



Abbie Clarke CLU St...



Certificate of Lawful Existing Use for the primary (C3) residential occupation of a static caravan and associated access, private amenity space and ancillary outbuildings at Bank Farm, Shenton Lane, Dadlington, CV13 6JD.

The Town and Country Planning (Development Management Procedure)(England) Order 2015 and the Town and Country Planning Act (TCPA) 1990 (Section 191) as amended by Section 10 of the Planning Compensation Act 1991 provide advice and guidance in respect of applications for certificates of lawfulness of existing or proposed use or development.

Section 191 of the Town and Country Planning Act 1990 (as amended) provides that if a person wishes to ascertain whether any existing use of buildings or other land is lawful, then he/she can apply to the Local Planning Authority for a certificate to that effect.

Uses are lawful at any time if no enforcement action is taken by the Council where the applicant can demonstrate the claimed use has been continuous for a period of ten years from the date of this statutory declaration.

The burden of proof is on the applicant and the relevant test is the 'balance of probability'. The applicant's evidence in support of the application must be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

If the Local Planning Authority has no evidence itself to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities.

I ABBIE CLARKE  **DO SOLEMNLY AND SINCERELY**

DECLARE as follows:

- 1 To whom it may concern, my name is Abbie Clarke and I am 24 years old and am the granddaughter of Phil Hill the applicant in relation to the current application. I have spent the whole of my childhood at Bank Farm including weekends, holidays and after school, it was and still is my "second home" in this regard. I had my own bedroom within the static caravan and have been visiting Bank Farm on a regular basis since I was 2 years old and I absolutely loved spending all my school holidays and weekends at Bank Farm. Therefore, cumulatively and continuously my visits account for the last 22 years of my life to visit my grandad at his permanent residential home address of Bank Farm.
- 2 I now have two children of my own, 6 and 3 years old and they too have visited Bank Farm since they were born and they too absolutely love the adventures they experience whilst visiting Bank Farm and have recently learned how to ride a bike during visits.
- 3 It is therefore considered the cumulative evidence submitted by the applicant is sufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the lawful use of the structure identified as "C3" and edged in green on the submitted 1:500 Block Plan, and the ancillary structures outlined in red have formed the permanent residential accommodation associated with Bank Farm for in excess of 10 years prior to the witnessing of this Statutory Declaration.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

SWORN by the above named **Abbie Clarke** on this 13th day of July 2023.

Before me.

A Solicitor / Commissioner of Oaths

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