



Supporting Statement

**For an application for a Certificate of Lawfulness for an Existing
Use or Development at**

**Land and Buildings to the east of
Chandigrah
Summerhouse Lane
Harefield
Uxbridge
UB9 6HS**

August 2022

Our Ref: 1682



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1 Introduction

- 1.1 This statement is submitted in support of an application for a Certificate of Lawfulness for the existing use of the land and buildings to the east of Chandigrah. The land and buildings are shown hatched on the attached site location plan, drawing number 1682/OS-01.
- 1.2 The building(s)¹ were restricted to agricultural use by condition, however, this agricultural use ceased shortly after construction, and since, the buildings have been in storage, equestrian and equestrian storage use. The large area of hardstanding is in use for the parking of vehicles and storage of equipment in association with this use.
- 1.3 The applicant recently purchased the Chandigrah site and is seeking to regularise the current use of this portion of land and the barn buildings.
- 1.4 The evidence provided in this statement will demonstrate, beyond reasonable doubt, that these buildings and associated land have been in equestrian use (non-agricultural) for over 10 years.

2 Assessment of the Site

2.1 Physical Context of the Site:

The site is located on the north side of Summerhouse Lane, to the east of Chandigrah, located at the end of Bellevue Terrace. Beyond Chandigrah, Summerfield Lane bends to the north towards One Tree Hill, and then bends to the south towards Parkwood Farm Kennels.

For ease of identification, the application site and buildings are shown on the Ordnance Survey extract below:



Fig 1 – Ordnance Survey Extract, site outlined in red

¹ Buildings are labelled Barn 1 and Barn 2. Barn 2 was approved in 1980 as an agricultural building under ref: 1131/N/80/1273 – stable/ calf unit. Barn 1 is shown as an existing building on these application drawings so is older than this.

2.2 An annotated aerial view taken from Google Maps is shown below:



Fig 2 – Annotated Google Maps Extract

2.3 Photographs of the context, site and buildings are shown below:



Fig. 3 – Photograph of access to site and Chandigrah (shown in the centre of this picture)



Fig. 4 – Photograph of north elevation of Barn 2



Fig. 5 – Photograph of north elevation of Barn 1



Fig. 6 – Photograph of west elevation of Barn 2

- 2.4 As can be seen from Fig. 2 and Fig. 4 above, the site is mainly laid with hardstanding, although there is a small area of paddock to the west.
- 2.5 The Barns are labelled 1 and 2 for ease of reference, and are of permanent and substantial construction and are over 40 years old.

3 Relevant Planning History

- 3.1 Application reference **UX/DC/3430**
- 3.1.1 Outline planning application for the erection of a dwellinghouse [Chandighrah] and use of land as a smallholding
- 3.1.2 Approved on 16 September 1955
- 3.2 Application reference **UX/DC/3430**
- 3.2.1 Planning application for the erection of a dwelling [Chandighrah]
- 3.2.2 Approved 19 July 1957
- 3.3 Application reference **UX/DC/3430(a)**
- 3.3.1 Planning application for the erection of kennels for housing chickens
- 3.3.2 Approved on 1 December 1960
- 3.3.3 The planning conditions include:
- a) This permission being for a limited period expiring on 30th November 1963 when the use hereby permitted shall be discontinued and the buildings removed and the land reinstated to the satisfaction of the Local Planning Authority.
 - b) No nuisance being caused to the occupants of premises in the vicinity.
 - c) The development being limited to the requirements of the applicant's household and to no business being carried out on the site.

3.4 Application reference **1131/N/80/1273**

3.4.1 Planning application for the erection of a stable/ calf unit at Chandighrah

3.4.2 Approved – 10 November 1980

3.4.3 The planning conditions include:

- a) Begin within 5 years
- b) The building to be used solely for the housing of cattle, horses and sheep
- c) The existing building on the site to be demolished within 3 months of completion of the approved barn
- d) Scheme of planting to be submitted to the LPA
- e) The trees and shrubs planted are to be maintained.

