

**Planning Statement Support of Certificate of
Existing Lawful Use or Development - Use
Class E(g)(i)**

Existing Office Portacabin

Corner Farm, Lawshall Road, Cockfield

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Opus House
Elm Farm Park
Thurston
Bury St Edmunds
Suffolk
IP31 3SH

T 01359 233663
E enquiries@evolution-planning.co.uk
W evolution-planning.co.uk

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Existing Office Portacabin

Client: Mr M Gregory

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1.0 Introduction and Summary

1.1 This Certificate of Lawfulness application seeks to confirm that the use of the portacabin at Corner Farm, Lawshall Road, Cockfield as an office under Use Class E(g)(i), is a lawful use on the site and that its continuous use for more than ten years, means that the office cannot be subject to enforcement action.

1.2 The report is structured as follows:

- **Site, Surroundings & Background** – provides a description of the existing site and a description of the portacabin.
- **Planning statute & Evidence in Support of the Application** - provides an overview of the relevant parts of planning law governing enforcement action and the ten-year rule, and sets out evidence to support the planning application.
- **Conclusion** – summarises the proposals and provides conclusions.

2.0 Site Description and Overview of Portacabin History

2.1 The portacabin is located on the north east side of Corner Farm just outside of Lawshall Green.



Figure 2.1 - Site Location

2.2 To the south and west of the site is the MGT haulage yard, to the north is a paddock and to the east are derelict farm buildings which have recently been granted consent to be demolished and replaced with workshop buildings. Beyond the derelict farm buildings is a paddock and a neighbouring house.

2.3 MGT has operated a successful haulage business from their yard off Lawshall Road since 2002, specialising in transporting oversized goods such as generators, tanks, vessel agricultural and industrial machinery, containers, and portable buildings. The yard has recently been granted permission to be expanded onto the field to the northwest (DC/21/03817) and to replace its existing workshop in the centre of the yard with a modern workshop with offices and welfare facilities (DC/21/06007) which will be positioned on the southwestern boundary. These planning consents have been implemented Planning permission (DC/23/00384) was granted in August 2023 to demolish the derelict farm buildings to the east of the site and to replace these with purpose-built workshop buildings. This consent has not yet been implemented.

2.4 The existing portacabin has been in place and consistently in use as an office for more

than ten years, without having formally applied for planning permission or retrospective permission for its installation. The owner wishes to confirm that this portacabin may remain and continue to be used as an office under Use Class E(g).

2.5 The portacabin is a single-storey building 18.1m long by 3.85m wide. It currently provides three office rooms, a shower room and a WC.



Figure 2.2 End Elevation of office



Figure 2.3 Front Elevation of office



Figure 2.4 Rear Elevation of office

2.6 This application seeks to regularise this use, confirming that the siting of this portacabin in its current position and its use as an office under Use Class E(g)(i) is considered a 'lawful development' and immune from any Enforcement Action.

3.0 Planning Statute & Evidence in Support of the Application

3.1 This application is submitted under s191 of the Town and Country Planning Act 1990. Section 191 (2) states that:

*‘For the purposes of this Act uses and operations are lawful at any time if—
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason);
and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

3.2 The time limits for taking enforcement action are set out in s171B of the Town and Country Planning Act 1990 and the National Planning Practice Guidance summarises this as follows:

‘Development becomes immune from enforcement if no action is taken:

- Within four years of substantial completion for a breach of planning control consisting of operational development;*
- Within four years for an unauthorised change of use to a single dwellinghouse;*
- Within ten years for any other breach of planning control (essentially other changes of use). However, this would also relate to noncompliance with a condition.’*

3.3 When considering the degree of information to be submitted in support of such applications, the National Planning Practice Guide explains that:

‘In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, 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.’

3.4 The Government’s Planning Practice states that when considering an application for a lawful development certificate: *‘A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be*

lawful. Planning merits are not relevant at any stage in this particular application or appeal process.'

3.5 This type of application is simply considering whether the development concerned is or would have been lawful.

3.6 In this instance, a Certificate of Lawfulness is sought on the following basis:

- The portacabin has been in situ and in use as an office for more than 10 years.
- No enforcement action has been taken against the portacabin within the last 10 years and therefore the portacabin has become immune from enforcement action.
- There are no conditions attached to the recent planning permissions granted for the development of the site which would require the removal of the portacabin.

Evidence that the Portacabin has been in place for more than ten years and has been in use as an office all of that time.

3.7 This application seeks a Lawful Development Certificate application for an existing use since the land has been used continuously for the siting of an office portacabin for more than 10 years. While the erection of a building normally only has to demonstrate that it has been in situ in excess of 4 years, as the portacabin was delivered to the site fully assembled, only after ten years does a portacabin become immune from enforcement action.

3.8 For the purposes of this application, the applicant has sought to supply evidence to demonstrate the continued use of the land for the last ten years to site an office portacabin.

3.9 Evidence supplied in Appendix A demonstrates that the Portcabin was purchased in August 2013 for a sum of £8,000. Joinery & Building Services supplied the portcabin, but being a haulage company, the owner arranged to collect and install the portcabin himself, as this was more cost-effective for the business. The invoice states that "office furniture" was also supplied as integral to the portacabin, demonstrating that the use for the portacabin was clearly as an office.

