PLANNING STATEMENT
SPRING GARDEN NURSERY, SPRING GARDENS, WASHINGTON, PULBOROUGH RH20 3BS



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Appeal Site	Spring Garden Nursery, Spring Gardens, Washington, Pulborough RH20 3BS
Project	LDC – Use and Operational Development
Appellant	Mr Andy Allan
Our Ref	P-035b
Date	July 2024
Version	1

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1. Introduction

1.1 This report is submitted in support of an application for a Certificate of Lawful (Existing) Use and Development. The application seeks to confirm the lawfulness of the use(s) of the building (agricultural storage, car repair / mechanics / agricultural maintenance garage and general B8 storage) for a period in excess of 10 years and operational development in the form of an extension to the southern side of the building which was completed more than 4 years prior do the date of this application (as indicated on the submitted plans and appendices).

1.2 This report sets out the following:

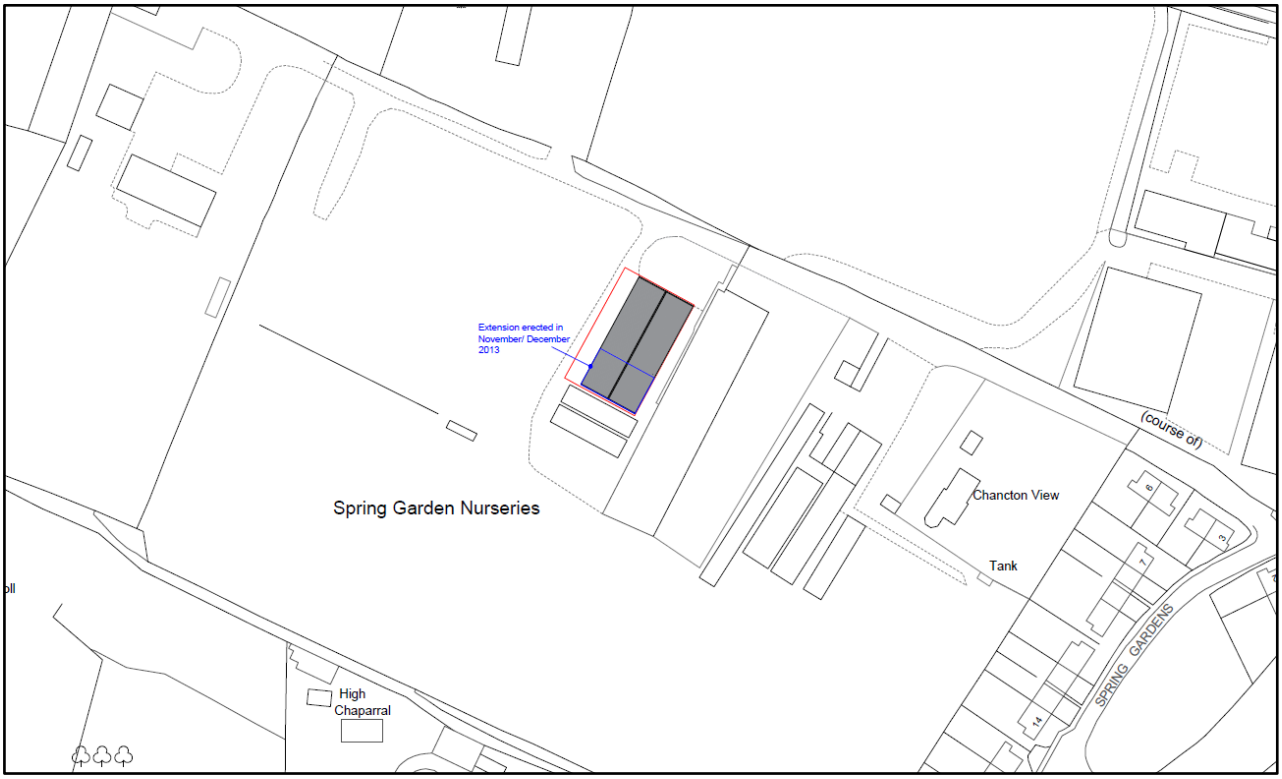
- The appropriate tests and considerations.
- The history of the use(s) and operational development
- The evidence submitted to support the application.

1.3 The appendices provide all relevant evidence including a signed Statutory Declaration by the applicant.

2. Appeal Site and Surroundings

2.1 The application site relates to a building of some 645sqm located within the wider complex / holding of Spring Garden Nursery, Spring Gardens, Washington, Pulborough RH20 3BS. The site is located to the west of the A24 and outside of any defined built-up area boundary (BUAB).

2.2 The wider area consists of a mixture of uses, including residential dwellings, agricultural and commercial buildings. The building the subject of this application was erected in 2002.



Site Plan.

3. Tests & Considerations

3.1 The National Planning Policy Guidance states that it is the applicant's responsibility to provide sufficient information to support a Certificate application. In the case of applications for an existing use, if a local planning authority has no evidence itself, nor any 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.

3.2 The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. In respect of the use(s) of the building, the time limit is 10 years, and in respect of the extension / operational development, the time limit is 4 years.

