

# **CASE OFFICER'S (AXA) REPORT ON APPLICATION NUMBER 20/01311/CERTE**



**Site: Pitchkettle Farm  
Goodboys Lane  
Grazeley Green  
Reading  
RG7 1ND**

MEMBER EXPIRY DATE - Passed

## **INTRODUCTION**

This application seeks a lawful development certificate (Existing) for the "Application for a lawful development certificate for an existing use or operation or activity including those in breach of a planning condition for: change of use of land to sui generis use, comprising the parking of vehicles, use as waste paper bin/skip yard, and mixed use of buildings, including offices, workshop and uses connected to the main use of the land."

## **PLANNING HISTORY**

There are some historical planning applications at Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading, RG7 1ND. However, these are not considered relevant to this case. There are two enforcement case which are considered relevant to this case and these will be considered later in this report.

## **PROCEDURAL MATTERS**

An application for a lawful development certificate seeks to confirm whether an existing use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 191 (1) (a) of the Town and Country Planning Act 1990. If the local planning authority is satisfied that the appropriate legal tests have been met, it must grant a lawful development certificate. A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

There is no statutory requirement to consult third parties, including parish councils or neighbours. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

## **CONSTRAINTS AND DESIGNATIONS**

Agricultural Land  
AME Burghfield Buffer (5km)  
CIL - East Kennet Valley  
Public Protection Consultation Zone  
Land Fill Site

Mineral Consultation Area  
MoD Land Buffer (3km)  
AWE Burghfield  
Oil Pipeline (MoD) Buffer (100m)  
Wildlife Heritage Sites

## APPRAISAL

Section 191 (4) states if, on an application under this section, the local planning authority is provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The onus of proof in an LDC application is firmly on the applicant. The applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted (FW Gabbittas v SSE and Newham LBC [1985] JPL 630). If the local planning authority has no evidence of its own, or 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.

The applicant has applied for "Application for a lawful development certificate for an existing use or operation or activity including those in breach of a planning condition for: change of use of land to sui generis use, comprising the parking of vehicles, use as waste paper bin/skip yard, and mixed use of buildings, including offices, workshop and uses connected to the main use of the land."

The agents have presented the completed application forms; covering letter; a site location plan and a series of statutory declarations. Aerial photography and Council records have also been reviewed.

In a review of this information, it is considered the statements and evidence demonstrate on a balance of probability that

- o That the yard has been used for the parking of vehicles in association with the waste paper recycling business. The yard has also been used for storing items related to the waste paper recycling business, such as wheelie bins and waste paper containers.
- o There is an on-site staff break out room which the employees of waste paper recycling business have used for 10 years.
- o There is an on-site workshop which has been used to fix vehicles and equipment associated with the waste paper recycling business for over 10 years.
- o There is a strip of land to the north of the site which has been used for a staff parking for over 10 years.
- o The Barn has been used for activities which relate solely to the purposes of aiding the running of the waste paper recycling business.

The applicant has agreed a more precise proposal description which better reflects the above information. The proposal description has been changed to 'Use of land for waste paper recycling business (Sui Generis Use) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use.'

It is therefore considered that on the balance of probability the land identified and outlined in red on the submitted location plan dated 10.06.2020 have been used as for waste paper recycling business) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use for over 10 years.

## CONCLUSION

On the balance of evidence produced, the local planning authority considers that buildings known considered that on the balance of probability the land identified and outlined in red on the submitted location plan dated 10.06.2020 have been used as for waste paper recycling business) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use for over 10 years. Therefore, this application is recommended for approval.