

# **PLANNING STATEMENT**

**WILLOWBRIDGE MARINA  
BLETCHLEY**

**AUGUST 2023**

**Site Address:**

Willowbridge Marina, Stoke Road, Bletchley, Buckinghamshire, MK2 3JZ

**Applicant:**

Mr. R. Goosey

**Proposal:**

Lawful Development Certificate:

Proposed continuation of works approved under planning applications 11/02745/AOP and 13/1313/ADP (Site for redevelopment of facility into layby and of line marina with associated car parking, facilities building, chandlery and slipway)

**Planning Statement:**

**Date Issued:** 30<sup>th</sup> August 2023

**Job Reference:** RDP/2023/070

**Report Prepared By:**

Rob Duncan BSc(Hons) MA MRTPI  
Rob Duncan Planning Consultancy Ltd

**Contact Details:**

Rob Duncan Planning Consultancy Ltd  
28 Ferndale Road, Lichfield, Staffordshire, WS13 7DJ  
Email: rob78duncan@gmail.com  
Tel. 07779 783521

## **1 Introduction**

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. R. Goosey to submit an application pursuant to s192 of the Town and Country Planning Act (1990) to seek confirmation that the proposed continuation of works at Willowbridge Marina, Stoke Road, Bletchley pursuant to applications 11/02745/AOP and 13/01316/ADP would be lawful.
- 1.2 The applications granted outline (11/02745/AOP) and reserved matters consent (13/01316/ADP) for the redevelopment of the site to provide a layby and off-line marina, along with associated car parking, facilities building, chandlery and slipway. The outline application was granted on 19<sup>th</sup> March 2012, with the Reserved Matters consent being approved on 19<sup>th</sup> July 2013.
- 1.3 Condition 3 of the outline consent (11/02745/AOP) requires that development shall be begun before the expiration of three years following the date of approval of the last of the reserved matters. This Lawful Development Certificate application seeks to demonstrate that the development was indeed commenced before the expiration of the planning permission, in accordance with the conditions imposed on the consents, and that consequently the continuation of those approved works would be lawful.
- 1.4 The National Planning Practice Guidance confirms that an applicant is responsible for providing sufficient information to support an application for a Lawful Development Certificate to be granted, and that an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. This Planning Statement sets out the applicant's case for the Lawful Development Certificate to be granted in light of the above requirements

## **2 Site & Surroundings**

- 2.1 The application site lies within the open countryside in an area designated as an Area of Attractive Landscape. The site is irregular in shape and comprises a long established boatyard and its associated buildings and facilities that extends to some 1.5 hectares.
- 2.2 The site is bordered to the east by the Grand Union Canal, and to the north by existing commercial development, beyond which lies the A4146. To the south of the site lies a parcel of open land. To the west of the site lies further commercial development. The site lies a short distance from the town of Bletchley, and some 2km from the village of Stoke Hammond.

### **3 The Proposal**

3.1 This Lawful Development Certificate seeks confirmation that:

- 1) The proposed continuation of works approved under planning permissions 11/02745/AOP and 13/1313/ADP would be lawful and therefore not require the submission of a fresh application to the Local Authority.

#### **4 Planning Assessment**

- 4.1 Section 192(1) of the Town and Country Planning Act 1990 (As Amended) confirms that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land would be lawful, they may make an application for the to the Local Planning Authority specifying the land and describing the operations in question.
- 4.2 Section 192(2) of the Act goes on to state that If the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- 4.3 Paragraph 006 of the Planning Practice Guidance provides guidance on Lawful Development Certificates and states that an applicant is responsible for providing sufficient information to support an application. It goes on to state that if a local planning authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events *less than probable*, then 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*.
- 4.4 This Lawful Development Certificate application seeks to demonstrate that the works approved under applications 11/02745/AOP and 13/01316/ADP were lawfully commenced and that as a consequence the proposed continuation of the approved works would be lawful.
- 4.5 Section 56(2) of the Town and Country Planning Act provides that:
-

*“development shall be taken to be begun on the earliest date on which any material operations comprised in the development begins to be carried out”*

4.6 The Act goes on define a “material operation” as constituting:

*a) any work of construction in the course of the erection of a building*

*aa) any work of demolition of a building*

*b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building*

*c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b)*

*d) any operation in the course of laying out or constructing a road or part of a road*

*e) any change in the use of any land which constitutes material development’*

4.7 In addition to the above it is important that the planning permission is read together with its conditions (*Whitley & Sons Co Ltd. v Secretary of State for Wales 1992* refers). In this particular case the outline planning consent (11/02745/AOP) was granted subject to a number of planning conditions that required the submission of additional details to the Local Authority prior to the commencement of development. Those conditions are summarised overleaf.