3.3 Section 191(5) of the Act sets out the information required to be submitted with a Certificate of Lawfulness of existing use or development application, which includes the following:

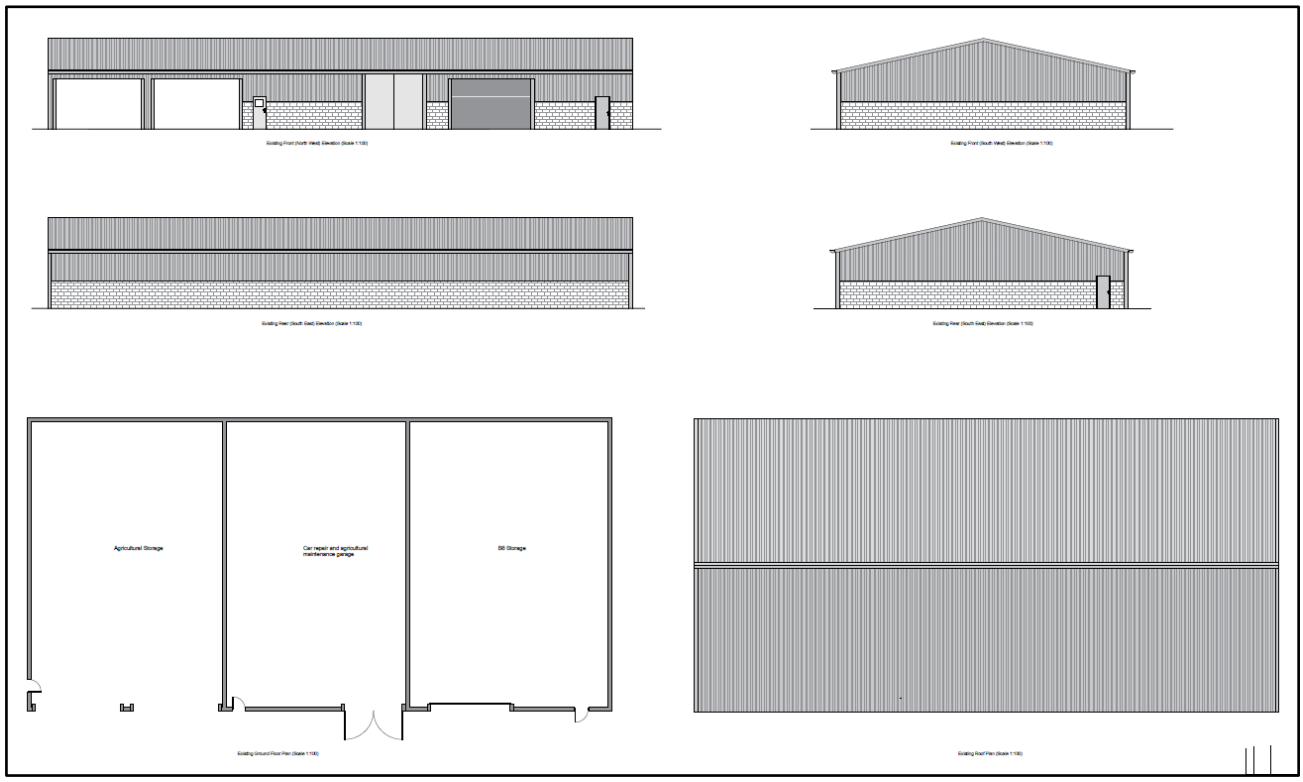
1. the land to which it relates;

2. a description of the use, operations or other matters in question;

3. the reasons for determining the use, operations or other matter to be lawful; and

4. the date of the application for the certificate.

3.4 This information is provided within this report and application documents.



Existing Elevations and Floor Plan.

4. History of Use and Operational Development

4.1 The following evidence is submitted in support of the application which confirms that the application building has been used as agricultural storage / car repair and agricultural maintenance garage / B8 storage for a period in excess of 10 years and that an extension to the southern part of the building was erected and completed more than 4 years prior to the date of this application (completed before 25th April 2024)

Planning Permission for Original Building

4.2 The original planning permission for the building was granted in 2001 for use as a potato store under planning reference AS/31/01. Decision Notice attached at **Appendix A**.

4.3 Site Plan for this permission is attached at **Appendix B**.

Extended Building

4.4 The building was extended to the south in November / December 2013. Current floor plans and elevations are included within **Appendix C**.

Aerial Photography

4.5 **Appendix D** includes Google Earth images from 2009 to 2022, which show the original building in the images up to up to 2012, and the extension constructed in the images from 2015 onwards.

Statutory Declaration

4.6 The applicant has provided a statutory declaration which confirms the history of the application building, including its uses and the extension works. A copy of the declaration is attached at **Appendix E**.

Supporting Letter

4.7 A supporting letter is also provided from the occupier of the car repair / mechanics / agricultural maintenance garage. A copy of the letter is attached at **Appendix F**.

5. Conclusion

5.1 The application building has been in use as agricultural storage, car repair / mechanics / agricultural maintenance garage and general B8 storage for a period in excess of 10, and an extension to the southern part of the building was constructed and completed more than 4 years prior to the date of this application (completed before 25th April 2024).

5.2 The applicant has provided a statutory declaration which confirms the above and the history of the application site / building.

5.3 Additional evidence has been provided to support the application, including a supporting letter and aerial photographs.

5.5 The Planning and Compensation Act 1991 states that planning enforcement action against breaches of planning control must be taken within 10 years in respect of development relating to use(s), and 4 years in respect of buildings / operational development. As the uses of the building have taken place continuously for a period in excess of 10 years and the building has been extended and substantially completed in its current form for a period in excess of 4 years, the site / building is now immune from enforcement. A Certificate of Lawful Development is therefore sought to establish that the building is lawful.

6. List of Appendices

6.1 The following Appendices are included together with this statement –

- Appendix A – Planning Permission, ref AS/31/01
- Appendix B – Site Plan for permission ref AS/31/01
- Appendix C – Current Site Plan, elevations and floor plan
- Appendix D – Aerial Photographs
- Appendix E – Applicant’s Statutory Declaration
- Appendix F – Supporting Letter