

Our Ref: 1455/3
Your Ref: PP-13834753

Planning Department
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
LE10 0FR



28 February 2025

Dear Sir/Madam

**CERTIFICATE OF LAWFUL DEVELOPMENT (EXISTING)
USE OF LAND AS RESIDENTIAL GARDEN IN ASSOCIATION WITH THE OAKS, KIRKBY LANE, NEWBOLD VERDON,
LE9 9LN**

The applicant has resided at The Oaks since 2000, although her late husband purchased the property in the 1970s. Since it was purchased, the extent of the garden has changed. This Certificate of Lawful Development seeks to confirm its use as residential garden, by virtue of it being used for more than 10 years. The following information is provided to support this submission:

1. A statement from the applicant: Mrs Sandra Gayton
2. A statement from a long standing neighbour: Mr D Stone
3. Google Earth aerial images
4. Current Photographs of the application site (taken February 2025)
5. Topographical Plan of site (Plan 25-06 – dated January 2025)
6. Photographs dating between 1988 and 2001 showing the construction of Area 1 and 2
7. Aerial image taken April 2012
8. Photographs dating from 2007 showing the construction of Area 3
9. Receipt for Cotoneaster Plants, dated 2006
10. Photograph of Area 3 in social use as a garden

The expansion of the garden into other land under the same ownership occurred between 1988 and 2010 and has essentially been maintained in this form since this date, with only modest alterations undertaken after its formal creation. The aerial images provided as Attachment 3 from Google Earth illustrate the presence of the garden from December 2000 through to May 2023. These illustrate that over the last 10 years (actually from September 2011) the appearance of the land has not notably changed. Photographs provided of the site at Attachment 4 then

THE AITCHISON RAFFETY GROUP

An exceptional national property consultancy loved by our clients and our people.

Aitchison Raffety (Commercial) Limited. Registered Office: Unit 4 Stokenchurch Business Park, Ibstone Road, Stokenchurch, Bucks, HP14 3FE Registered England & Wales 03436430.
A list of Directors, Chartered Surveyors and Chartered Town Planners is available on request.



illustrate the appearance of the site as it still exists. This is augmented by the topographical survey ([Attachment 5](#)), which picks up the various features of the garden.

A statement letter from the applicant ([Attachment 1](#)) sets out the timeline for the construction of the garden; this point is expanded below. The letter from Mr D Stone ([Attachment 2](#)), a neighbour who resides at 5 Kirkby Lane opposite the site has confirmed that the land has been used as a garden since 2007. This information offers confirmation that the garden and any associated structures constructed within it have been in place for more than the pre-requisite 10 year period, and thus it is now immune from enforcement action.

Expanding upon this to provide no doubt in respect of the use of the land and structures, the garden is essentially set out in three sections, and were constructed as separate projects. These are marked on the aerial image below and explained as follows:

- Area 1: Formal landscaped garden
- Area 2: Allotment/productive garden area
- Area 3: Wildlife based garden area



Annotated Aerial Image Showing Garden Areas

The applicant has a number of images outlining the construction of the garden, which are covered in more detail below by area, to illustrate the timeline, which all occurs more than 10 years ago.

Area 1: Formal Landscaped Garden

The section of land immediately to the north of the house was transformed into the garden as it now stands between 1988 and 2001. The photographs included at Attachment 6 (a – d) show the construction of the main pond in 1988. Images 6 e – g then show it completed in 1999. Photograph 6g shows dwelling forming The Oaks in the background to confirm the location, given the unusual front curved wall/window is visible. Image 6g also shows the ponds and summerhouse in situ, with the original dwelling opposite the site (compare this with the aerial images and it is clear that the single house present in the 2000 image has been replaced by two properties in 2006). This adds a clear timeline to the images.

Additional landscaping and planting then occurred on the northern part of this area in 2001 (images 6 h and i). These show the presence of newly planted trees, which are still present and mature 20+ years later (see images in Attachment 4). The exact position on site is discernible through the garden structures within the site (compare with aerials and topographical survey (Attachments 3 and 5).

This indicates that the works here to create the garden are over 20 years old.

Area 2: Allotment/Productive Garden

This area was constructed 1999/2000, with the creation of raised beds and planting of various soft fruit canes and trees. These are still visible within the aerial images from 2000 and within the current photographs of the site (see Attachments 3 and 4). The vegetable plots are already visible in the photograph provided at Attachment 6h. The aerial images from 2000 onwards also show the presence of the greenhouses, with one of these only recently (last 12 months) being taken down for safety reasons.

An aerial image showing Areas 2 and 3 of the garden from April 2012 (Attachment 7) clearly identifies the continued use and appearance of the landscaped area and productive garden area. This aerial image still predates the 10 year period that needs to be shown in respect of confirming its use.

Area 3: Wildlife-Based Garden

A more natural area of garden is provided within the northernmost part of the site. This area includes a wildlife pond, which was constructed in 2006 (see Attachment 8a and b). Photographs provided at Attachment 8c – e show the footpaths from 2007 in situ and the initial wildflower meadow. A hen house was constructed in the south-eastern corner of Area 3 around this time (for personal use only and not as an enterprise), whilst an area of cotoneaster was planted in 2006 (see receipt as Attachment 9). This horseshoe shaped collection of plants are visible on the aerial imagery from 2011 onwards (see Attachment 3); it forms the only such area of this planting and it remains in situ today (see Attachment 4).

A collection of storage spaces is also present along the northern and western edge of the area, providing space for the various material used to construct the garden and support its maintenance. These are clearly visible in the 2015 aerial image (see Attachment 3). Their condition as evidenced within the current photographs (Attachment 4) highlight that these are not new structures. The hen house is still in situ but has not been used for the last couple of years.

The area has been designed for both nature and human use, with benches strategically placed around the space. A more recent photograph (Attachment 10) illustrates the use of this space for socialising with family [n.b. this includes Allan Gayton (the applicant's deceased husband) in the foreground, indicating that this is not simply a newly staged photograph]. The cotoneaster in particular serves a dual benefit, with it loved by bees as a good source of pollen; its arrangement is also designed to create a den within it for the grandchildren to play within.

It is recognised that there are three discrete sections to the garden. All form an integrate part of the land used in association with The Oaks as a dwelling, providing different styles and uses within the space. It is not uncommon for large gardens to be subdivided into different areas using planting and fencing; this is exactly what has occurred here, creating different character areas which are linked by the intervening footpaths and the continuous boundary hedge along the eastern side. This hedge also separates the land from the agricultural field beyond.

Conclusions

The extent of evidence submitted shows beyond reasonable doubt that the land has been used as garden land in association with The Oaks for well in excess of 10 years. This establishes the use of the land with the structures contained within as being extant from enforcement action and thus a certificate of lawful development recognising it as garden land should be issued.

Should you have any queries in respect of any of the information provided, please contact me at your earliest convenience in order to discuss the matter further.

Yours faithfully



Jonathan Weekes BSc (Hons) MA MRTPI
Technical Director



Encs