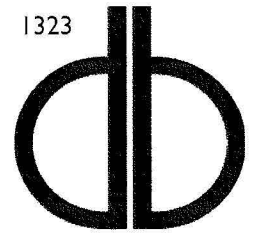


**DOUGLAS BRIGGS
PARTNERSHIP**

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AND
TOWN PLANNING

Appendix 2
Evidence
In support of an
Application for a
Certificate of Lawfulness
For a
Commercial Storage Use
At
Unit 2 – Brooks, Cemetery Lane

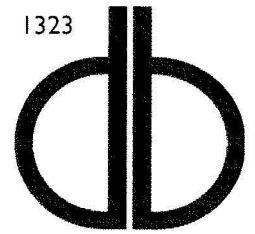


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APPENDIX L – Tennant Letter – Aldwick Fencing 2

A second letter from John Hackett of Aldwick fencing clarifying matters raised in the first application.

ALDWICK FENCING

Big enough to cope, small enough to care



18/08/2023

To whom it may concern,

I have read the planning officer's comments and wish to follow up with more information regarding my use of Units 1 and 2 at Brooks, Cemetery Lane, Woodmancote.

With my original letter I provided some examples of invoices from some of the deliveries I had received at the site over the years. I wish to make it clear that this is not a comprehensive list of the invoices that relate to deliveries to Brooks but a sample that covered the full 10 year period to demonstrate that I have been storing items continuously and actively visiting the site to deliver and receive items for over 10 years.

I don't have every order of materials for every job delivered to my units, some are delivered directly to a job site and most of the orders delivered to Brooks are either; orders of materials in advance if I have a job in that area; or bulk orders of frequently used materials that I keep in stock for use on a variety of jobs. More often than not, I use the units to store materials left over from jobs for use on future jobs, or surplus items that I take away from job sites that I feel are too good to dispose of and have a value or which I need to repair before potential use on a future job, which I bring in and out on my own vehicles.

I also have a large quantity of tools and equipment that I don't need every day stored at the site and pick up and return tools stored at Brooks as and when I need them.

I believe the planning officer required more information about how I used the individual spaces and buildings:

Unit 1: I store my tools and equipment with the remaining areas used to store some materials. I do have lockable storage boxes for some items and Unit 1 is generally more secure than Unit 2. There are some of my tools and other items that have been in there since I first started using the unit, whereas most of the materials come and go as my work demands, staying for a couple of weeks or more.

Unit 2: I expanded into Unit 2 as I took on larger fencing jobs and required more room and is predominantly used to store materials purchased in advance for these jobs or items where I have ordered in bulk for use on multiple jobs where they will be stored in the Unit and used as and when

18 Sherwood Road
Bognor Regis
PO22 9DS

www.aldwickfencing.com

ALDWICK FENCING

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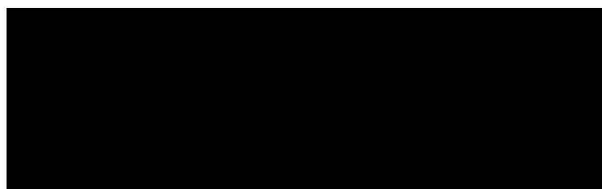
At times both Units 1 and 2 and areas outside are completely full with stock and materials as I prepare for a large job.

Yard: I have stored items outside since I started using Unit 1 and generally store heavy weather resistant items here ie: concrete posts, trailers etc.

The frequency of my use of Brooks does vary depending on where my fencing jobs are located, If I am working on a project in the local area, I am in and out most days picking up something for the job. Sometimes I have a job further away or with all the materials delivered to site and have no need to visit the site for a short while but will return from the job with surplus stock to store.

It all depends on what we are doing and where we are working, if I need to pick anything up or drop it off but I have different equipment that suits different jobs and there is a substantial amount of surplus stock that I keep in the buildings in the hope that I will find a use for them on a job and invariably there is always something stored inside each of the units.

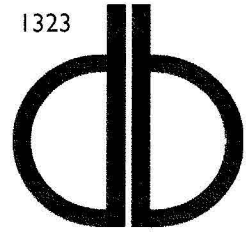
Please feel free to contact me if you require any further information.



John Hackett

18 Sherwood Road
Bognor Regis
PO22 9DS

www.aldwickfencing.com

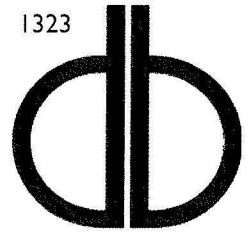


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APPENDIX M – Sworn Affidavit of John Hackett

A sworn affidavit made by Mr John Hackett of Aldwick Fencing, the current occupant, testifying to his occupation of Units 1, 2 and the adjacent hard standing.



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APPENDIX N – Sworn Affidavit of Mark Ingram

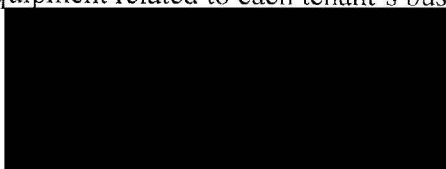
A Sworn Affidavit of Mr Mark Ingram, the site owner and applicant.

