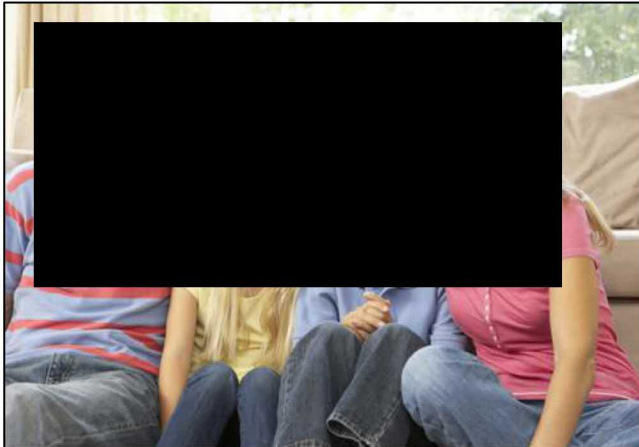


LAWFUL CERTIFICATE APPLICATION SUPPORTING STATEMENT

Residential Dwelling House
at
Tollgate Stables
Golford Road
Cranbrook
Kent
TN17 4AL



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Generic Images – Not Examples of This application

Introduction

1 Location of Development



1.1 The site lies on the east side of Golford Road, within the Parish of Cranbrook & Sissinghurst. The site is on the southwest side of the parish and lies to the south of Golford.

1.2 Golford Road is a B road and extends from the Golford Junction to Benenden further south. The road also provides links toward Sissinghurst to the north. Cranbrook to the west, and Benenden to the south. Therefore, the property is situated close to a recognised Small Rural Town, a Larger Village and a Village as designated within the Settlement Hierarchy of the TWBC 2010 Core Strategy.

1.3 The site is accessed via a private track from Golford Road which extends past Tollgate Barn before arriving at Tollgate Stables. The initial part of the track lies within the ownership of Tollgate Barn and Tollgate Stables benefits from a right of way over this track. The site is closely situated to established residential dwellings, all of which are accessed from Golford Road.

1.4 Tollgate Stables is a property that has historically been associated with Tollgate Farm and is within the same ownership as Tollgate Farm, however it is now established as an independent dwelling.

2 Background

- 2.1 The enclosed is a Lawful Development Certificate Application for the existing use of the land as a residential dwelling for a period in excess of four years. The application comes forward following a request by the client to formalise the use of the Stables as a residential dwelling, which does not currently benefit from any planning approval for its existing use.
- 2.2 The Lawful Development Certificate seeks to formalise planning matters following an extensive period of use as a separate dwellinghouse since the 5th March 2020. The enclosed evidence outlines how continuous residential occupation of the Stables commenced on 5th March 2020 and how it continues to this day. Having analysed the depth of evidence supporting our clients claim, we are of the opinion that the evidence is sufficiently robust to determine, beyond all reasonable doubt, that the property has indeed been used as an independent dwellinghouse for a period in excess of four years and should therefore benefit from independent dwelling status.
- 2.3 The following pages sets out the evolution of the property, providing robust evidence of its residential use through aerial imagery, statutory declarations, invoices and various forms of other supporting evidence, all of which cross-references to the statements made by our client, establishing that our clients claim and evidence base meets with the required tests of probability and demonstrates beyond all reasonable doubt that the property has been used as a residential dwelling for a period in excess of 4 years.

Introduction (cont.)

3 Aerial Images

- 3.1 The aerial image below shows the property in 2003. The property of Tollgate Farm fronts onto Golford Road, taking access via a private driveway. With Planning Approval being granted for the stables in 2005, this imagery shows the condition of the site prior to construction of the stables.



Introduction (cont.)

3 Aerial Images

- 3.2 This image shows the site shortly prior to the commencement of construction works following the approval of the stable block in 2005, under planning reference 05/02229/FUL. A comparison of the image below with the 2003 imagery, shows that some clearance works have begun in the location of stable construction and that some associated paraphernalia is present underneath the tree cover.



Introduction (cont.)

