Charlotte Burrows

From: David Easton
Sent: 19 September 2017 10:34
To: Charlotte Burrows
Subject: FW: Cherry Tree Nursery - WA/99/16/CLE
Attachments: 20170919093143560.pdf

Follow Up Flag: Follow up
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From: Philip Pollard [redacted]
Sent: 11 July 2017 17:30
To: David Easton
Subject: RE: Cherry Tree Nursery - WA/98/16/CLE & WA/99/16/CLE

Date 11th July 2017

Our Ref: PWP/mlh/14470

Dear Mr Easton

RE: Cherry Tree Nursery - WA/98/16/CLE & WA/99/16/CLE

Thank you for your email and I do apologise for not having come back to you before now.

Firstly, in regard to the plan, I am able to confirm that my clients are content that the plan can be amended in regard to the siting of the mobile home and therefore I have pleasure in enclosing a revised plan; so that if you are minded to grant the application in regard to the mobile home then you have the revised plan available to you.

[redacted]

In fact I enclose my client's response in regard to this point, which I think is very clear and in particular it makes reference to the fact that they have never owned any boats. In addition we think it is surprising

that if Mr Boucher was making all these claims when the Enforcement officers visited that he was not asked to provide evidence of that ownership.

In my view the visit by the Enforcement team should have been followed by a letter which set out clearly what they had carried out as part of their visit, what they had seen and whether as a result of their inspection they considered there were ongoing breaches of planning because in many respects it is not the ownership of the cars which is at issue it is the use of the land. Therefore it is in many respects immaterial who owns the cars it is the use of the land for storage cars which is the point at issue in planning terms.

Turning now to the number of boats, this has varied over the years and very much depends upon the season and whether the boats are in use by their owners. The evidence that we have provided you with is very clear and at point 15 of the Statutory Declaration made by Doreen Boucher she makes clear that the number of boats has varied over the years from between two and ten, going on to say it is impossible to precise about the number of boats stored there. That is why we have defined the area very tightly within the red line because it is by defining the area tightly within the red line that a degree of control can be implemented by the Council. However if you wish to place a number on the Certificate of Lawful Use then we are content for you to choose the number of boats that you consider to be appropriate because once again we believe that the change of use of the land has been clearly established over a 10 year period.

Therefore in regard to the storage of both cars and boats we have provided you with all the information that we are able to provide you with and in my opinion if you were to grant a Certificate of Lawful Use for the storage application based upon 5 boats and 20 cars then that would be reasonable. Please also refer to the Statement of Malcom Aubrey where at point 7 he refers to there being between 15 and 25 cars and at point 8 he refers to there being between 5 and 10 boats.

Therefore you have all the information that we are able to provide; we cannot provide any more information and I therefore hope that based upon the information we have provided the Council can make their decision.

With kind regards
Yours sincerely

PHILIP W POLLARD FRICS FAAV

Enc: Revised plan
D Boucher response letter 25.04.17
Doctors letter 02.12.16

Philip Pollard FRICS FAAV
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[redacted]

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