3.4.4 The Informative states:

"Your attention is drawn to condition 2 above which restricts the use of the proposed barn. You are advised that planning permission is unlikely to be granted for the change of use of the proposed barn to (1) a non-agricultural use since this would conflict with the designation of this piece of land as agricultural within the Green Belt and (ii) a use which would involve an increase in traffic since Summerhouse Lane is unsuitable to carry any increase in traffic"

3.4.5 An extract from the application drawings is shown below:

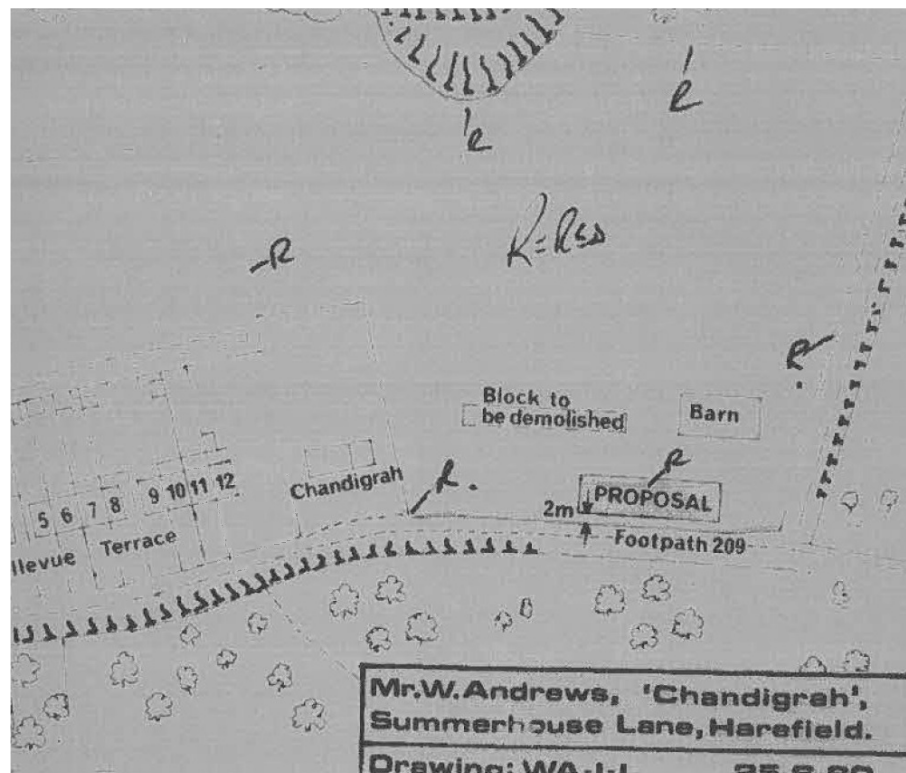


Fig 7 – Extract from proposed site plan – drawing no: WA-1-1, dated 25/6/1980

3.5 Application reference **1131/Q/81/0048**

3.5.1 Planning application for the erection of a stable/ calf unit without complying with conditions 4 and 5 of planning permission 01131/80/1273 granted on 10 November 1980

- 3.5.2 Refused on 10 March 1981
- 3.5.3 The reason for refusal states *“The Council considers that a planting scheme is necessary to reduce the impact of this very large building on the local environment and to ensure that it makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.”*
- 3.6 Application reference **1131/R/81/0805**
- 3.6.1 Details in compliance with 01131/80/1273, for the erection of a stable/ calf unit.
- 3.6.2 Approved – 11 May 1981
- 3.6.3 An extract from the application drawing is shown below