3 Aerial Images

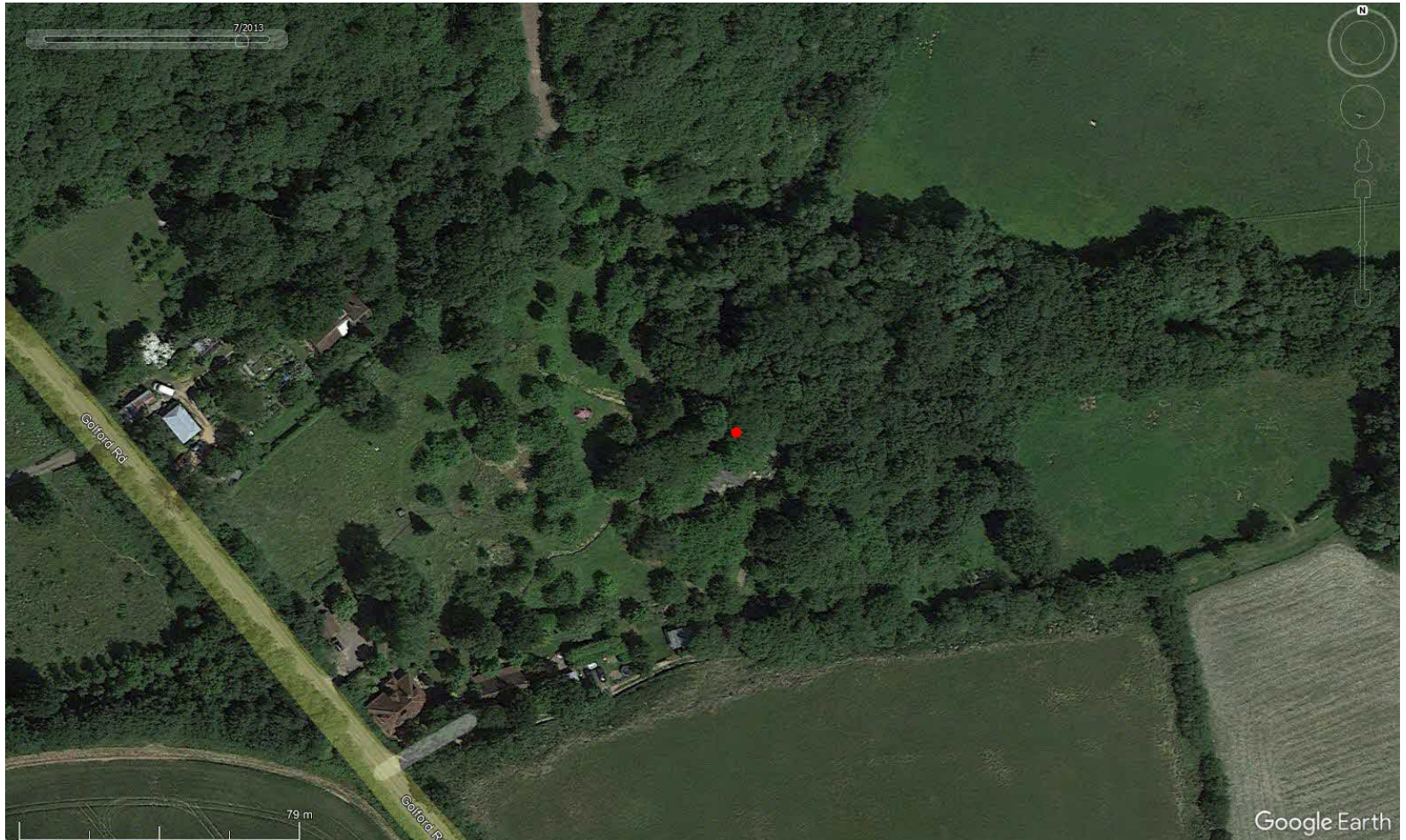
- 3.3 The aerial imagery below shows the site in May 2007, after construction work on the foundations of the stables had taken place. The foundations can be seen beneath the tree cover, marked by the red star positioned just to its north. Despite works having commenced on the foundations of the stables, main construction works were not carried out until later.



Introduction (cont.)

3 Aerial Images

- 3.4 The aerial image below shows the site in July 2013. With further construction works to the stables commencing in 2013, by the time of this image the works are largely completed. At the point of the photograph, it is likely works were still ongoing, with the works not completed until early 2014. The red star identifies the structure, sitting just to the north of the Stables which is partially shield from view by tree canopies.



Introduction (cont.)

3 Aerial Images

- 3.5 The aerial imagery below was taken in April of 2015 and shows the site following the completion of construction works to the stables. At the point of this image the stables were being used for storage purposes following a short period where the building was used as a stable, connected to the use of Tollgate Farm. The red star identifies the Stables, situated just to its north. The building is now in better view given the lesser seasonal tree cover.



Introduction (cont.)

3 Aerial Images

- 3.6 The May 2018 aerial image below shows a further evolution of the site, with the stables structure continuing to be used for domestic storage. It can be seen from the imagery that the tree planting has further matured since 2015. This image coincides with our clients purchase of Tollgate Farm on 4th April 2018. Prior to our clients purchase of the property the former owner, Christine Allen, had used the Stables as residential accommodation, which ceased in April 2018 and was used by our client as storage space until March 2020.



Introduction (cont.)