Sworn Affidavit of Mark Ingram

Declarants: Mr Mark Ingram
Exhibit
Sworn:
Filed:

I, **Mark Ingram** of 7 Brooks Lane, Bosham, Chichester, PO18 8JT **make oath and say as follows:**

- 1 I am over 21 years of age and save where otherwise appears make this **Sworn Affidavit** in my own knowledge and belief.
- 2 I have been letting Unit 1 at Brooks, Cemetery Lane, Woodmancote to Mr John Hackett of Aldwick Fencing for commercial storage since December 2011 to the date of this statement
- 3 I have been letting Unit 2 at Brooks, Cemetery Lane, Woodmancote to Mr David Storey-Apps of David Grant UK Limited for commercial storage from early 2012 to mid 2018 and then to Mr John Hackett of Aldwick Fencing from mid 2018 to the date of this statement.
- 4 The tenants of Units 1 and 2 have both had use of the hard paved yard adjacent to the buildings for access, parking and storage as and when required in connection with their use of the buildings.
- 5 I have regularly been to the site since 2011 and witnessed that Units 1 and 2 have been used to store materials, stock and equipment related to each tenant's business.



- 6 I confirm that from December 2011 to the date of this statement Unit 1 at Brooks, Cemetery Lane, Woodmancote has been for the storage of materials in connection with my tenant, Mr John Hackett's business activities.
- 7 I confirm that from Early 2012 to mid 2018 that Unit 2 at Brooks, Cemetery Lane, Woodmancote had been used for the storage of materials in connection with my tenant, Mr David Storey-Apps' business activities.
- 8 I confirm that from mid 2018 to the date of this statement that Unit 2 (in addition to Unit 1) at Brooks, Cemetery Lane, Woodmancote has been used for the storage of materials in connection with my tenant, Mr John Hackett's business activities.
- 9 I confirm that the yard adjacent to units 1 and 2 Brooks, Cemetery Lane, Woodmancote has been used by the tenants of Units 1 and 2 for access, parking and storage in relation to their use of the buildings since 2011.

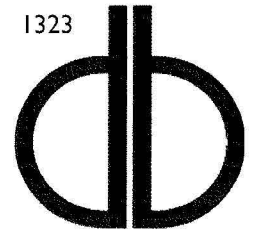
Sworn this 11th day of August 2023

GEORGE IDE LLP
Solicitors
52 North Street
CHICHESTER
West Sussex PO19 1NQ

At

Before Me, ALICE LEADBEATER.
Solicitor/





**DOUGLAS BRIGGS
PARTNERSHIP**

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AND
TOWN PLANNING

APPENDIX O – Sworn Affidavit of David Storey-Apps

A sworn affidavit made by Mr David Storey-Apps of David Grant Ltd, a former occupant, testifying to his occupation of Unit 2.

Sworn Affidavit of David Storey-Apps

Declarants: Mr David Storey-Apps

Exhibit

Sworn:

Filed:


I, **David Storey-Apps** of David Grant UK Ltd, St Johns House, St Johns Street, Chichester, West Sussex, PO19 1UU **make oath and say as follows:**

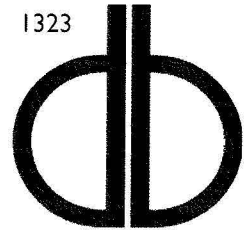
- 1 I am over 21 years of age and save where otherwise appears make this **Sworn Affidavit** in my own knowledge and belief.
- 2 In January 2012 I approached the owner of Brooks, Mr Ingram and within our agreement had the use of Unit 2 and with access over and the use of the adjacent yard as and when needed.
- 3 I stored materials, equipment and surplus supplies in the building known as Unit 2 at Brooks, Cemetery Lane, Woodmancote from mid January 2012 to 3rd April 2018.
- 4 While I occupied Unit 2, I used all the areas within Unit 2 to store various items of catering equipment, furniture and timber related to my business activities and attended at various times to deposit and collect stored items as and when needed.
- 5 Another occupant that I later came to know as Mr Hackett of Aldwick Fencing had the use of Unit 1 when I occupied Unit 2.
- 6 I informed Mr Ingram in March 2018 that I intended to vacate Unit 2 and agreed on 3rd April 2018 as the end date to my tenancy.
- 7 I proceeded to clear all of my goods from the premises to meet the timeline agreed with Mr Ingram.
- 8 I understood that Mr Hackett would take possession of Unit 2 in addition to his occupation of Unit 1 as soon as I had vacated my goods.

- 9 With the agreement of Mr Ingram, I left two cabinets and a desk, for which I had no further use for in the premises known as Unit 2 for the use of either Mr Ingram or Mr Hackett.
- 10 I vacated the premises known as Unit 2 on 3rd April 2018
- 11 I confirm that from mid January 2012 to the 3rd April 2018 I used Unit 2 and the adjacent yard at Brooks, Cemetery Lane, Woodmancote for storage of materials and equipment in connection with my business activities.
- 12 I confirm that my use of Unit 2 included all areas within the building and that items were stored within the building throughout the period I occupied Unit 2
- 13 I confirm that at no time during my occupancy of Unit 2 would I have considered the building to be 'vacant' or my use interrupted between mid January 2012 and 3rd April 2018.

Sworn this 10th day of November 2023


Before Me, **KATHERINE STEVENS**
Solicitor/Commissioner for Oaths


GEORGE IDE LLP
Solicitors
52 North Street
CHICHESTER
West Sussex PO19 1NQ



DOUGLAS BRIGGS
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APPENDIX P – Former Tenant E-mail

An e-mail from Mr David Storey-Apps of David Grant Ltd, a former occupant, clarifying the nature of his use of Unit 2.

