

Statement of Truth

I have made this declaration in support of an application for a Certificate of Lawful Use in respect of land owned by Gary and Karen Martin.

I have been informed of the consequences of making a statement in support of a certificate application which is false or misleading.

I understand that I am guilty of an offence if I make a statement which I know is false or misleading in a material particular, or with intent to deceive I produce any document which is false or misleading in a material particular, or with intent to deceive I withhold any material information.

I understand that if I am found guilty of such an offence, I am liable to a term of imprisonment for up to two years, or to an unlimited fine, or both.

I also understand that a Local Planning Authority may revoke a certificate if, on the application for the certificate:

- (a) A statement was made or document used which was false in a material particular; or
- (b) Any material information was withheld.

The facts stated herein are true to the best of my knowledge and belief.

Signed



Matthew Utting

07/12/2020

Dated

Statement of Evidence

I, Matthew John Lewis Utting of 7 Siskin Gate, Bracknell, Berkshire, RG12 8BF state as follows.

I am Director of MatPlan Limited, Chartered Town Planning & Development Consultants; and a Chartered Town Planner and Member of the Royal Town Planning Institute (MRTPI), with some 30 years' experience in general town planning practice.

In addition to the criminal consequence of making any statement which I know to be false or misleading as summarised in my Statement of Truth above, I am under a professional duty as a Member of the Royal Town Planning Institute to tell the truth in connection with any application to a Local Planning Authority and any appeal to the Secretary of State. Indeed, I have given evidence on oath at a number of planning appeals.

I have been professionally engaged with the property now known as Pond House and its associated grounds continuously and up to the present day, initially with my clients Robert and Jane Glossop from September 2009; and latterly with my clients Gary and Karen Martin from October 2019.

I was instructed by Robert and Jane Glossop to handle the following application of relevance to this application for a Certificate of Lawful Use:

1. Application ref. 11/00259/FUL, for "*Conversion and change of use of garage block and outbuilding to dwelling with associated landscaping and other works*" This application was granted by Hart District Council on 11 April 2011.

I was instructed by Gary Martin to handle the following application of relevance to this application for a Certificate of Lawful Use:

1. Application ref. 20/00908/FUL, for "*Change of use of land associated with Pond House, Church Lane, Dogmersfield, Hook, Hampshire, RG27 8TA to a residential garden extension*". This application was refused by Hart District Council on 18 September 2020 and is dealt with in more detail in later paragraphs of this Statement of Evidence.

I am also aware of a further application of relevance to this application for a Certificate of Lawful Use, as follows:

1. Application ref. 16/03271/NMMA, for various Non-material Minor Amendments to the terms of planning permission ref. 11/00259/FUL, *inter alia* to include "*..Northern elevation: Increase in depth of widow openings to full length patio doors in dining room, living room and in office..*". This application was lodged by Gary Martin as part of his implementing the development authorised by permission ref. 11/00259/FUL, to give rise to what is now Pond House; and was granted by Hart District Council on 2 February 2017.

It should be noted that the Non-material Minor Amendments approved to the northern elevation of what is now Pond House –and which have since been implemented - comprise doors opening directly from the property onto the land which is the subject of this application for a Certificate of Lawful Use.

I have visited Ormersfield House on many occasions between September 2009 to the present day and in all that time, no part of the property's garden grounds has been put to agricultural use. I can identify this land as the area bounded by the red line in Figure 1 below, save for that which includes the property's access to Church Lane, to the north west.

With reference to planning application ref. 20/00908/FUL, I advised Gary Martin that it should be lodged because I was uncertain of the classification of the application site's use, even though I was firmly of the opinion that it had never been put to agricultural use and had been used by Robert and Jane Glossop as garden associated with Ormersfield House during the time they owned and lived in the property. My uncertainty was compounded given that the application site had been severed from the garden grounds of Ormersfield House and sold by Robert and Jane Glossop to Gary and Karen Martin in July 2018, together with the land to the south that benefitted from planning permission ref. 11/00259/FUL and which now includes Pond House and its garden grounds.

At no time have I stated or implied that the land the subject of planning application ref. 20/00908/FUL has at any time been in agricultural use. The application's Ownership Certificate A, which I completed for Gary Martin, makes this clear; and given my personal knowledge of Ormersfield House, Pond House and the application site and my involvement with previous planning applications, I was able to confirm categorically in correspondence with the Case Officer dealing with planning application ref. 20/00908/FUL that that the application site had never been put to any kind of agricultural use; and that its character and appearance had not changed since September 2009 to the present day.