3 Aerial Images

- 3.7 The April 2020 aerial imagery below shows the site following the commencement of its residential use in March of 2020. The imagery confirms that extensive landscaping works are in progress, which was being carried out by the tenant of Tollgate Stables, thereby affirming the supporting statutory declarations. The access to Tollgate Stables, extending past Tollgate Barn is evident, as is the parking area to Tollgate Stables and the new wood burning stove chimney to the roof of the property.



Introduction (cont.)

3 Aerial Images

- 3.8 Aerial Imagery below is from August 2022 and shows the stables after two years and five months of continuous residential use. The stables continue to take access from the private track. The tree and landscape works carried out during the previous 29 months generated a large number of logs, which were stacked to the west side of Tollgate Stables and this is now evident in the image below, having been arranged to provide ecology habitats and to establish a curtilage to the Stables.



Supporting Documents.

4 Supporting Documents.

4.1 Shown below is a copy of the Decision Notice from Tunbridge Wells Borough Council for the provision of a Stable Block to Tollgate Farm in September 2005. The works to the foundations of the structure commenced shortly thereafter.



Mr And Mrs Allen
c/o Chns Saunders Associates
First Floor Suite
49 High Street
Cranbrook
Kent
TN17 3EE

Dear Sir or Madam

Town and Country Planning Act 1990

Notification of Grant of Permission to Develop Land

Planning Application Number TW/05/02229/FUL/CLC

Date Valid 7 September 2005

Proposal Stable block

Location Tollgate Farm Golford Road Sissinghurst Cranbrook Kent

Following consideration of your application Tunbridge Wells Borough Council, has **Granted Permission** for the above mentioned development of land. In accordance with your application for permission dated 26 August 2005, and with approved plans/documents listed below. Subject to the following conditions

- (1) The works hereby permitted shall be begun before the expiration of five years from the date of this permission
Reason In pursuance of Section 91 of the Town and Country Planning Act 1990
- (2) The stables shall only be used ancillary to the residential occupancy of "Tollgate Farm" and not for any trade of business use
Reason In the interests of protecting the rural amenities of the locality and in accordance with Policy EN1 of the Local Plan
- (3) The development shall be carried out using the materials specified in the application
Reason To ensure a satisfactory appearance upon completion of the development in accordance with Policy EN1 of the Local Plan
- (4) No burning of manure shall take place on the site and all manure and waste bedding shall be stored on site and subsequently removed for disposal
Reason To protect the residential amenities of the area in accordance with Policy EN1 of the Local Plan

Planning Services

David Prentis BA (H), WRPN Head of Planning Services
Cranbrook Council Offices High Street Cranbrook Kent TN17 3EN
Telephone 01580 712771 Planning Fax 01580 712649 Textphone 01892 545449 DX 3829 Tunbridge Wells
e mail cranbrook@tunbridgewells.gov.uk

Printed on recycled paper



Supporting Documents.

4 Supporting Documents.

4.2 Below is a letter from Elisabeth Mazzola, sister of former owner Christine Allen, on the 28th February 2014 clarifying the use of the Stables following the receipt of an Enforcement letter from Tunbridge Wells Borough Council. Our client, Mr Tim Allen, is the son of Christine Allen and purchased Tollgate Farm, including the Stables from Christine Allen on 14th April 2018. The letter confirms that Tollgate Stables had been used as a stable until Christine Allen vacated Tollgate Farm in February 2013 and that she had stored her personal belongings in the Stables whilst the main property was being rented.

Elisabeth Mazzola
90 Keston Avenue
Old Coulsdon
Surrey
CR5 1HN
Telephone: 01737557444 Mobile: 07956369672
28th February 2014

installed fairly recently so that a low grade heater could be installed to prevent items becoming damp during this storage period.

I have supplied my contact details, above, and I am happy to be contacted to support your work. Again, I am sorry that you have not received the response that was required in a timely manner.

Yours sincerely,
Elisabeth Mazzola

Ms Jo Smith
Planning Compliance Officer for
Development Manager
Tunbridge Wells Borough Council

Dear Ms Smith,

Ref: Tollgate Farm; Christine Allen

I am Christine Allen's sister and have just received an email from Sacha Hardy, in New Zealand with photographed copies of your letter addressed to her. It appears that Christine's post was collected by Sasha but not passed on; probably due to difficulties in communicating with Christine.

I am sorry that a response has not been made to you in the appropriate way and at the proper time. My sister Christine is staying with a friend who is terminally ill at - Parista Cargo 03791 Bennimaurel Lista de Correus, Alicante, Spain. This is a remote mountain area where she has intermittent access to a telephone, mobile phone and email. My contact with her is via letter. I will forward copies of your letter, by post, to her immediately.