Subject: Fw: F.A.O. Paul Hughes /Ref: Mark Ingram

From: david storey-apps <[REDACTED]>

Date: 18/10/2023, 14:04

To: "ideas@douglasbriggspartnership.co.uk" <ideas@douglasbriggspartnership.co.uk>

Without Prejudice:

Dear Mr Hughes,

further to my letter of 23/02/2023, please find the following information appertaining to the context of that letter;

With reference to the paragraph concerning the type of goods that I stored in the premises.

As stated I stored various items of catering equipment, and also some furniture awaiting restoration, these items were ancillary to the business activities that I was involved with at that time.

Although there was not an inventory kept of these items, to the best of my recollection the catering equipment stored from time to time consisted of items that were surplus to requirement in that instance, and that I was unable to store in my catering outlet due to lack of space, i.e. tables and chairs, chiller cabinets, and various back up equipment, such as bain-marie's, small convection ovens and hot cabinets. also some broken items of similar equipment that were kept for spare parts.

The furniture stored consisted of various items of antique and second hand furniture that were awaiting restoration or refurbishment, such as chest of drawers, tables, dressers and desks etc, and also a quantity of second-hand timber used to carry out repairs.

With reference to my attendance at the premises, there were no set days that I would call at the premises, I would go there dependent on the necessity to either collect or deposit goods, and during the later part of my time there towards the end of 2017, until I left the premises in 2018 my attendances there were less consistent.

Having previously obtained a lease on an industrial premises in Glenmore Business Park, the majority of my time was occupied there, and as I only used the premises at 'Brooks' as subsidiary storage, it was now unnecessary to my requirements, having enough space in my new premises to accommodate all of the goods associated with my ongoing business activities.

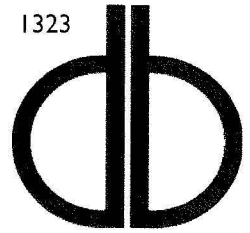
Therefore, I thought it unreasonable to continue to occupy the premises at 'Brooks' for goods that were just laying fallow, and impose further on Mr Ingram, who had been good enough to assist me in such a kind and generous manner when needed. I also had an inclination that Mr Hackett the fencing contractor would like some extra storage, and could put the space that I occupied to better use for his storage, should I vacate.

I informed Mr Ingram in March 2018 that I intended to vacate the premises on 3rd April 2018, to which he was in agreement, and then proceeded to clear my goods from the premises and leave it vacant in the timescale agreed.

N.B. I did with Mr Ingram's agreement leave some pieces of furniture, i.e. a second hand office desk and a couple of cabinets, that were deemed useful for Mr Hackett, as I had no further need for these, and intended to dispose of them anyway.

Yours sincerely

David Storey-Apps



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PARTNERSHIP**

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ARCHITECTURE
AND
TOWN PLANNING

APPENDIX Q – Tennant Letter – Aldwick Fencing 3

A third letter from John Hackett of Aldwick fencing clarifying the date of occupancy and nature of his use of Unit 2.

ALDWICK FENCING

Big enough to cope, small enough to care



20/10/23

To whom it may concern,

Following on from my previous letters regarding Brooks, Cemetery Lane, Woodmancote I wish to give more information about my use of Unit 2 specifically.

Whilst already using unit 1 and the adjacent yard since December 2011, soon after in January 2012, another company started to use Unit 2, this was David Grant Ltd. They had the unit full of various items, from a catering and a furniture business.

In 2018, I heard they were intending to leave the unit, and I approached Mr Ingram stating I would be happy to take it over asap, and on the 3rd April 2018 whilst David Grant Ltd were still moving the last of there items out, I began to move my materials in.

They did leave a few items of furniture for me, which are still there to this day.

I wanted to have unit 2 as well, as Unit 1 was mainly used for tools, equipment, materials and fixings etc. I sometimes have large items of new stock that I would not wish to leave outside, so Unit 2 was perfect for this. Access was easier, and there wasn't the floor space in just unit 1.

Since I took unit 2 over, it has always been full of materials, I often purchase large quantities of certain materials as it's more economical to do so, and these will be stored in unit 2 until required. Stock items and quantities do vary, as to what jobs we are carrying out at the time.

Mainly I keep new panels, security fencing, and commercial fencing items in there, as sometimes items are kept for some considerable time and would weather if kept outside.

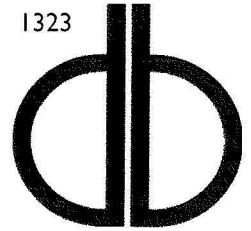
Please feel free to contact me if you require any further information.



John Hackett

18 Sherwood Road
Bognor Regis
PO22 9DS

www.aldwickfencing.com



**DOUGLAS BRIGGS
PARTNERSHIP**

APPENDIX R – Certificate of Lawfulness – Unit 1

A copy of the Certificate of Lawfulness for the commercial storage use of Unit 1 following application WE/23/01971/ELD.