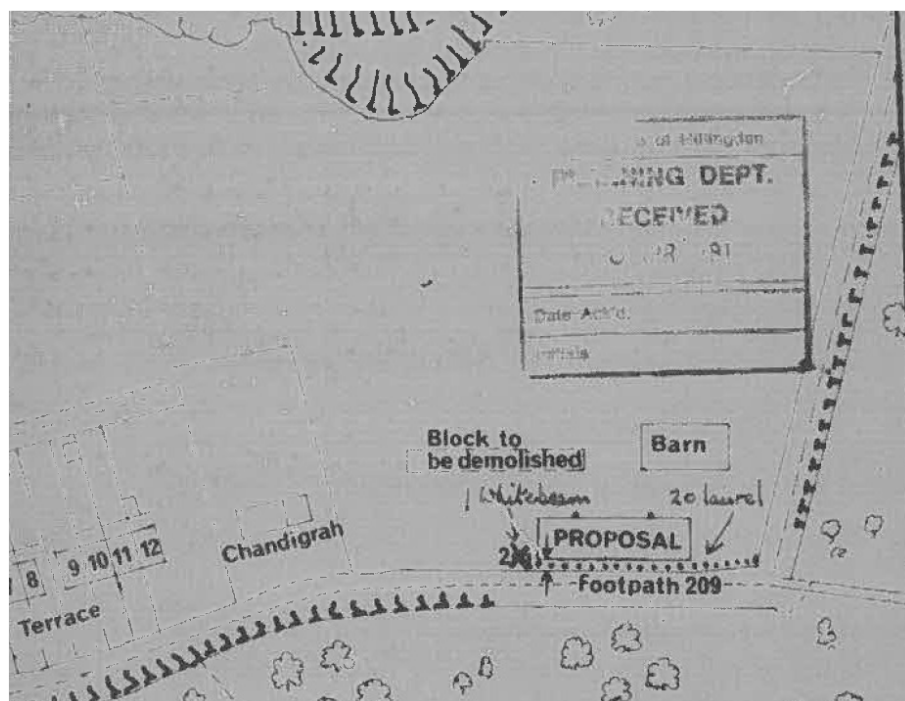


Fig 8 – Extract from proposed site plan

- 3.6.4 Application reference **1131/T/98/1646**
- 3.6.5 Application for a Certificate of Lawfulness for an existing use or operation or activity - Storage of refrigeration equipment and office furniture, parking and storage of lorries and vans
- 3.6.6 Refused – 23 December 1998
- 3.6.7 The grounds for the Council's decision stated *“The applicant has not demonstrated that the application site has been used for the past 10 years for (i) the storage of refrigeration equipment and office equipment and also for (ii) the parking and storage of lorries and vans.”*
- 3.7 Application reference **1131/W/99/0930**
- 3.7.1 Outline application for the erection of two detached houses (involving demolition of existing warehouse buildings)
- 3.7.2 Refused – 18 August 1999
- 3.7.3 Appealed under ref: T/APP/R5510/A/00/1036252/P5
- 3.7.4 The appeal was dismissed on 10 April 2000.

- 3.7.5 The main issue hinged on whether the proposed development is inappropriate in the Green Belt, and if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.
- 3.7.6 The planning context at this time was explained in the appeal decision, which stated: *“The development plan is the Hillingdon Unitary Development Plan 1998 (UDP). Policy OL1 of the UDP states that agricultural and similar specified activities, open air recreation, and cemeteries, together with limited development at specified sites, will be acceptable uses within the GB. The Council will not grant permission for new buildings, or changes of use for other purposes. UDP Policy OL9 says that the Council will support the aims of the Colne Valley Park, which include the resistance of urbanisation and safeguarding of existing areas from inappropriate development. Planning Policy Guidance (PPG) 2 – Green Belts, gives guidance on GB objectives and appropriate development. Paragraph 15 of PPG 2 sets out the purposes of GBs which include the checking of unrestricted sprawl of large built-up areas and the safeguarding of countryside from encroachment.”*
- 3.7.7 This appeal decision is contained within Appendix A, and describes the site to the east of Chandigrah as it appears today.
- 3.7.8 The appeal decision contains the following descriptions:
- a) Storage buildings
 - b) One single storey, about 3m high
 - c) The other building about half as high again
 - d) The site area has a ‘countryside’ character
- 3.7.9 It is important to note that the appeal decision considers the lawful use of these two buildings. The Inspector acknowledged the use of the buildings and the site and the decision states *“The Council’s statement refers to an application for a Certificate of Lawful Use for storage and parking having been refused in 1998 and the appellant’s agent has stated that the site has been used as a lorry park and storage site for twenty years. I do not consider that this is sufficient reason to allow change of use of use of the site to housing.”*
- 3.7.10 The appeal was dismissed as the Inspector found that there were no very special circumstances which would serve to outweigh the harm to the Green Belt.
- 3.8 Application reference **1131/X/99/2004**
- 3.8.1 Outline application for the erection of a detached house and garage (involving demolition of existing warehouses²)
- 3.8.2 Refused – 1 December 1999
- 3.9 Application reference **1131/APP/2004/306**
- 3.9.1 Outline application for the erection of a detached house and garage (involving demolition of existing warehousing)
- 3.9.2 Refused – 13 February 2006
- 3.9.3 An extract from the application drawing is shown below:

² Note description of existing buildings as warehouses – however, see statutory declarations which confirm use more specifically as storage of equestrian equipment

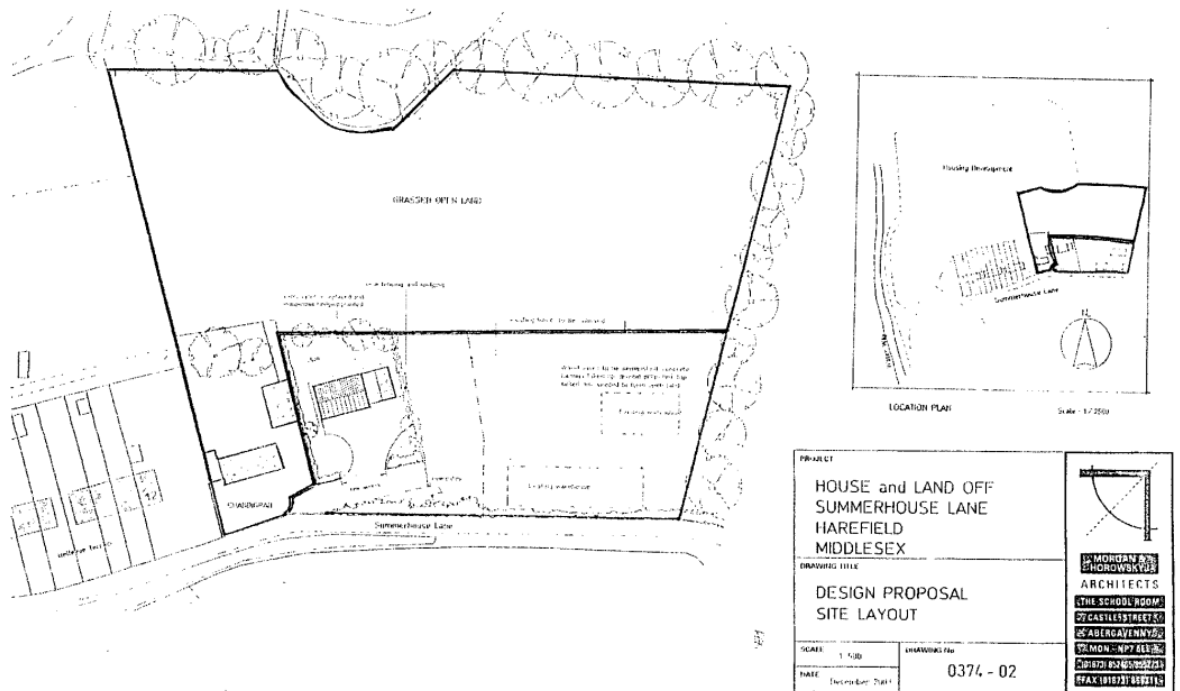


Fig 9 – Extract from proposed site plan

3.10 Application reference **1131/APP/2005/843**

3.10.1 Outline application for the erection of a detached bungalow involving demolition of existing buildings

3.10.2 Refused – 13 February 2006

4 Summary

4.1 The existing large buildings to the east of the site have been there for over 40 years, and are former agricultural buildings³. Both buildings are clearly indicated on the drawings from the 1131/N/80/1273 application, approved on 10 November 1980

4.2 The appeal decision ref: T/APP/R5510/A/00/1036252/P5, in 2000, the Inspector acknowledged that the buildings had been in storage use for 20 years (i.e., since approximately 1980) and not in agricultural use. It should be noted, however, that the use of the building to the south of the site was explicitly limited to agricultural use in the consent granted in 1980 (ref: 1131/N/80/1273), condition 2, and is therefore in breach of this condition.