3.10 The portcabin was installed in 2013, and this is confirmed in the statutory declaration attached in Appendix B by the owner. The owner also confirms that the portacabin

has been used continuously as an office (Use Class E(g)(i)) during the whole of the time since its installation.

- 3.11 Satellite imagery available via Google Earth shows the portacabin in place by 2015, but not in place in 2011. There are no satellite images available for 2012, 2013, or 2014. However, the available satellite imagery which *is* available does confirm the evidence we have supplied in the sworn affidavits and the invoicing, regarding the general timing of the installation of the portacabin.



GoogleEarth image 2011



GoogleEarth image 2015

Figure 3.1 Google Earth Images

No Enforcement Action has been commenced against the siting of the portacabin since its installation

- 3.12 The sworn affidavits confirm that there has been no enforcement action commenced against the siting of the portacabin, and the Council will be able to verify this from their own records.

- 3.13 The applicant does not need to supply any evidence to confirm this point, as we trust that the Council will be able to verify this from their own Enforcement records.

There are no conditions which would require the removal of the portacabin office

- 3.14 There are three recent permissions which relate to the development of the yard, and none of these require the removal of the portacabin.

- 3.15 DC/21/03817 relates to the extension of the yard, but none of the approved drawings propose the removal of the portacabin and there are no conditions requiring the

removal of the portacabin.

- 3.16 DC/21/06007 provided planning permission for the development of a modern workshop with offices and welfare facilities, and the removal of one existing building. This was permitted on 5th January 2022 subject to 4 conditions. Condition 3 required the demolition of the existing workshop, but not the office, since the approved proposed site plan clearly shows that the existing office building would remain.

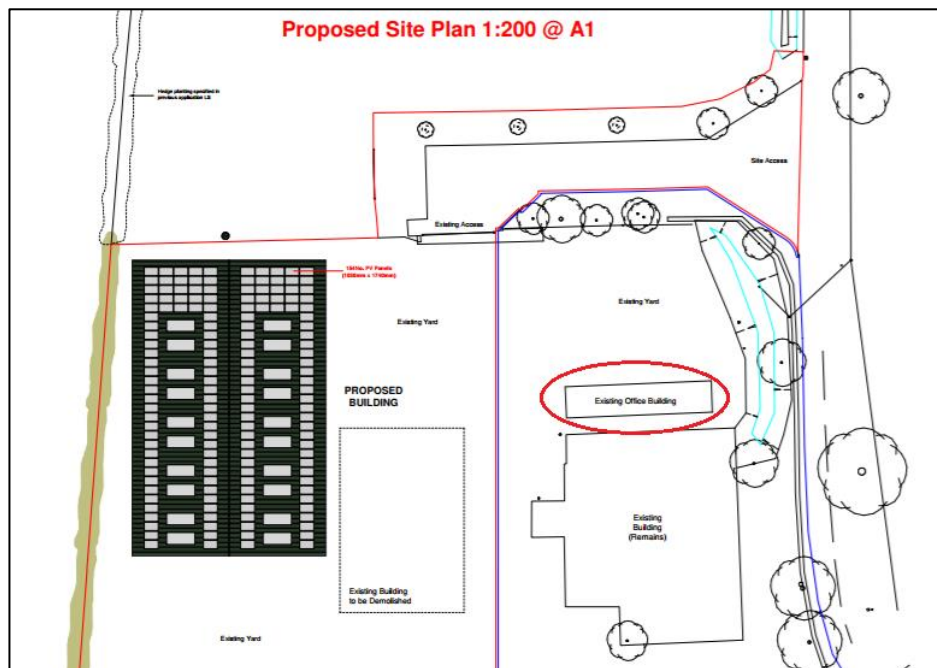


Figure 3.2 Site Plan (DC/21/06007 - Block Plan - Proposed TL-4539-21-13A)

- 3.17 DC/23/00384 granted planning permission for the erection of a further workshop building following the removal of the existing derelict buildings to the south. This consent has not yet been implemented and there is no condition requiring the removal of the portacabin in this consent. The existing Portacabin is shown on the proposed plans it is not marked as for removal.
- 3.18 As such, there is no condition which would require the removal of the existing office, and lawfully it can remain even when the planning permissions for the extension of the yard and the delivery of a new building on the site are delivered.

4.0 Conclusion

- 4.1 This report supports an application for a lawful development certificate, in relation to an existing site office at Corner Farm, Lawshall Road, Cockfield.
- 4.2 This report has provided an overview of the relevant parts of planning law governing enforcement action and the ten-year rule and sets out evidence to support the planning application.
- 4.3 We have demonstrated that the portacabin has been in place for more than ten years, in continuous use as an office under Use Class E (g)(i), and that it is now immune from enforcement action. As such, we trust that the LPA will grant a certificate of lawfulness, so as to formalise the lawfulness of the site office.

Appendix A – Invoice for the purchase of the portacabin (August 2013, Joinery & Building Services)

Appendix B – Statutory declaration