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Application No: WE/23/01971/ELD

CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE ORDER) 2010 (now, as amended): ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Agent :

Mr Paul Hughes
Flint Barns
Ham Farm
Bosham Chichester
West Sussex PO18 8EH

Applicant Details :

Mr Mark Ingram
Brooks
Cemetery Lane
Woodmancote Westbourne
Emsworth West Sussex PO10 8QB

Chichester District Council hereby certifies that on 22nd August 2023 the development described in the First Schedule in respect of the land specified in the Second Schedule to this certificate and hatched on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

On the basis of the evidence submitted with the application and that available from the Council's own records it is considered there is sufficient information to demonstrate that, on the balance of probabilities, the use as stated in the First Schedule of the land and buildings within the Second Schedule, has taken place for a ten-year period prior to the District Council receiving the application.

FIRST SCHEDULE

The use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

SECOND SCHEDULE

Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application or alternatively by scanning the QR code. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".



Decision Date : 13 October 2023

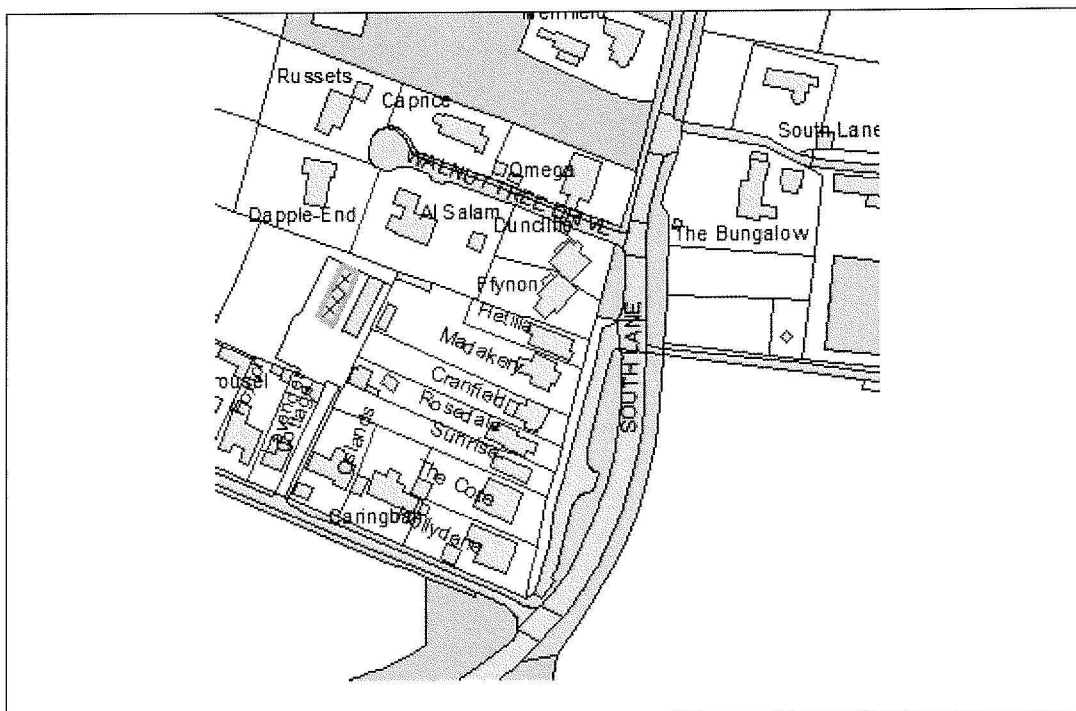
Signed:



Andrew Frost
Director of Planning and Environment
Chichester District Council

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.





CHICHESTER DISTRICT COUNCIL



**A FROST
DIRECTOR OF PLANNING AND THE ENVIRONMENT**

Subject: Existing Lawful Development

Location: Unit 1
Brooks
Cemetery Lane
Woodmancote
Westbourne
Emsworth
West Sussex
PO10 8QB

File Reference: 23/01971/ELD

Date: 13 October 2023

O.S. Plan Reference: SU8305

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Chichester District Council, East Pallant House, Chichester, West Sussex,
PO19 1TY

Licence No. LA077 550.

NOTES

**Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements)
Regulations 1992
Town and Country Planning (Trees) Regulations 1999**

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

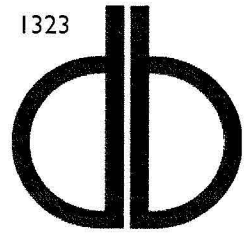
2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.
4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.

Just received permission for a new property or development? Please register below for a Royal Mail postal address:- <https://www.chichester.gov.uk/streetnaming>

APPENDIX S - Public Consultation Responses

Letters received from members of the public by the local planning authority in response to their consultation on the first application WE/23/01282/ELD and second application WE/23/01971/ELD

1323



**DOUGLAS BRIGGS
PARTNERSHIP**

INTEGRATED
ARCHITECTURE
AND
TOWN PLANNING

Consultee Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Consultee Details

Name: ?? Clerk to Westbourne Parish Council

Address: Westbourne Parish Council, PO Box 143, Emsworth PO10 9DX

Email: Not Available

On Behalf Of: Parish Email Notification

Comments

Westbourne Parish Council has no objection on the condition that a restriction is placed on the terms of use to state that it can only be used for storage and not as a workshop, and that times of operation are limited to working hours between 9am to 5pm.