I understand that Sacha Hardy was a neighbour of my sister and has now immigrated to New Zealand as from the end of December 2013. I regret that she did not inform me, or my sister of your requests until this time.

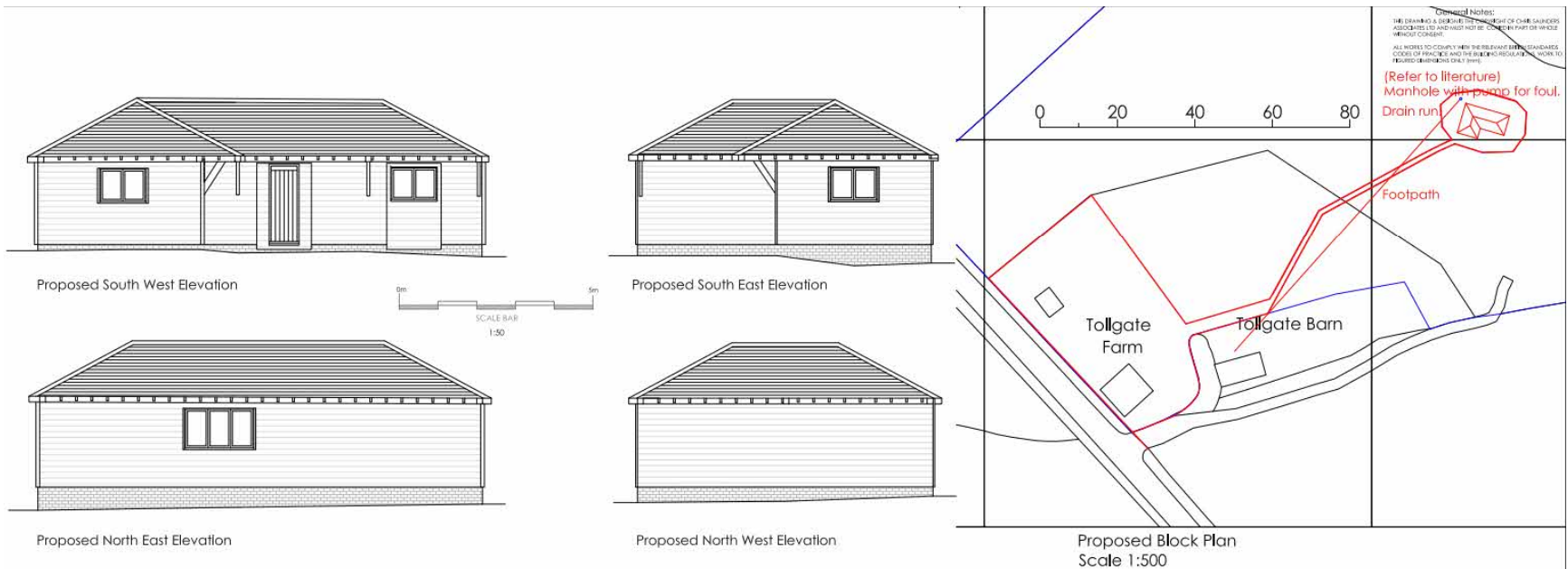
My sister, Christine moved out of Tollgate Farm in February 2013 following the sudden death of her husband. She let the house through Weald Management, based in Cranbrook. She has been living with me since leaving her house and went to Spain in October to stay with her close friend to care for her.

Although I am unable to furnish details for your form concerning the outbuilding on Tollgate Farm, I can confirm that it is a stable, was built and used as such. Following her move out of the house, Christine has stored a number of household effects in the stable; I also know that electricity was

Supporting Documents.

4 Supporting Documents.

- 4.3 Following Christine Allen's return from Spain, Tollgate Farm was still being rented out, therefore Mrs Allen sought to reside within the Stables and lodged a retrospective planning application for the change of use of the stables to ancillary accommodation connected to Tollgate Farm. Mrs Allen submitted the plans below, as part of the planning application, registered with TWBC under planning reference TW/16/07857.



Supporting Documents.

4 Supporting Documents.

4.4 Tunbridge Wells Borough Council determined Mrs Allen's retrospective planning application on the 6th June 2017, refusing the application to change of use of the stables to ancillary accommodation. At this time Mrs Allen was living in the Stables and was seeking to regularise her use of the building. Following the refusal Mrs Allen sought to sell Tollgate Farm, including Tollgate Stables. Following a fairly lengthy marketing period Mrs Allen agreed to sell the property to our client, Mr Tim Allen who is Mrs Allen's son. The sale went through on 4th April 2018 and Mrs Allen vacated Tollgate Stables. Our client continued to rent Tollgate Farm and used Tollgate Stables as a domestic storage building.