4.3 The applicant has contacted various neighbours of the site to confirm the actual use over the years, and two have returned statutory declarations (see **Appendix B**) which confirm the use of the buildings and the land as that in association with the keeping of horses, equipment and vehicles in association with this use. Lorries and vehicles used the hardstanding in order to facilitate and service this use.

4.4 The site and buildings have not been in agricultural use since they were first constructed over 40 years ago, and therefore regularisation of the lawful use is sought.

³ Condition 2 states: The building to be used solely for the housing of cattle, horses and sheep

5 Town and Country Planning Act 1990

- 5.1 Section 171B of the Town and Country Planning Act 1990 details the time period after which no enforcement action may be taken for a breach of planning control.

“171B – Time Limits

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.*
- (2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).*
- (3) 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.***
- (4) The preceding subsections do not prevent –*
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or*
 - (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”*

- 5.2 The existing land buildings have been used for equestrian purposes, in excess of ten years and therefore, under clause 171B (3), enforcement action may not be taken.

6 Evidence in Support of the Application

- 6.1 The existing buildings unchanged from those that are shown in the historic aerial photograph dated 1999 below:



Fig 10 – Extract from google earth, historic aerial photograph dated 9/1999

- 6.2 Attached at **Appendix B** are statutory declarations from:
- a) Michelle Wilkes, a neighbour to the west of the application site; and
 - b) Michael Picton, another neighbour, to the south east of the site.
- 6.3 Both statutory declarations confirm that the application site and buildings have been in constant use in association with the keeping of horses and the storage of horse paraphernalia for as long as they can recall.
- 6.4 An additional statement is supplied by the applicant, who has lived in Harefield for many years. She also has recollection of horses and associated equipment at the site, which she has viewed frequently whilst walking her dogs. This statement is contained within **Appendix C**.

7 Conclusion

- 7.1 The foregoing evidence demonstrates that the barns and land have been in horsiculture and not agricultural use for a period in excess of 10 years, and is thus immune from enforcement action.
- 7.2 On the balance of probability, based on the submitted evidence, it is therefore requested that the application for a certificate of existing lawful use is approved.

Michael Conoley Associates

Appendix A

Appeal decision

Ref: T/APP/R5510/A/00/1036252/P5



Appeal Decision

site visit held on 28 March 2000

by M A Hillyer BSc MSc CEng MICE
FCIWEM

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
10th Floor
15th Avenue
Bristol BS1 2QJ
Tel 0117 907 8871

Date

10 APR 2000

Appeal Ref: T/APP/R5510/A/00/1036252/P5

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M Andrews against the London Borough of Hillingdon.
- The site is located at Chandigarh, Summerhouse Lane, Harefield
- The application (ref: 1131W/99/930) dated 15 April 1999, was refused on 18 August 1999
- The development proposed is the demolition of two warehouses and the erection of two houses and garages.

Decision: The appeal is dismissed.

Procedural matters

1. The appeal is made in the name of Mr M Andrews, who died in 1998. I shall determine the appeal on the basis that the appellant is the body of Executors to the estate of Mr M Andrews.
2. The drawing submitted with the application is No WA/99/1. Drawing No WA/99/2 showing an alternative siting of the two houses and garages was made available after the application, and the Council took this into consideration in making its decision. The application is for outline planning permission with all matters reserved for future detail determination other than siting. On the basis that it would not be detrimental to parties involved in this appeal I shall take Drawing No WA/99/2 as the proposal regarding siting for the purposes of my determination.
3. The application form refers to "land edged blue" but no coloured drawings have been received with the appeal documents, neither has the definition of the "red line" site boundary been provided. For the purposes of the appeal I shall take that area enclosed by a chain-dotted line on Drawing No WA/99/2 as the combined "blue" and "red" areas. I shall take the "red line" (site) area to be that area labelled as "paddock" together with the plots in which the two proposed dwellings are located, all shown on the 1:2500 scale view on Drawing No WA/99/2.
4. Question 6(a) on the application form (asking if the proposal is for non-residential development) has been answered in the affirmative. As the proposal is for two houses I consider this to be an error and I shall determine the appeal on the basis that the answer should have been "No".