[REDACTED]

From: dcplanning shared
Subject: FW: 23/01282/led

-----Original Message-----

From: Susan Jackson [REDACTED]
Sent: 12 July 2023 09:27
To: dcplanning shared <dcplanningshared@chichester.gov.uk>
Subject: [EXTERNAL] 23/01282/led

This Message originated outside your organization.

Dear Sirs,

I write with regard to the above planning application for the property known as Brooks, Cemetery Lane PO10 8QB. Mr Ingram has been a very responsible land owner with respect to the residents surrounding his property. My concern is that the application allows for the escalation of use to that of 'distribution centre'. Access to and from Cemetery Lane is precarious, visibility is poor, especially if there are vehicles parked in the service road. There are children, cyclists, horse riders and vehicles all sharing a single track privately owned lane which is maintained by the residents.

I would strongly recommend that a council representative conduct a survey of this area before permitting this application.

Yours faithfully
Mrs Susan Jackson
Avondale
Cemetery Lane
PO10 8QB

[REDACTED]

LEGAL DISCLAIMER

Communications on or through Chichester District Council's computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

Dear Mr Thomas,

Please find attached our communication regarding planning reference 23/01282/ELD Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution). We reside at Burwood, Cemetery Lane which has land that is adjacent to a neighbouring property and like most others in the lane are required to drive past the entrance to the Brooks site when leaving from and returning to our property.

It is understood that Mr Ingram wishes to obtain a certificate of lawfulness for the current level of commercial use and our position to this is potentially neutral, however this is with the express and explicit understanding that this be as a continuation of the status quo.

Cemetery Lane is a narrow, rural, and single-track lane with a public footpath on which children play, and cyclists, walkers, and horse riders frequent. The lane is also privately maintained by the residents with work being recently undertaken at significant expense to tarmac the eastern section of Cemetery Lane from Duffield Lane.

At present, there is an acceptable level of disturbance due to the commercial activity carried out at the Brooks site (light storage of fencing etc). We understand this is due to the requirement for Mr Ingram to ensure that any such business is conducted infrequently and considerately, and being during normal business and daylight hours, with little noise of consequence, limited impact upon vehicular traffic flow and being generally in keeping with the rural area. To this situation we have no issue or objection.

However, granting approval beyond any currently permitted commercial activities at the Brooks site would provide concern, as we believe that this may have a detrimental impact on the local community and the surrounding area. Specifically, objections to this would include:

- **Incompatible Land Use:** The proposed change of use to commercial use (B8 Storage and Distribution) appears to be incompatible with the surrounding residential area. The noise, increased traffic, and potential for pollution associated with such commercial activities could significantly disrupt the peace and tranquillity of the neighbourhood.
- **Traffic Congestion:** The proposed commercial use could result in a substantial increase in vehicle movements, leading to traffic congestion in the area. The local road infrastructure is not designed to accommodate the additional volume of heavy vehicles associated with storage and distribution operations. This could not only inconvenience residents but also pose safety hazards to children, pedestrians, and other road users. As previously mentioned, maintenance of the lane is also carried out at residents expense.
- **Environmental Impact:** The proposed commercial use may have adverse effects on the environment. Increased noise levels, air pollution, and potential spills or leaks from storage and distribution activities could harm the local ecology and compromise the quality of life for nearby residents.
- **Loss of Residential Amenity:** The introduction of a commercial facility in close proximity to residential properties could significantly impact the residential amenity of the area. Residents should be entitled to enjoy a peaceful and quiet living environment, which may be severely compromised by the noise, increased traffic, and other disturbances associated with commercial activities.
- **Contradiction of Local Planning Policies:** The proposed change of use may contradict local planning policies that aim to protect residential areas from incompatible commercial activities. Granting the Certificate of Lawfulness may therefore set an undesirable precedent and undermine the local planning framework designed to safeguard the interests of the community.

In summary, we are neutral to this application if being considered explicitly as a continuation to the status quo but would object to any change of land usage.

Kind regards,

Peter Walsh & Claire Hallett-Walsh
Burwood, Cemetery Lane

Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Customer Details

Name: Mr Peter Walsh

Address: Burwood, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Dear Mr Thomas,

Please find attached our communication regarding planning reference 23/01282/ELD Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution). We reside at Burwood, Cemetery Lane which has land that is adjacent to a neighbouring property and like most others in the lane are required to drive past the entrance to the Brooks site when leaving from and returning to our property.

It is understood that Mr Ingram wishes to obtain a certificate of lawfulness for the current level of commercial use and our position to this is potentially neutral, however this is with the express and explicit understanding that this be as a continuation of the status quo.

Cemetery Lane is a narrow, rural, and single-track lane with a public footpath on which children play, and cyclists, walkers, and horse riders frequent. The lane is also privately maintained by the residents with work being recently undertaken at significant expense to tarmac the eastern section of Cemetery Lane from Duffield Lane.

At present, there is an acceptable level of disturbance due to the commercial activity carried out at the Brooks site (light storage of fencing etc). We understand this is due to the requirement for Mr Ingram to ensure that any such business is conducted infrequently and considerately, and being during normal business and daylight hours, with little noise of consequence, limited impact upon vehicular traffic flow and being generally in keeping with the rural area. To this situation we have no issue or objection.