C Allen
C/O The Rural Planning Practice
FAO Judith Norris
Hill View House
The Hill
Cranbrook
Kent TN17 3AD

6 June 2017

PLANNING DECISION NOTICE

| | |
|------------------------|---|
| APPLICANT: | C Allen |
| DEVELOPMENT TYPE: | Change of use |
| APPLICATION REFERENCE: | 16/07857/FULL |
| PROPOSAL: | Change of use of a timber stable block into ancillary accommodation, including external alterations (retrospective) |
| ADDRESS: | Tollgate Farm, Golford Road, Golford, Cranbrook, Kent, TN17 4NX |

The Council hereby **REFUSES** Planning Permission for the above for the following Reason(s):

- (1) The proposal would lend itself to future sub division as a separate dwelling. It would also introduce a long, hard surfaced pathway and a residential use and appearance into an open, undeveloped area. It would thus cause significant harm to the character of the countryside, therefore failing to protect the natural beauty and special character of the High Weald Area of Outstanding Natural Beauty. The proposal is thereby in conflict with the National Planning Policy Framework 2012, saved policies LBD1, H11, EN1 and EN25 of the Tunbridge Wells Local Plan 2006, Core Policies 4, 5 and 14 of the Tunbridge Wells Core Strategy 2010 and the objectives of the Borough Landscape Character Area Assessment 2002: Second Edition Adopted October 2011.

Informative(s):

- (1) The plans taken into consideration in reaching the decision to refuse planning permission are:
Drawing number 01A, 02D
Details of Kingspan Klargestor Pumpstor drainage system
Application form
Planning statement

Tunbridge Wells Borough Council, Planning Services, Town Hall, Tunbridge Wells, Kent TN1 1RS - 01892 554604

Supporting Documents.

4 Supporting Documents.

- 4.5 On the 25th February 2020 our client took photos inside the stables structure to demonstrate that it was being used as storage in response to an enquiry from the Council. Our client confirmed at this time, that whilst his mother had lived in the property during her ownership, the property had been used for the storage of domestic goods since he purchased it in April 2018.



Supporting Documents.

4 Supporting Documents.

- 4.6 Cristian Copil, a tradesman undertaking work on the property, took occupation of Tollgate Stables on the 5th March 2020. Following this, our client employed Cristian to undertake a number of works to the property. One of these work items related to the bathroom to Tollgate Stables which required renovation given that it had stood un-used since 2018 and that some items of sanitaryware had been removed prior to our clients purchase of the building. A photograph of a bathroom tap being fitted was taken by Christian on the 25th March 2020, as is shown below.



Supporting Documents.

4 Supporting Documents.

- 4.7 With the home being used for residential purposes Cristian continued carrying out works instructed by our client. On the 27th March 2020, our client received the image below showing the installation of a replacement stovetop being installed in the kitchen which Cristian had highlighted with a red circle to emphasise that the isolation switch had also been installed. At this time the Covid Lockdown had begun, meaning that our client and his tenant were unable to meet in person and were communicating more by telephone than before.



Supporting Documents.

4 Supporting Documents.

- 4.8 The works being carried out by Cristian at Tollgate Stables included external landscaping as well as building and maintenance works. The image below shows Cristian carrying out some tree works on 6th April 2020. This time period was in the midst of the March to May 2020 Covid lockdown, the arrangement of Cristian living and working at Tollgate Stables was the perfect solution for him and our client at that time.



Supporting Documents.

