DELEGATED FILE NOTE

CASE OFFICER: …Heather Lai……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01011/LDCE	Use of land and buildings for the storage and distribution of soft drinks (B8 use)	Downs Barns Ashwell Road Bygrave Baldock Hertfordshire SG7 5EE

Submitted Plan Nos
Schedule of Evidence

1.0 Policies

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None relevant.

2.0 Site History

01/01123/1: Retention of use of lean-to barn for storage and distribution of scaffolding equipment. Granted conditional permission on 05.10.2001.
02/01470/1: Use of part of building (Barn B) for Class B8 (storage and distribution) purposes. (Made up kitchens and appliances). Withdrawn.
03/00627/1: Use of central section of barn (Barn B) for storage and distribution of scaffolding equipment. Granted conditional temporary permission on 25.06.2003, expiring on 23 June 2004.

3.0 Representations

N/A

4.0 Planning Considerations

4.1 **Site and Surroundings**
The application site is known as 'Downs Barns' and is located within Manor Farm, Bygrave.

4.2 **Proposal**

The application is for a Certificate of Lawful Development (Existing) to confirm the lawful use of the land and buildings for the storage and distribution of soft drinks (Class B8 storage use).

4.3 **Key Issues**

The key issues for consideration is whether the use of all the buildings in question for the storage and distribution has, on the balance of all probabilities, lawfully occurred for a continuous period of 10 years or more.

The following information has been submitted in support of the application:

EXHIBIT 1:
Statutory Declaration of Mr James Northern dated 1 February 2018 and witnessed by Burgess & Co Solicitors. Declaration states that Mr Northern is the owner of Manor Farm, and has been aware of the occupation and use of the Downs Barns buildings for the storage and distribution of soft drinks since 19 June 2000.

EXHIBIT 2:
Statutory Declaration of Mr Martin Hare dated 30 January 2018 and witnessed by Burgess & Co Solicitors. Declaration states that Mr Hare has had knowledge of the occupation and use of the Downs Barns buildings for the storage and distribution of soft drinks since 5 February 2005.

EXHIBIT 3:
Statutory Declaration of Mr Ian Barratt dated 1 February 2018 and witnessed by Burgess & Co Solicitors. Declaration states that Mr Barratt has had knowledge of the occupation and use of the Downs Barns buildings for the storage and distribution of soft drinks since 19 June 2000.

EXHIBIT 4:
Record of accounts for Manor Farm, showing monthly payments from Mr Ian Barratt of Centurian to D Northern and Sons, between 19 June 2000 and 10 August 2017. The monthly payments incrementally increase, being £166 per month in 2000, and £500 per month in 2017.

EXHIBIT 5:
Agreement between D Northern and Sons AND Centurian, relating to The Downs Barn, Manor Farm Bygrave. The whole agreement has not been provided, however the agreement is signed and dated 1 May 2000. It has not been witnessed and signed by a lawyer as a genuine copy.

EXHIBIT 6:
Letter dated 15 June 2000 from Ian Barratt of Centurian, 14 Queenswood Drive, Hitchin SG4 0LA to D Northern and Sons, confirming he had completed the requirements in order to lease 'The Downs Barn'. The letter has not been witnessed and signed by a lawyer as a genuine copy.

EXHIBIT 7:
Goods vehicle licence dated 26 February 2001. Licence of Ian Barratt, trading as Centurian Soft Drinks 14 Queenswood Drive, Hitchin SG4 0LA. Operating Centre is shown as The Downs Barns, Manor Farm, Bygrave SG7 5EE. Licence valid until 14 March 2006. The licence has not been witnessed and signed by a lawyer as a genuine copy.

EXHIBIT 8:
Goods vehicle licence dated 13 June 2014. Licence of Ian Barratt, trading as Centurian Soft Drinks Manor Farm, Ashwell Road, Baldock, SG7 5EE. Operating Centre is shown as Manor Farm, Bygrave, Baldock, SG7 5EE. Licence is currently valid, for a period of five years since the date of issue. The licence has not been witnessed and signed by a lawyer as a genuine copy.

4.4 **Conclusion**

Application documents from the previous applications (01/01123/1, 02/01470/1, 03/00627/1) indicate that there has been a history of part or all of the site known as 'Downs Barns' which is the subject of the application having been used for the storage and delivery purposes, and specifically storage and delivery of drinks. While only the last ten years from the date of the application can be considered under s171 of the Town and Country Planning Act (as amended), the prior evidence is useful in demonstrating the on-going nature of the activities. Temporary permissions for the use of part of the site for Class B8 use were granted by the Council in 2001 and 2003, and while there may have been a breach of condition regarding the continued use of part/all of the site, the Council appears to have no evidence to the contrary which would confirm a return to agricultural use at the site.

Based on the evidence supplied with the application, the evidence provided from previous planning applications, and a search of the VOA records, it appears on the balance of probability that the use of the site known as 'Downs Barns' has occurred for an uninterrupted period for at least the last ten years from the date of submission of the application.

5.0 Recommendation

5.1 The Lawful Development Certificate should be **GRANTED**.

1. The Council is satisfied that, on the balance of probabilities, sufficent evidence has been provided to establish that the use of the site known as Downs Barns for Class B8 use has been occuring for a continuous period of ten years or more.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 5 June 2018	