This is why I refer to the land to the north of Pond House as having at worst a 'nil' use in my emails dated 10 June 2020, 7 September 2020 and 11 September 2020 to the Case Officer dealing with planning application ref. 20/00908/FUL; and why I had advised Gary Martin that the application was only necessary for reasons of certainty and clarification, and in order to avoid the possibility of enforcement action being taken by Hart District Council against the land being used as part of Pond House's garden grounds.

Following the District Council's refusal of planning application ref. 20/00908/FUL, I sought and obtained professional legal advice from Graham Gover LARTPI for Gary and Karen Martin; and it is now clear to me that the subdivision of garden land and its continued use thereafter as garden land by two separate properties is not development requiring planning permission. This is precisely the situation that pertains at Ormersfield House and Pond House –the latter's garden grounds are contained by the green line to the west and the red line to the east in Figure 1 below. I therefore believe that this application for a Certificate of Lawful Use is justified; and request that a Certificate is issued.

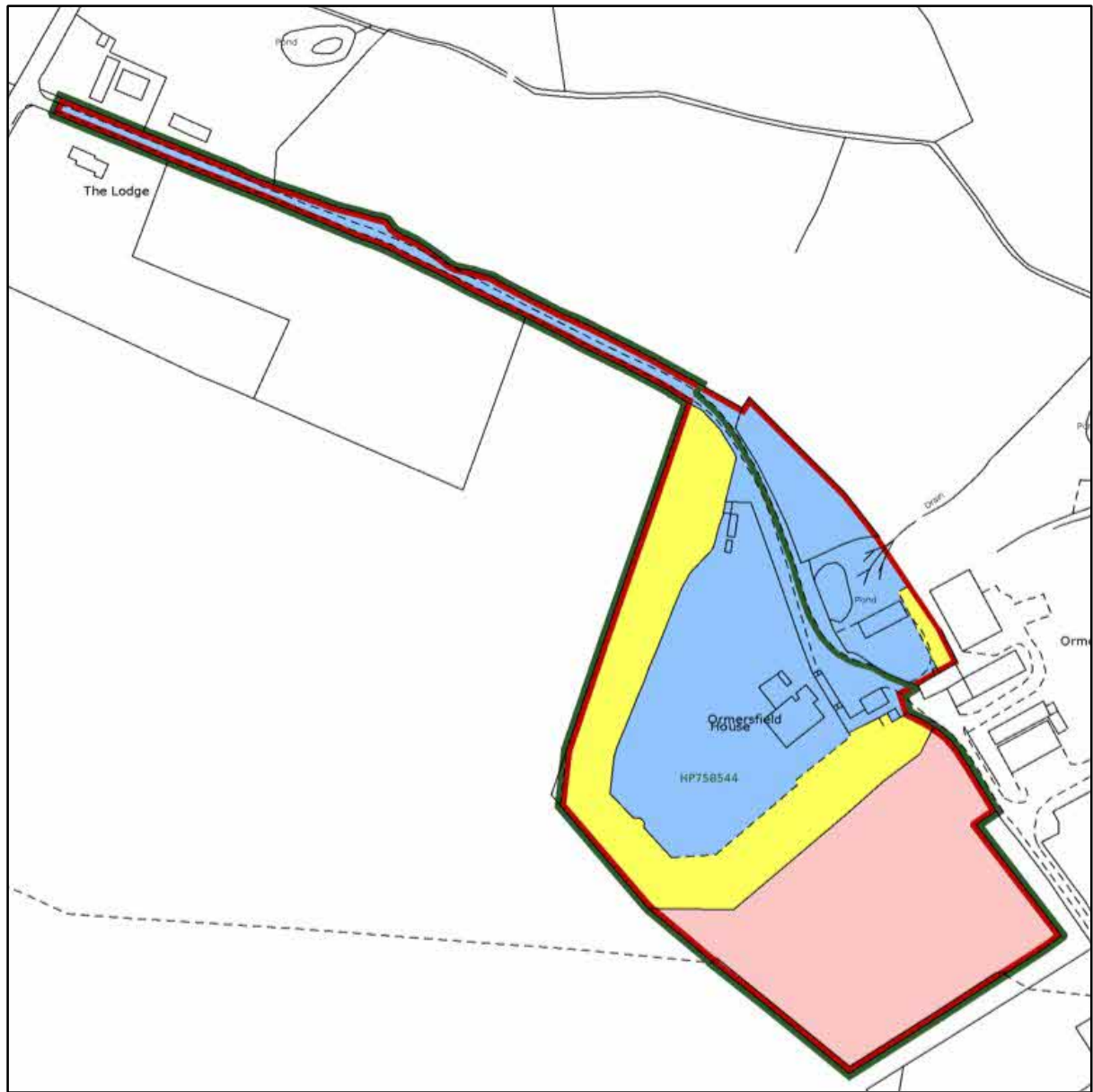


Figure 1. The Garden Land of Ormersfield House and Pond House