However, granting approval beyond any currently permitted commercial activities at the Brooks site would provide concern, as we believe that this may have a detrimental impact on the local community and the surrounding area. Specifically, objections to this would include:

- Incompatible Land Use: The proposed change of use to commercial use (B8 Storage and Distribution) appears to be incompatible with the surrounding residential area. The noise, increased traffic, and potential for pollution associated with such commercial activities could significantly disrupt the peace and tranquillity of the neighbourhood.
- Traffic Congestion: The proposed commercial use could result in a substantial increase in vehicle movements, leading to traffic congestion in the area. The local road infrastructure is not designed to accommodate the additional volume of heavy vehicles associated with storage and distribution operations. This could not only inconvenience residents but also pose safety hazards to children, pedestrians, and other road users. As previously mentioned, maintenance of the lane is also carried out at residents expense.
- Environmental Impact: The proposed commercial use may have adverse effects on the environment. Increased noise levels, air pollution, and potential spills or leaks from storage and distribution activities could harm the local ecology and compromise the quality of life for nearby residents.
- Loss of Residential Amenity: The introduction of a commercial facility in close proximity to residential properties could significantly impact the residential amenity of the area. Residents should be entitled to enjoy a peaceful and quiet living environment, which may be severely compromised by the noise, increased traffic, and other disturbances associated with commercial activities.
- Contradiction of Local Planning Policies: The proposed change of use may contradict local planning policies that aim to protect residential areas from incompatible commercial activities. Granting the Certificate of Lawfulness may therefore set an undesirable precedent and undermine the local planning framework designed to safeguard the interests of the community.

In summary, we are neutral to this application if being considered explicitly as a continuation to the status quo but would object to any change of land usage.

Kind regards,

Peter Walsh & Claire Hallett-Walsh
Burwood, Cemetery Lane

Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Customer Details

Name: Mrs Nicola Porecki

Address: Larbre, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to the proposed change of use given that this is a residential area which is accessed by a very narrow single track road. This road has been resurfaced by the residents of the lane and is not suitable for increased traffic which could occur with change of land use. Further this not in keeping with the semi rural nature of the lane. I am also concerned about commercial traffic and entering and leaving via the end of cemetery lane which is a blind spot. In addition the lane includes several families with small children and increased commercial traffic on such a road presents additional risk.

Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Customer Details

Name: Mrs Tracey Rice

Address: Harwood, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QA

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Cemetery I strongly object to the change of use as it will potentially increase the number of commercial vehicles in the lane and impact the quality of residential life. Access to Brooks is situated between two residential properties in a part of the lane that restricts access for HGV's via South Lane so these vehicles would need to access via Foxbury Lane, forcing more commercial vehicles to the other end of the lane and past my property. Cemetery Lane already has an agricultural business plus HMS Ltd industrial units and there isn't a place for further commercial properties in a family orientated residential lane.

[REDACTED]

From: dcplanning shared
To: Pete Bridger
Subject: RE: [EXTERNAL] Objection /Comments for Brooks Cemetery Lane re 23/01282/ELD

From: Pete Bridger [REDACTED]
Sent: 11 July 2023 14:56
To: dcplanning shared <dcplanningshared@chichester.gov.uk>
Subject: [EXTERNAL] Objection /Comments for Brooks Cemetery Lane re 23/01282/ELD

This Message originated outside your organization.

Attention of Planning Officer

Dear Sir/Madam

With regard to the above application for Certificate of Lawfulness of use we are submitting our observations that with the existing situation at Brooks there is no noticeable change with traffic flow. We are concerned that if it is reviewed and permission granted to regularise the use of this land as a storage and distribution depot it could alter the present usage to an unacceptable level. This is a private road which the residents have tarmaced and maintain and any increase in traffic invariably involving lorries would not be welcome.

The exit from our lane to South Lane is a blind spot that would not safely take such traffic.

Yours sincerely
Pete and Julia Bridger
Millbridge Cemetery Lane ,woodmancote PO10 8 QB

LEGAL DISCLAIMER

Communications on or through Chichester District Council's computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Customer Details

Name: Dr Christopher Moyle

Address: Madakery, South Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8PT

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My concern is that the change of use may result in increased noise levels, pollution from machinery or from traffic on site, increase in traffic down cemetery lane which is narrow and the development is not in keeping with the semi rural area.

Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Customer Details

Name: Dr Sean Hughes

Address: Mount Pleasant, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:Re: Application No. 23/01282/ELD (Brooks, Cemetery Lane)

FAO: Mr Calum Thomas

We write to comment on the above-mentioned application for a certificate of lawfulness.

We reside at Mount Pleasant, Cemetery Lane, and share a boundary with the meadow portion of Brooks. We are also required to drive past the Brooks entrance when leaving from / returning to our property, because the lane is only partially tarmacked (at the expense of the residents).

Our comments are neutral with respect to this application, since it is understood that Mr Ingram merely wishes to obtain a certificate of lawfulness for the current level of commercial use.

However, maintenance of the status quo is considered important. At present, there is very little disturbance as a result of any commercial activity at Brooks, and we believe this is because Mr Ingram must ensure his business is conducted infrequently and considerately (something that we appreciate).

To the extent that approval of this application was to extend the permitted commercial activities at Brooks, we would have concerns. Cemetery Lane is very narrow and rural. The lane is also privately maintained by the residents, as noted above, and is additionally a public footpath on which children play and cyclists, walkers and horse riders frequent. Furthermore, the Brooks site is completely surrounded by residential properties in a quiet setting.

