"In the case of applications for existing use, 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."

This approach is confirmed in *F W Gabbittas v SOS & Newham LB* [1985] JPL 630 an applicant's own evidence does not have to be collaborated by independent evidence.

The Facts of this Case

This application is accompanied by a statutory declaration. This is from the owner of the business, Steven Page.

Steven Page's Statutory Declaration is very detailed in terms of the historic use of the land for logging purposes and the erection of the two buildings on the land for use in connection with his logging business.

His sequence of events is supported by GoogleEarth aerial photographs.

The relevant facts contained with the Statutory Declaration of Steve Page are as follows:

- In 2010 he moved his logging operations on to the land, the subject of this application.
- The wooden building, labelled 'Building A' on the plan at SP1, was erected in 2010 and is used to house the log processing machines. This is constructed from telegraph poles etc and as a result he does not have a receipt for its purchase. This building is visible in the Google Earth aerial photograph dated 6 June 2013 which he attaches at SP3.
- The metal clad building, labelled 'Building B' on the plan at SP1, was erected in 2016 and is used to store logs and estate maintenance machinery. A photograph was taken by his family whilst this building was being erected and this is attached at SP4. The date of these photograph is 24th August 2016 This building is a steel portal frame building, as evident from the photograph of the frame as just erected. This building is visible in the Google Earth aerial photograph dated 6 August 2018 which he attaches at SP5.
- He finally concludes by making clear that has continuously operated my firewood processing business from the site since 2010.

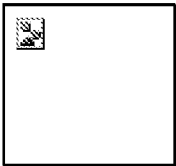
Conclusions.

The evidence is clear in demonstrating that Mr Steven Page commenced his logging business on the land in 2010 and immediately erected building A which was used to house the log processing machines. In August 2016 he erected a much larger portal frame building [building B] to house his logs and estate maintenance machinery.

As a result, the evidence demonstrates, on the balance of probability, that the two buildings were substantially completed in 2010 [building A] and by September 2016 [building B]

A certificate confirming the lawfulness of the erection of 2no buildings and the use of the land in connection with a logging business should therefore be issued.

Yours sincerely,



STEPHEN JUPP
BA(Hons), LL.M., MRTPI
Chartered Town Planner