

Planning Statement

Proposal: Certificate of Existing Lawful Use and Development

Site: Unit 9, Mythe Farm, Pinwall Lane, Sheepy Magna

Applicant: Mr J Garland

Date: 7th September 2026

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1.0 INTRODUCTION

- 1.1 This planning statement has been prepared by Ellie Jones, LLB (Hons) MSc MRTPI, as part of an application made for a Certificate of Existing Lawful Use and Development (CLUED) relating to the use of Unit 9, Mythe Farm, Pinwall Lane, Sheepy Magna, CV9 3PF ("the Site") as a repair and restoration workshop for classic vehicles (Use Class B2) including operational development relating to the change of use of the building and the storage of vehicles associated with the B2 use.
- 1.2 This statement should be read in conjunction with the Statutory Declaration of Mr Joseph Edward Garland and the accompanying Exhibits JEG1 to JEG8:

- Exhibit JEG1 – Location Plan
- Exhibit JEG2 shows the Companies House search which lists Joanna Lea Garland and Joseph Edward Garland as Directors of Mythe Farm Ltd since 13th March 2008.
- Exhibit JEG3 is a copy of the License Agreement dated 1st September 2015, made between Mythe Farm Ltd (Licensor) and Ed Watson and Company (Licensee). The License references the permitted use of the Site for the '*repair and maintenance of classic vehicles.*' The plan attached to the license agreement also identifies the external areas permitted for parking vehicles (shown shaded green).
- Exhibit JEG4 provides a copy of the Aviva Risk Improvements documentation relating to Edward Watson and Company, listing the location of the inspection at Mythe Farm, Pinwall Lane, Sheepy Magna, CV9 3PF. The document is dated 13th June 2016.
- Exhibit JEG5 provides a range of insurance documentation relating to the business of Ed Watson and Company spanning the years 2019 - 2026.
- Exhibit JEG6 provides a range of screenshots taken from the social media Facebook page of Ed Watson and Company. The screenshots show photographs of classic vehicles being worked on within the workshop space at the Site and cover each year from May 2016 to 18th August 2025.
- Exhibit JEG7 provides a copy of an email dated 14th September 2015 from Joanna Garland together with the associated word.doc attachment titled: "*Mythe Farm Signage Review Sept Amends DAYTONA.docx*" organising signage for the Mythe Farm site. On the final page of the aforementioned attachment, listed as item 100, reference is made to the addition of new signage at Mythe Farm for Ed Watson & Co.
- Exhibit JEG8 provides a copy of an email sent from Joe Garland to Edward Watson dated 18th February 2015 referring to their meeting and initial agreed terms for the internal works to

be undertaken to convert the building to workshop space. The email attachment "Ed Watson Car Restoration" sets out the minutes from the meeting held on 18th February 2015 and details the relevant works to convert the building to workshop space.

- Exhibit JEG9 photograph of the north side elevation facing the trackway and identifying the new pedestrian door and roller shutter opening.

2.0 THE APPLICATION

2.1 The Application is made for a Certificate of Existing Lawful Use and Development under Section 191(2)(a) of the Town and Country Planning Act 1990 (as amended) (the "Act"). The Application is made on the following grounds:

- i. No enforcement action can be taken in respect of the existing use of the Site because it commenced 10 years prior to making this application such that the 10 year time limit for taking enforcement action under Section 171B(3) of the Act has expired.

3.0 THE TOWN AND COUNTRY PLANNING ACT 1990 (TCPA)

3.1 Section 191 of the Act sets out the legal test for establishing lawful use or development.

3.2 Section 191(1) of the Act:

"If any person wishes to ascertain whether -

- (a) any existing use of buildings or other land is lawful;
- (b) any operations which have been carried out in, on, over or under land are lawful; or
- (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted 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."

3.3 Section 191 (2) (a) of the Act:

"For the purposes of this Act uses and operations are lawful at any time if—

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force."

3.4 **Section 171B of the TCPA 1990** identifies the time limits for when enforcement action may be taken. Of relevance to this application are:

- **Section 171B(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—*

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed."
- **Section 171B(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."*

3.5 In accordance with **Section 191 (4) of the Act**, if on an application submitted under section 191 of the Act is made to the LPA with information satisfying them of the lawfulness at the time of the application the use, operations or other matter described in the application they shall issue a certificate to that effect.

3.6 Paragraph: 006 Reference ID: 17c-006-20140306 of the Planning Practice Guidance advises:

"In the case of applications for 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."

4.0 THE EVIDENCE

4.1 The timeline is clearly set out within the Statutory Declaration of Mr Joseph Edward Garland and the supporting exhibits JEG1 to JEG8.

4.2 In summary:

- Works were undertaken and completed to convert an agricultural building into a workshop space for the repair and restoration of motor vehicles between February 2015 and 31st August 2015. This includes internal alterations to the building and the installation of a new pedestrian door and roller shutters to the north side elevation of the building which faces onto the trackway. This operational development was completed more than 10 years ago.
- Mythe Farm Ltd entered into a License Agreement with Ed Watson and Company on **1st September 2015** for their business to occupy and use the Site as a workshop for the repair,

restoration and maintenance of classic vehicles. The use commenced on 1st September 2015 which is more than 10 years prior to the making of this CLUED application.

- The use of the Site for this purpose has continued by the same business (Ed Watson and Company) ever since, for a period exceeding 10 years, with no other intervening use or uses.
- The use of the Site as a repair and restoration workshop for classic vehicles (Use Class B2) continues at the time of making the application for the CLUED. This has been observed by the LPA's enforcement officer when a site visit was undertaken on 21st July 2026.

4.3 **Overall conclusions**

The evidence provided is sufficiently precise and unambiguous to demonstrate that on the balance of probability the conversion of the Site for use as a vehicle repair and restoration workshop is lawfully established and the Council is no longer able to take enforcement action. The Council is respectfully invited to issue a Certificate of Existing Lawful Use to that effect.