Mr Ingrim clearly expresses an interest in putting his land to use, which is fair, however given the location of said land, any use would need to strongly consider the impact on the local residents' reasonable enjoyment of their properties.

Although a peripheral point in this context, should Mr Ingrim be so minded, we may be more supportive of an application to use the land for residential purposes.

Kind regards

Yours sincerely

Sean and Georgina Hughes



**The Bungalow
Cemetery Lane
Woodmancote
Nr Emsworth
PO10 8QB**

2 July 2023

Dear Sirs

**Planning Application at Brooks, Cemetery Lane, Woodmancote, PO10 8QB
Application No: 23/01282/ELD**

I became aware of Mr Ingram's Planning Application relating to Brooks, Cemetery Lane, Woodmancote on 30 June 2023.

I understand that Mr Ingram has used the land to rent out units for light storage, such as for fencing, for some years, but appears to now be applying to legalise the same under B8 useage (storage and distribution).

If the status quo is maintained, I would not object to Mr Ingram's application because currently, I experience little disruption to the enjoyment of my property. However, Mr Ingram has told me that it is his intention to sell the land and if this comes to fruition, I would be very concerned about the new owner's intentions with regard to use.

Currently, the tenants' activities would appear to be in keeping with the rural area and are conducted in normal business hours and in daylight, and my experience has been that this has little or no impact upon the traffic in the lane which is single track.

Were Mr Ingram not to sell, but there be changes of tenant, I would also have concerns about those tenants' business activities particularly with regard to the impact on the rural area, noise pollution and increased traffic.

To summarise, if the status quo is maintained, I have no objection to this application. My objection would arise should usage of the land change in any way.

Yours faithfully

P R Richardson

Comments for Planning Application 23/01282/ELD

Application Summary

Application Number: 23/01282/ELD

Address: Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Application for Certificate of Lawfulness for change of use of buildings and associated hard standing to commercial use (B8 Storage and distribution).

Case Officer: Calum Thomas

Customer Details

Name: Mr Thomas Lawler

Address: Loxley, Walnut Tree Drive Woodmancote, Westbourne Emsworth, West Sussex PO10 8QH

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: As a neighbour with residential property to the north of "Brooks", the current utilisation of Units 1 and 2, for storage and distribution by a fencing contractor is agreeable; work is conducted during normal business and daylight hours, with little noise of consequence, limited impact upon vehicular traffic flow and is generally in keeping with the rural area.

However, my concern is that should the existing tenants, Aldwick Fencing, leave, a replacement tenant or tenants may be less agreeable; there is nothing restricting activities to business or daylight hours, nothing to limit noise, nothing to limit vehicular traffic flow that is highly likely to exit Cemetery Lane onto South Lane that is significantly hazardous for pedestrians and vehicles alike, and nothing to ensure commercial activities are in keeping with a rural area.

My stance therefore is neutral, but should assurances be given that suitable mitigation would be put in place for each of my concerns, then I would support the application.

31st May 2023,

MR G.D. MARTIN
SUNRISE, WOODMANCOTE
PO108PT
[REDACTED]

DEAR SIR/MADAM.

I HAVE KNOWN, MR MARK INGRAM,
FOR OVER TWENTY YEARS. MY ASSOCIATION WITH MARK,
HAS BEEN NEIGHBOURS. NOW, A FRIEND, HONEST,
WE HAVE A VERY GOOD RESPECT, FOR EACH OTHER.
THE PROPOSED APPLICATION, MY MOTHER & I, HAVE
NO PROBLEMS WITH.

I AM AWARE OF [MR JOHN HACKETT]
ADWICK FENCING, STORING MATERIALS INSIDE THE
BUILDINGS. WORRIES (NIL) WITH FREIGHT IN/
OUT. MY MOTHER & I, ARE HAPPY, WITH
WHAT HAS BEEN APPLIED FOR, IN THE
APPLICATION.

YOURS MR GEOF MARTIN
[REDACTED]

PLEASE DON'T HESITATE TO CALL, FOR A
DISCUSSION

Consultee Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Consultee Details

Name: ?-? Clerk to Westbourne Parish Council

Address: Westbourne Parish Council, PO Box 143, Emsworth PO10 9DX

Email: Not Available

On Behalf Of: Parish Email Notification

Comments

Westbourne Parish Council has no objection but would like to make the comment that they would be concerned if the nature of the use of the building were to change to distribution in the future.

Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Customer Details

Name: Mr Peter Walsh

Address: Burwood, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Mr Thomas,

Please find attached our communication regarding planning reference 23/01971/ELD Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

We reside at Burwood, Cemetery Lane which has land that is adjacent to a neighbouring property and like most others in the lane are required to drive past the entrance to the Brooks site when leaving from and returning to our property.

Similar to comments stated by us on 11th July 2023, Cemetery Lane is a narrow, rural, and single-track lane with a public footpath on which children play, and cyclists, walkers, and horse riders frequent. The lane is also privately maintained by the residents with work being recently undertaken at significant expense to tarmac the eastern section of Cemetery Lane from Duffield Lane to Mount Pleasant. This work was carried out without any contribution from Mr Ingram.