APPEAL DECISION

The main issue

5. From my reading of the written representations and inspection of the site and its surroundings I consider that the main issue in this appeal is whether the proposed development amounts to inappropriate development in the Green Belt (GB), and if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.

The planning context

6. The development plan is the Hillingdon Unitary Development Plan 1998 (UDP). Policy OL1 of the UDP states that agriculture and similar specified activities, open air recreation, and cemeteries, together with limited development at specified sites, will be acceptable uses within the GB. The Council will not grant permission for new buildings, or changes of use, for other purposes. UDP Policy OL9 says that the Council will support the aims of the Colne Valley Park, which include the resistance of urbanisation and safeguarding existing areas from inappropriate development. Planning Policy Guidance (PPG) 2 - Green Belts gives guidance on GB objectives and appropriate development. Paragraph 1.5 of PPG 2 sets out the purposes of GBs which include the checking of unrestricted sprawl of large built-up areas and the safeguarding of countryside from encroachment.

Consideration

7. The site is in a well-wooded and secluded valley, within a GB. It is presently laid out as a storage area and separate open field, or paddock. The storage area consists of an open concrete yard and access drive together with two warehouse sheds set below the ground levels of the land to the south and east, one single storey about 3m high, and the other about half as high again. The site is bounded by chain link and post & wire fencing. The site is screened from the south by evergreen hedges, and immediately outside and parallel to the southern boundary there is an access track to a property to the east, and a public footpath. There is an access track lying outside the eastern boundary of the site which leads to buildings to the north. Although the house at "Chandigarh" is visible from the site the area has a countryside character, with other properties in the area being tucked away or screened from view.
8. I have no evidence that the site is in an area specified for limited infill. The UDP policies do not allow for any other development associated with dwellings. Appropriate GB purposes listed in paragraph 3.4 of PPG 2 include the extension or replacement of existing dwellings, but not new dwellings. I conclude that the proposal represents inappropriate development in the GB which is harmful by definition and which conflicts with the aims of UDP Policies OL1 and OL9.
9. The proposal includes for the demolition of the existing storage units. The existing storage yard is likely to have accommodated materials and vehicles from time to time, and those activities may diminish or disappear after the demolition, but the new houses would have accompanying vehicles and domestic paraphernalia in the garden and frontage areas which would equally reduce openness. From the siting dimensions shown on Drawing No. WA/99/2 I consider that the total volume of the two houses would be greater than that of the existing storage buildings. The result of development would be a reduction of openness, the most important attribute of GBs.

APPEAL DECISION

10. The proposal represents an extension of domestic buildings further into the countryside and the GB. The houses would be readily apparent from the tracks to the east and south of the site and they would appear at odds with the adjacent countryside. I conclude that the development would be incompatible with and harmful to the open and rural appearance of the area, and this harm adds to that referred to in paragraph 8 above. The alternative development shown in Drawing No WA/99/1 would be at least equally harmful.
11. I now consider whether there are any very special circumstances which outweigh the harm. The Council's statement refers to an application for a Certificate of Lawful Use for storage and parking having been refused in 1998 and the appellant's agent has stated that the site has been used as a lorry park and storage site for twenty years. I do not consider that this is sufficient reason to allow change of use of the site to housing. There are recently constructed houses to the northwest and southwest of the site, on Summerhouse Lane, but I have no evidence to suggest that that is a reason for similar development on the appeal site. I conclude that there are no very special circumstances which would serve to outweigh the harm to the GB.

Conclusions

12. The appellant's agent, in his letter of 7 February 2000, has asked me to consider aspects of the handling of the appeal case by the Council. I have noted his account of proceedings, but the written representation appeal procedure exists under the Town & Country Planning Act 1990 to determine the physical effect of new development. Matters relating to behaviour by the parties to a case are the concern of other legislation. I have taken into account all other matters referred to in the written representations, including the report of comments by Council officers and the local tenants and residents association, but none is sufficient to override the considerations which have led to my decision.
13. For the reasons given above, and in exercise of the powers transferred to me, I hereby dismiss the appeal.