4 Supporting Documents.

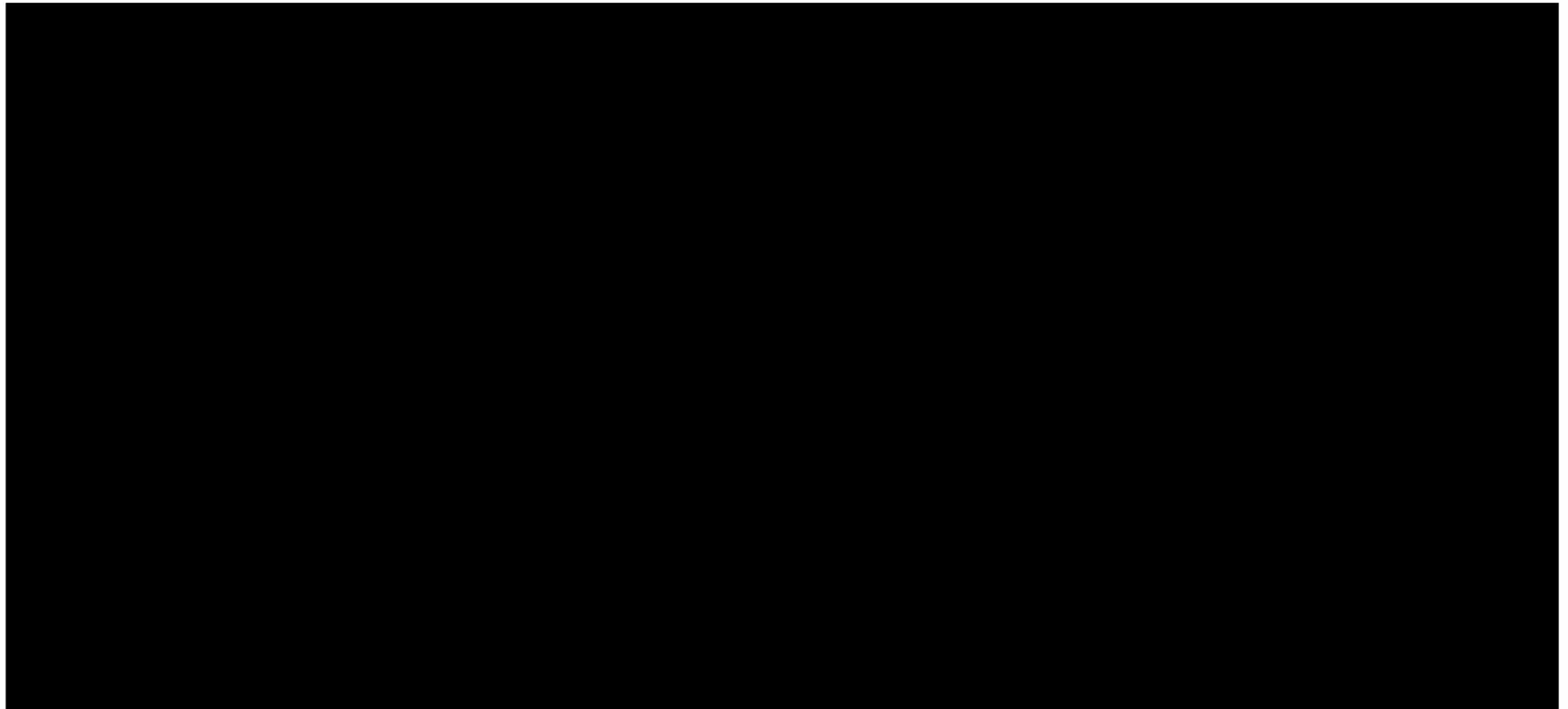
- 4.9 Below is a photo taken by our client showing the further works to the property carried out by Cristian on the 11th April 2020 and conveyed to our client by this image sent via text message. Cristian continued to reside within the stables at this time.



Supporting Documents.

4 Supporting Documents.

- 4.10 Below is a receipt received from Paypal on the 20th April 2020 for the purchase of a Fridge Freezer from Hughes TV & Audio Ltd. The item was purchased to replace an old, malfunctioning item within Tollgate Stables and was delivered to Cristian the following week.



Supporting Documents.

4 Supporting Documents.

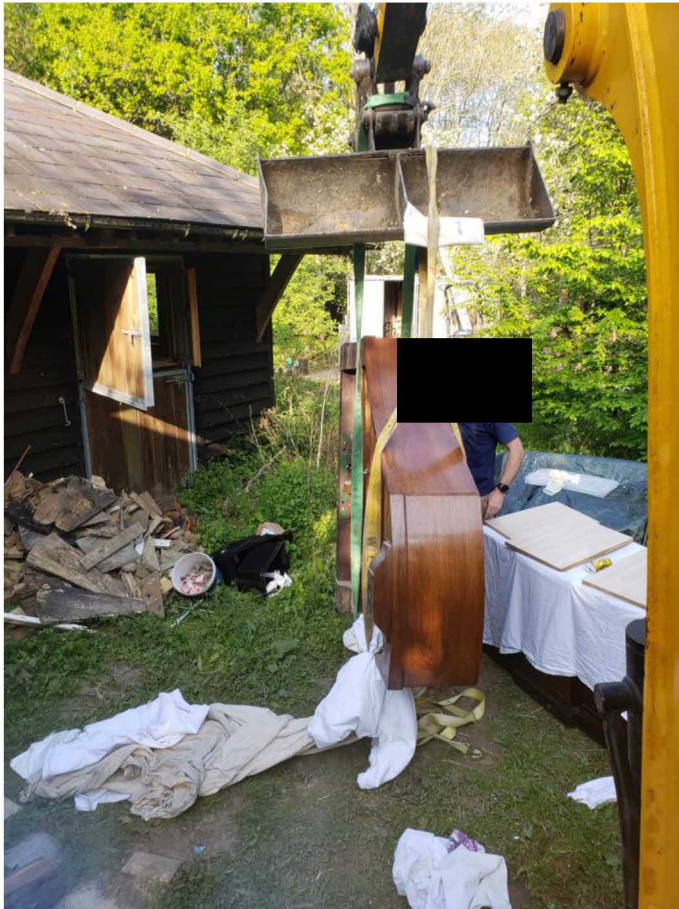
- 4.11 Our client took a number of photographs of Cristian undertaking work at the property on the 25th April 2020 when undertaking a 'social-distanced' site visit. The aforementioned log stack forming the curtilage to Tollgate Stables is evident in the images.



