PLANNING STATEMENT

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

For: Application for a Certificate of Lawful Use for storage of boats and cars

Symonds & Sampson
ESTABLISHED 1858

We have prepared this Planning Statement in support of an application for a Certificate of Lawful Use in regard to the storage of boats and cars at Cherry Tree Nursery.

We, in preparing this Statement, have reviewed the Statements prepared by not only the Boucher family but a number of other people who clearly are acquainted with the nursery and have visited on a sufficiently regular basis to be able to provide the information that is necessary in regard to the use of land for storing boats and cars.

This use, it is claimed, has been going on for about 12 years and that is consistent with the plan from the site visit of 4th September 2000 by Arun District Council because on that sketch plan there is no reference to any storage being undertaken on the site.

The storage occurred as a diversification from the primary nursery business when Mr Gary Boucher was looking to get some additional income to support his other business enterprises at Cherry Tree Nursery. Clearly this use started primarily by helping out friends, acquaintances and business associates but it has clearly become established and is a regular and continuing use of the land at Cherry Tree Nursery.

In order for an applicant to be awarded a Certificate of Lawful Use the applicant has to show that on the balance probability what has occurred in the application has as a matter of fact taken place. It is quite clear from all the Statements received that the storage of boats and cars has taken place in areas A and B at Cherry Tree Nursery for more than 10 years.

We are not able to provide any details of monies paid for the storage of these boats and cars primarily because of the fact that Mr Gary Boucher has suffered a severe mental breakdown which has meant that he has not been keeping detailed records and therefore does not have those records available.

However the storage is something that has occurred as a matter of fact and therefore it is not important whether there is the payment of money for the storage of the boats and cars it is the fact that the storage has taken place that is material to the consideration of this matter.

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Therefore we consider that based upon the evidence that has been provided by the applicant through the Statements, not only of family members but of others, there is a significant body of evidence from people who have visited Cherry Tree Nursery on a sufficiently regular basis to enable them to be able to give a Statement based upon their own knowledge of Cherry Nursery that confirms that this storage has as a matter of fact taken place.

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In those circumstances, particularly if the Arun District Council have no other information that would contradict what the applicant claims in these Statements we believe that the applicant has clearly demonstrated that on the balance of probability the land has been used for the storage of boats and cars; which is the test required for a Certificate of Lawful Use. Therefore we believe that this Ce

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Sig ted: 22 November 2016

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