Michael A. Hilkey

Inspector

Appendix B

Statutory Declarations

Michelle Wilkes
7 Bellevue Terrace
Summerhouse Lane
Harefield
Uxbridge UB9 6HT

TO WHOM IT MAY CONCERN
STATEMENT OF TRUTH

Dear Sirs

Re: Chandighrah, Bellevue Terrace, Summerhouse Lane, Harefield, Uxbridge UB9 6HS

I, Michelle Wilkes, do solemnly and sincerely declare the following to be true to the best of my knowledge and belief:

I reside, and have resided, at no. 7 Bellevue Terrace since November 1974. My property is 50 yards from Chandighrah, the property in question. During this time, the land shown on the drawing number 5864 (attached to this statement) and the single storey barns labelled 1 and 2 on that drawing have been used for keeping horses and associated paraphernalia only.

At no point during my residency at Bellevue Terrace has the land at Chandighrah, nor its buildings or adjacent fields been used for agricultural purposes.

I make this statement conscientiously believing the same to be true.

Declared by the said Michelle Wilkes: *MA Wilkes*
Michelle Akerman Wilkes

This *12th* day of *August* 2022

Witnessed by.....

Mian Chandhary
Advocate

31/08/2022

*Member of
the Honourable Society of Lincoln's Inn*

Michael Picton
Park Wood Farm
Bellevue Terrace
Summerhouse Lane
Harefield
Uxbridge UB9 6HS

**TO WHOM IT MAY CONCERN
STATEMENT OF TRUTH**

Dear Sirs

Re: Chandigrah, Bellevue Terrace, Summerhouse Lane, Harefield, Uxbridge UB9 6HS

I, Michael Picton, do solemnly and sincerely declare the following to be true to the best of my knowledge and belief:

I reside, and have resided, at Park Wood Farm, Bellevue Terrace, for over 40 years. My property neighbours Chandigrah, the property in question. During my residence, the land shown on the drawing number 5864 (attached to this statement) and the single storey barns labelled 1 and 2 on that drawing have been used for keeping horses and associated paraphernalia only.

At no point during my residency at Bellevue Terrace has the land at Chandigrah, nor its buildings or adjacent fields been used for agricultural purposes.

I make this statement conscientiously believing the same to be true

Declared by the said Michael Picton:

M G Picton M G PICTON.

This 26th day of AUGUST 2022

Witnessed by.....

