

Plan:8 Town Planning Ltd

Supporting Statement – Application for a Lawful Development
Certificate under S191(1)

Storage Buildings and hardstanding, land to the west of
High Hill Road, New Mills, SK22 4HQ



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Supporting Statement – Application for a Lawful Development Certificate under S191(1)

Application Property: Storage Buildings and hardstanding, land to the west of High Hill Road, New Mills, SK22 4HQ

This statement supports an application for a Lawful Development Certificate; the application being made under Section 191(1) of the Town and Country Planning Act, 1990.

The decision maker must be satisfied that on the balance of probabilities the use has occurred for ten or more years. The applicant is the current owner. The applicant has supplied a statutory declaration from the previous owner, Jonathan Mark Chadwick, which confirms that the property has been used as storage of materials since at least 1966. The submitted evidence to support this application includes:

1. Statutory Declaration of Jonathan Mark Chadwick of The Olive Tree, 82 Hitcham Road, Maidenhead, Berkshire SL6 0LZ
2. Site location Plan copy enclosed

We consider the submitted evidence is sufficient to prove beyond doubt that the application property, garages hardstanding and surrounding land, has been used continuously as storage for a continuous period in excess of ten years. Photographs of the garages are provided below.

Mr Mike Clark owns the building and land has done so since 1st March 2021. Prior to Mr Clark's ownership the garages were owned by Jonathan Mark Chadwick. Mr Chadwick confirms that he, before him his Father, leased the garage buildings to others who all used the buildings for storage.

The building and land have since at least 1966 been used continually for the storage of materials and goods including but not limited to vehicles. The use of the garages has been in a commercial way where the owners have leased the garages to other people to store goods in. It is a historic use that has carried on for many years.

We believe that the proposal does comply with the meaning of Section 191 of the Town and Country Planning Act advises:

“If any person wishes to ascertain ... any existing use of buildings or other land is lawful.....he may make an application for the purpose to the local

planning authority specifying the land and describing the use, operations or other matter.”

The same section advises that any existing use of buildings or other land is lawful if:

“the time for taking enforcement action in respect of the failure has then expired” (Subsection 3, Section 191, 1990 Act).

The time limit given for taking enforcement action prescribed within Section 171B of the 1990 Act gives the time limits as follows:

“In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach” (S171B, Town and Country Planning Act 1990).

The main concerns of this application are therefore whether there has been continuous use of the site as storage use for a 10 year period preceding the date of the application.

The supporting evidence by Jonathan Mark Chadwick shows there has been continuous use of this site for a period in excess of 10 years. The submitted declaration is sworn under oath and contains a significant amount of evidence. In such circumstances, section 191 and 171 of the Planning Acts, dictates that an applicant can expect to be granted a Lawful Development Certificate confirming the exemption from enforcement action.

The relevant test of the evidence is the balance of probability; it can be seen from the submitted evidence there has been in excess of ten years use as storage. We consider that the use of the land and buildings as storage is lawful and respectfully request a Certificate is issued to confirm this.