At present, there is an acceptable level of disturbance due to the commercial activity carried out at the Brooks site (light storage of fencing etc). We understand this is due to the requirement for Mr Ingram to ensure that any such business is conducted infrequently and considerately, and being during normal business and daylight hours, with little noise of consequence, limited impact upon vehicular traffic flow and being generally in keeping with the rural area. To this situation we have no issue or objection.

However, granting approval beyond any currently permitted commercial activities at the Brooks site would provide concern, as we believe that this may have a detrimental impact on the local community and the surrounding area. Specifically, objections to this would include:

- Incompatible Land Use: The proposed change of use to commercial use (B8 Storage and Distribution) appears to be incompatible with the surrounding residential area. The noise, increased traffic, and potential for pollution associated with such commercial activities could significantly disrupt the peace and tranquillity of the neighbourhood.
- Traffic Congestion: The proposed commercial use could result in a substantial increase in vehicle movements, leading to traffic congestion in the area. The local road infrastructure is not designed to accommodate the additional volume of heavy vehicles associated with storage and distribution operations. This could not only inconvenience residents but also pose safety hazards to children, pedestrians, and other road users. As previously mentioned, maintenance of the lane is also carried out at the expense of residents without any contribution from Mr Ingram having been received for over 10 years.
- Environmental Impact: The proposed commercial use may have adverse effects on the environment. Increased noise levels, air pollution, and potential spills or leaks from storage and distribution activities could harm the local ecology and compromise the quality of life for nearby residents.
- Loss of Residential Amenity: The introduction of a commercial facility in close proximity to residential properties could significantly impact the residential amenity of the area. Residents should be entitled to enjoy a peaceful and quiet living environment, which may be severely compromised by the noise, increased traffic, and other disturbances associated with commercial activities.
- Contradiction of Local Planning Policies: The proposed change of use may contradict local planning policies that aim to protect residential areas from incompatible commercial activities. Granting the Certificate of Lawfulness may therefore set an undesirable precedent and undermine the local planning framework designed to safeguard the interests of the community.

In summary, we are neutral to this application if being considered explicitly as a continuation to the status quo but would object to any change of land usage.

Kind regards,

Peter Walsh & Claire Hallett-Walsh
Burwood, Cemetery Lane

Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Customer Details

Name: Mr Roger Burton

Address: Dapplend Walnut Tree Drive, Woodmancote, Westbourne, West Sussex PO10 8QH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning Application 23/01971/ELD - Brooks, Cemetery Lane, Woodmancote

Application for Certificate of Lawfulness for change of use of Unit 1 to commercial use (B8 Storage)

Our property abuts the above site and the current infrequent use for storage does not cause any issues. However, a change of use to commercial storage is inappropriate in this predominantly residential area. Increased traffic would result in potential noise and pollution, affecting the peace and tranquility for surrounding residents.

The existing hard-standing appears to be excluded from the current application, but is already used for the storage of materials. I can't see how Unit 1 can be used for commercial storage, without including the existing hard-standing. Commercial storage could dramatically extend this outdoor use, causing increased noise and disturbance to adjacent residents. If I understand B8 storage correctly, it appears to give the applicant an almost unlimited choice of materials that can be stored now, and in the future.

For the reasons above, we object to this application. However, if the Council is minded to approve this application, despite the various objections, a planning condition should be attached restricting working hours. Reason: to prevent unreasonable disturbance to local residents.

Roger & Anne Burton

Dapplend, Walnut Tree Drive, Woodmancote

Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Customer Details

Name: Mr Ian Kemp

Address: Lavender Cottage, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: After lengthy discussions with Mark Ingram regarding both the current use and his intended future use of the site, I am comfortable that this proposed change of use, as requested by Mr Ingram, will have negligible further impact on me and my family.

Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Customer Details

Name: James Lander

Address: Edenvale, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I have selected "Neutral" as it depends on more details than seen in the Notice of a Planning Application. I therefore will write comments below, that may constitute an objection, if the usage of the lane were to increase as a result.

The current occupier has not caused any issues previously that I am aware of, however I would have concerns if:

- * The change of use to storage was on a commercial basis letting to others, as this would increase traffic on a single track road
- * I believe that the single track road is un-adopted, and merely a public bridleway, so does not have right of traffic automatically to others.
- * The upgrade to the single track was made by various residents locally - I am unsure that the owner of the property paid towards this, but a commercial usage may significantly increase wear and tear to the surface.

Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Customer Details

Name: Mr William Hazell

Address: Caringbah, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection is as follows.

The area of this application is purely residential housing not commercial

Access is via a single track lane with tight corners and the final 30 Meters is via a shared driveway shared with Lavender Cottage.

There is already a designated commercial unit area one mile away at the other end of the lane in Westbourne

Comments for Planning Application 23/01971/ELD

Application Summary

Application Number: 23/01971/ELD

Address: Unit 1 Brooks Cemetery Lane Woodmancote Westbourne Emsworth West Sussex PO10 8QB

Proposal: Existing lawful development for the use of 1 no. building (unit1) for the storage of materials (falling within B8 use).

Case Officer: Calum Thomas

Customer Details

Name: Mrs Jane Inglis

Address: Lothlorien, Cemetery Lane Woodmancote, Westbourne Emsworth, West Sussex PO10 8QB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I live a few properties further West down Cemetery Lane from the Brooks, and I have not had any concerns about the use of the property over the last 10 years. The front is kept clear and tidy, and any work or movement of materials to/from the property there is done during normal working hours.