Supporting Documents.

4 Supporting Documents.

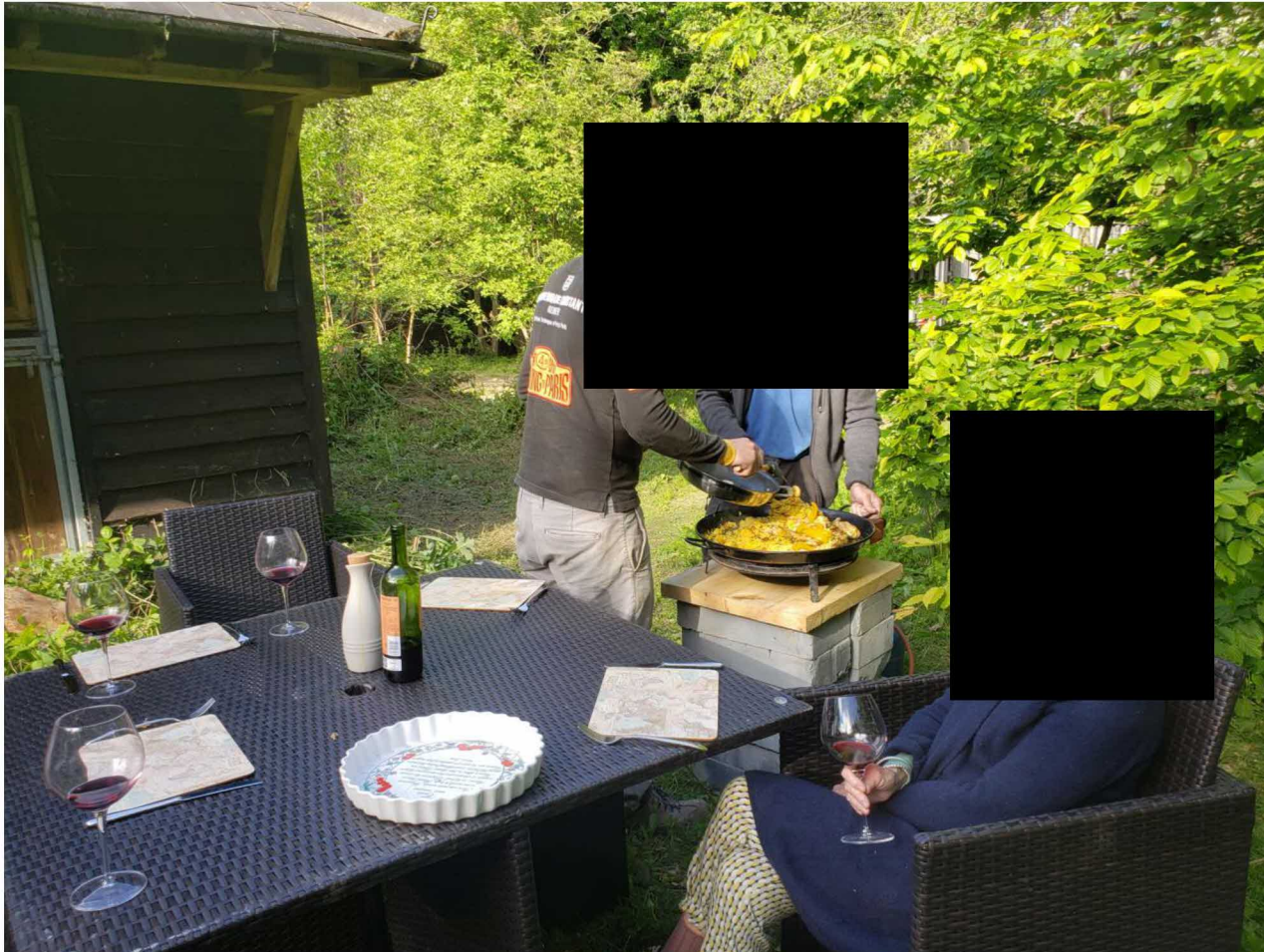
- 4.12 Pictures were taken of our client and Cristian moving a Piano out of Tollgate Stables. The piano was being stored in Tollgate Stables and needed to be moved to the residential dwelling of Tollgate Farm. The advent of Covid lockdowns had delayed the moving of the piano. The moving works required a digger due to its weight and resulted in further available room within the residential stables. The pictures were taken on the 27th April 2020, following a month and a half of the stables' residential occupation.