- Condition 5 – Site Operatives Compound
- Condition 6 – Mud/Debris Precautions
- Condition 7 – Surface Water Drainage
- Condition 8 – Contamination Risk Assessment
- Condition 9 – Verification Report
- Condition 12 – Foul Water Drainage
- Condition 13 – Contamination Risk Assessment
- Condition 14 – Remediation Scheme
- Condition 15 – External Illumination
- Condition 17 – Displacement of Spoil
- Condition 21 – External Illumination

4.8 In support of this lawful development certificate application we draw attention to the statutory declaration of the owner of the site, Mr. R. Goosey, which accompanies this application. The Statutory Declaration confirms a number of important facts relating to this matter, and as the owner of the site, he is best placed to confirm those facts.

4.9 The Statutory Declaration confirms in paragraph 5 that a discharge of conditions submission was lodged to address the requirements of conditions 5, 6, 7, 12, 15, 17 and 21 of the outline consent. That application was validated by the Local Authority on the 17<sup>th</sup> May and afforded reference number 11/A2745/DIS.

4.10 The Statutory Declaration goes on to confirm in paragraph 6 that further information was submitted to the Local Authority on 28<sup>th</sup> August 2013 pertaining to conditions 8, 9, 13 and 14, following the submission of contamination reports direct to the Local Authority's Contamination Officer by the applicant's Contamination Consultant (Peter Brett Associates), and a submission made by myself on 28<sup>th</sup> August 2013.



- 4.11 It is further confirmed within the Statutory Declaration that the Local Authority signed off Conditions 5 and 6 in their communication dated 23<sup>rd</sup> July 2013, with a further response received on the 19<sup>th</sup> August 2013 confirming sign off of Conditions 7, 12, 15, 17 and 21.
- 4.12 The Statutory Declaration goes on to comment in paragraph 9 that the Local Authority's response to conditions 8, 9, 13 and 14 was received on the 30<sup>th</sup> October and confirms that the information submitted to address the contaminated land conditions was acceptable. The correspondence went on to confirm that when the development reaches the Building Control phase, and gas protection measures have been incorporated, a validation report should be submitted. The remaining parts of the contaminated land conditions can then be discharged at that later stage. The Statutory Declaration confirms for avoidance of doubt that no new buildings have yet been erected on the site so these measures can still be complied with.
- 4.13 The Statutory Declaration goes on to confirm that works to commence the development were subsequently undertaken in March 2014 comprising of works of demolition to remove all of the southern enclosure on the site that was previously used for building narrowboats, and which consisted of fencing a workshop, office and concrete foundations. The Statutory Declaration confirms that all of those structures were removed, including the concrete foundations which were broken up, and those works were undertaken before the permission expired.
- 4.14 Evidence in the form of aerial photographs showing the presence of these structures back in 2007 and the site as it existed in 2017, long after those structures had been removed, are submitted within the Statutory Declaration to corroborate the applicant's own version of events.

4.15 Works of demolition constitute a ‘material operation’ under Section 56(4) of the Town and Country Planning Act, and by virtue of the works having been undertaken prior to the planning consent expiring on 19<sup>th</sup> July 2015, the permission is taken to have been ‘begun’. As a consequence, the planning permissions have not lapsed and the applicant would be free to continue implementing the approved scheme without the need to apply for a further planning consent from the Local Authority.

## **5 Conclusion**

- 5.1 Having regard to the considerations set out above it is submitted that a lawful commencement of the development approved under applications 11/02745/AOP and 13/01316/ADP has occurred, in the context of s56(2) and s56(4) of the Town and Country Planning Act 1990 (As Amended) and that the planning permission has therefore not lapsed.
- 5.2 It consequently follows that the proposed continuation of the approved works to construct the remainder of the development would be lawful and would not require the submission of a fresh planning application to the Local Authority. The Local Authority is respectfully requested to grant a lawful development certificate to confirm the same.