

PLANNING STATEMENT

RE: Cherry Tree Nursery, Eastergate Lane, Walberton, West Sussex, BN18 0BA

For: Application for a Certificate of Lawful Use for residential mobile home

**Symonds
& Sampson**

ESTABLISHED 1858

We have prepared this Planning Statement in support of an application or a Certificate of Lawful Use in regard to the siting of a residential mobile home on land at the rear of Cherry Tree Nursery. We have undertaken an investigation of the background to the use of Cherry Tree Nursery following an investigation by the Enforcement department of Arun District Council.

As part of our investigation we have been provided with a significant level of information and in particular we have been given a plan that was drawn up following a site visit by Arun District Council when the notes at the top of the plan make reference to a site meeting being on 4th September 2000 and that Mr Gary Boucher was on site.

This plan clearly makes reference to a number of static caravans/mobile homes and a touring caravan in the rear part of the nursery. This information therefore, we submit, has set the precedent for the use of the rear part of the nursery as a caravan site.

The evidence that we include in support of this application is very clear and it is provided by a number of people and not just members of the Boucher family. It must be remembered that during this period Mr Gary Boucher has suffered from severe mental ill health, which means that the detailed records have not been retained nor kept, however for a Certificate of Lawful Use to be granted the applicant only has to show that on the balance of probability what is claimed in the application has as a matter of fact occurred.

Therefore there is no requirement on the applicant to provide records of rent paid, electricity etc, and contemporaneous statements; not only by members of the family but by others, are in my opinion good evidence of the use to which the land has been put. Provided that on the balance of probability it is clear that the land at the rear of Cherry Tree Nursery has been put to use for the siting of residential caravans/mobile homes, then the actual location on the area of land is not material it is the overall use of the rear of the site and indeed whether it has been put to any other use over that 10 year period. An examination of the rear part of the site makes it quite clear that the rear part of the site has had no other use over the last 10 years.

Symonds & Sampson LLP
is a Limited Liability Partnership
Registered in England and Wales
No: OC326649
Registered Office: 30 High West St.
Dorchester DT1 1UP

Regulated by RICS

Therefore in the absence of any other use the only use that can have been occurring over the last 10 years is that of a site for the stationing of one residential mobile home. Indeed, on the evidence from the Arun District Council it might be possible to claim that the rear part of site has been used as a site for three caravans/mobile homes. However the applicant does not intend, at this juncture, to pursue that line of argument. However this application is submitted without prejudice to the fact that if this application were to be refused then the applicant would be able to review whether they wished to put forward evidence to support the siting of up to three caravans/mobiles homes.

If the Council is minded to approve this application then the applicant will enter into whatever legal agreement that is deemed appropriate to ensure that the rear part of the site can only be used to site one caravan/mobile home and the applicant will agree to remove the other mobile homes that are in need of some element of repair.

It is important in considering this matter that the primary Statements, whilst coming from the Boucher family, are consistent with Statements made by others and in particular the Mr Bristow is someone who has significant knowledge of this site and who can, if necessary, provide a more detailed Statement.

In addition Mr Albuery clearly knows the site well and can make a more detailed Statement and if necessary, and required by Arun District Council, we will ask all the people who have supported the application either through making Statements are through signing the Petition, that this use has as a matter of fact been occurring for more than 10 years so that the Certificate of Lawful Use should be granted.



Signe

PHIL

Dated:

22 Nov 2016