Man Chaudhry

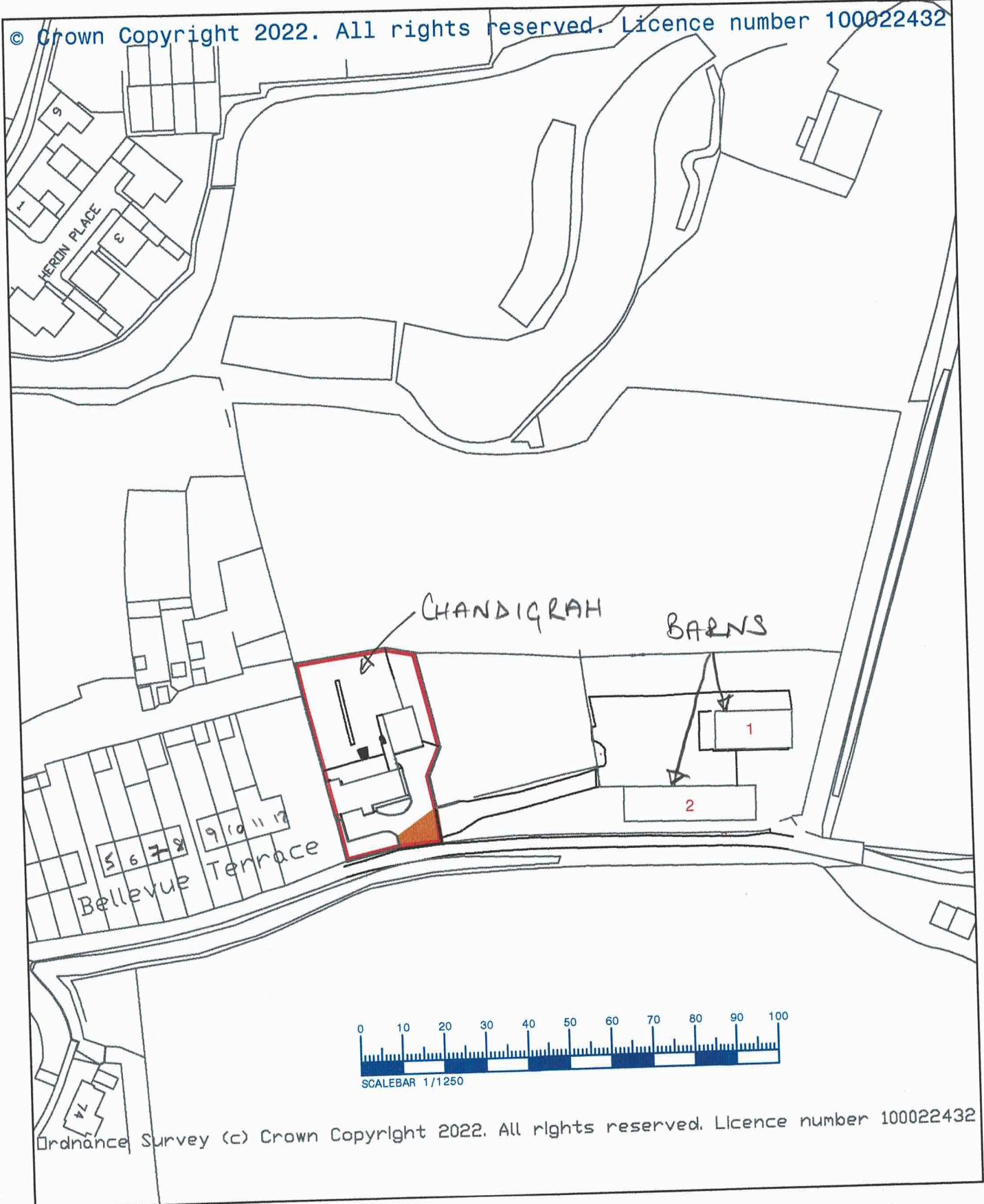
MIAN CHAUDHRY

Advocate

31/08/2022

Member of

The Honourable Society of Lincoln's Inn



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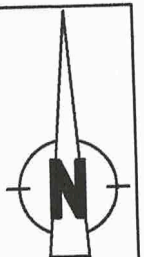


Land to be extracted from MX318507

1/1250 @ A4

JULY 2022

Dwg No. 5864



Appendix C

Statutory Declaration

Lynda Nye-Rashkova

Mrs Lynda Nye-Rashkova
Jacks Mill
Park Lane
Harefield
Uxbridge
UB9 6HL

To whom it may concern

Dear Sirs

**Re: Land to the East of Chandigrah, Bellevue Terrace, Summerhouse Lane, Harefield, Uxbridge
UB9 6HS**

I, Lynda Nye-Rashkova

do SOLEMNLY and SINCERELY DECLARE:

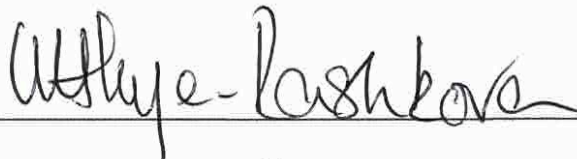
I have lived in Harefield for 17years. During this time I have walked my dogs along Bellevue Terrace and Summerhouse Lane, passing the land to the east of Chandigrah. I have seen the buildings and land used by horses, and the associated vehicles.

At no point have I observed the land used for agricultural purposes.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared by the said:

Lynda Nye-Rashkova



This 5TH day of SEPTEMBER 2022

Before me.....

A Solicitor / Commissioner of Oaths