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## **Supporting Information**

Certificate of Lawfulness Application regarding  
the breach of Occupancy Condition at  
The Orchards, Eastcote, Hampton-in-Arden

**PREPARED FOR:**

Mr S Jenner  
The Orchards  
Eastcote  
Hampton-in-Arden  
Solihull  
B92 0HU

**March 2023**

**PREPARED BY:**

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## **CERTIFICATE OF LAWFULNESS APPLICATION REGARDING THE ORCHARDS, EASTCOTE, HAMPTON-IN-ARDEN, SOLIHULL, B92 0HU**

### **Supporting Information**

Submitted with this application are the following documents:-

- Statutory Declaration by Mr S Jenner
- Letter from Burrows Scarborough Accountants
- Letter from Jenny Senior
- Letter from Steve Sandford
- Invoice regarding the grubbing-out of the trees (2010)
- Council tax records.

### **Evidence to Support the Certificate of Lawfulness**

The application is submitted on the basis that the dwelling at the above property has been occupied by Mr Jenner and his family in breach of the occupancy condition for over 10 years.

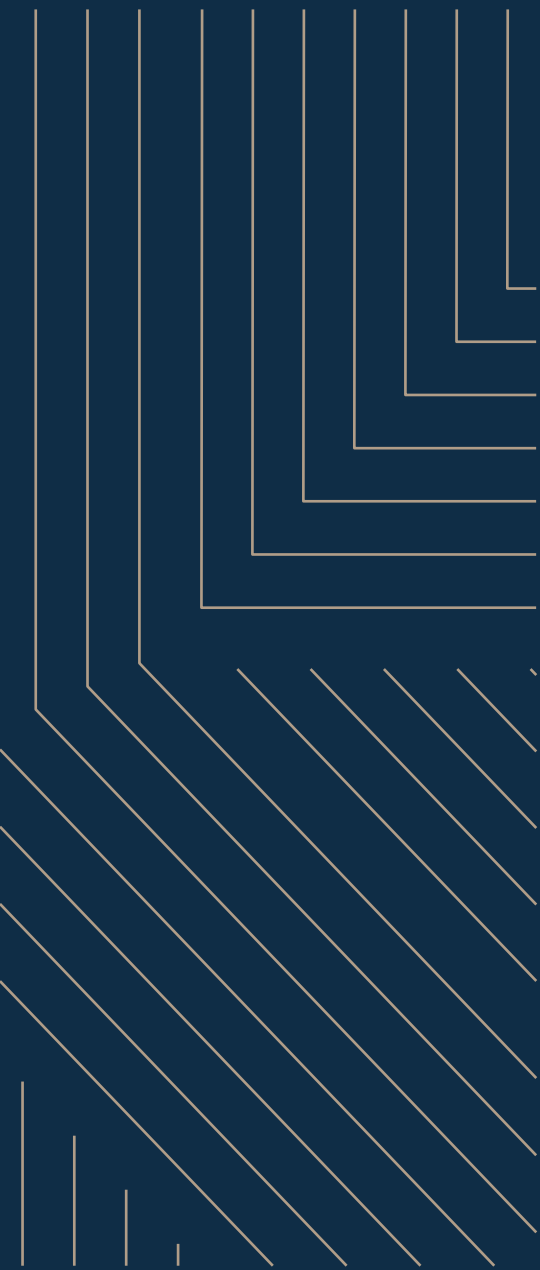
An occupancy condition (condition 5) was imposed at the Outline consent stage for the dwelling, which was approved on 3 December 1986 (planning ref: F/C/86/1971). The condition states as follows:-

*The occupation of the dwellinghouse shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry, or a dependent of such a person residing with him/her and including a widow or widower of such a person.*

The details regarding the property and its occupiers are as follows:-

1. In September 1984 Mr Jenner acquired an area of farmland off Walsall End Lane, extending to approximately 7ha (17.5 acres), which is now known as The Orchards.
2. The land was acquired with a view to establishing a fruit orchard. In 1984 strawberry plants were planted and in 1985 apple and plum trees were planted. In addition, windbreaks of trees were planted to the boundaries of the land.
3. In 1986 Mr Jenner secured planning permission for a dwelling at the site to oversee the agricultural/horticultural enterprise. The dwelling being subject to an agricultural occupancy condition.
4. The dwelling was built in May 1987 and was ready for occupation in December 1987. The house was the home for Mr Jenner and his wife and their children. The children have now left home and the house is occupied by Mr & Mrs Jenner.
5. Mrs Jenner is retired, she was a physiotherapist with the NHS. Mrs Jenner was never involved with the running of the orchard business.
6. The strawberry crop commenced in 1985 with sales by 'pick-your-own'. This was a successful enterprise until the advent of Sunday opening for supermarkets, and other factors, with the strawberry cropping enterprise ceasing in 2004.

7. The apples and plums from the orchard were sold to local retailers and local fruit & vegetable wholesalers. In 1997 65% of the fruit trees were grubbed-out as part of a government funded scheme. The last apples produced and sold from the site was in 2006. The remaining fruit trees were cleared in 2010.
8. In 1991 Mr Jenner started the production of toffee apples at the site using the homegrown apples. This aspect of the business increased during the 1990s, whilst at the same time the production and sale of wholesale apples was reducing. The process of producing the toffee apples takes place in the buildings at The Orchard. The production period of the toffee apples runs for seven weeks from 14 September, in which time the toffee apples are sold to supermarkets (e.g. Morrisons and Asda) for the seasonal Halloween period.
9. Since 2003 the apples for the toffee apples have been bought-in from the company Fresh Pro Imports.
10. The toffee apple business goes by the name A C Jenner & Son, which has been a limited company since August 2002. During the production period of the toffee apples, 30 seasonal staff are recruited. In the early days of the enterprise the seasonal staff were local workers, but since 2006 an agency (AM2PM) has been used for the supply of the staff.
11. The business activity at The Orchards is dedicated to the production of toffee apples and has been since 2006 when the production and sale of wholesale apples ceased. Although the production period is only seven weeks a year, the rest of Mr Jenner's time is dedicated to developing and improving the machinery for the enterprise and discussions and negotiations with the supermarkets for the following years' supply and contract.
12. The land at The Orchards is now being put to re-wilding, with areas of natural regeneration, woodland planting and wetland scrapes.
13. Given Mr Jenner's work and employment producing toffee apples and Mrs Jenner's employment as a physiotherapist the dwelling at The Orchards has been occupied in breach of the agricultural occupancy condition for over 10 years.



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