Supporting Documents.

4 Supporting Documents.

- 4.13 Our client held a small gathering at the property on the 17th May 2020, where friends were invited to the stables for a relaxing afternoon/evening, cooking a meal on a makeshift hotplate and other items from the kitchen of the stables. The stables can be seen in the background of the photo, still being used for residential purposes by Cristian.



Supporting Documents.

4 Supporting Documents.

- 4.14 Our client took a photo of log piles either side of the access track to the stables. The log piles have been stacked following a host of tree clearance works across the property by Cristian and established a curtilage to the dwelling. The photo was taken on the 4th June 2020, Tollgate Stables can be seen in the background on the left side and Cristian's truck parked in the centre.



Supporting Documents.

4 Supporting Documents.

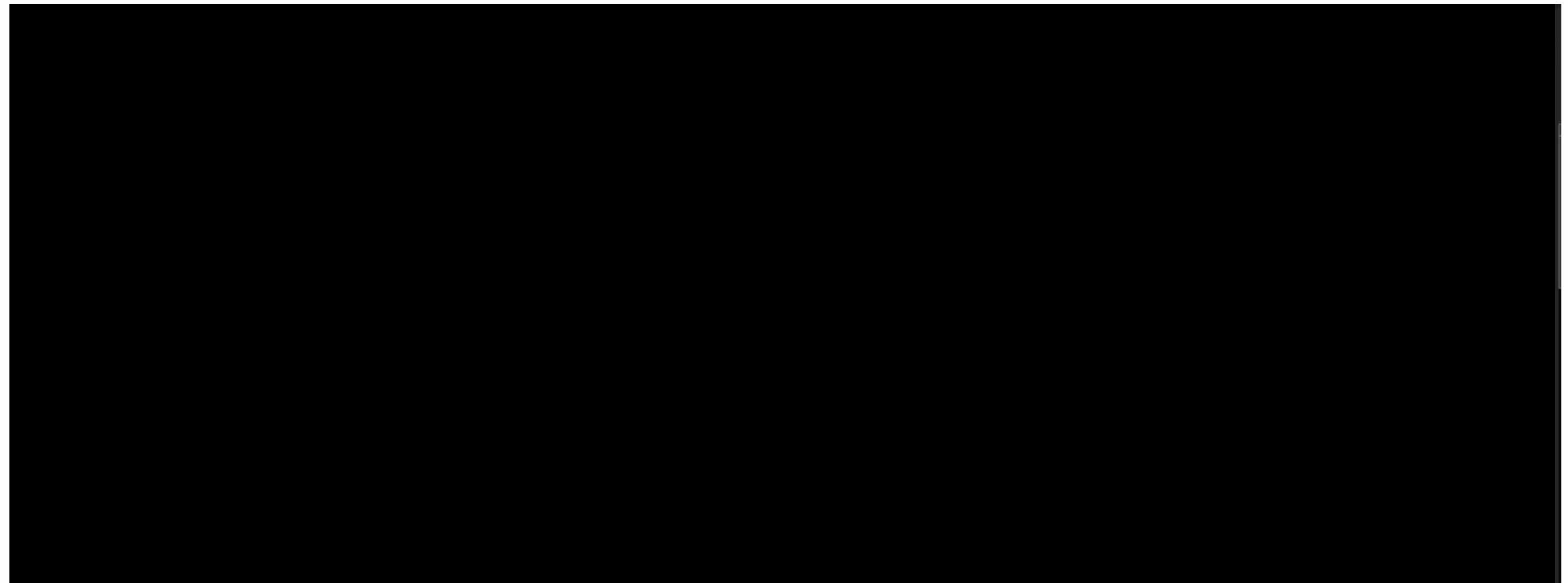
- 4.15 Our client took a panoramic picture on the 6th June 2020 showing the log piles which have been stacked following tree works across the property. The stables can be seen in the background on the right side with Cristian's truck parked alongside.



Supporting Documents.

4 Supporting Documents.

- 4.16 Our client received a receipt from ebay on the 10th June 2020, following the purchase of a Zanussi Microwave for the property. At this time Cristian continued to use the stables for residential purposes.



Supporting Documents.

4 Supporting Documents.

- 4.17 Our client took another photo of the log pile either side of the access track on the 13th June 2020. The stables can still be seen to the rear of the Log Pile on the left with Cristian's truck parked beyond our clients car in the centre of the image.



Supporting Documents.

4 Supporting Documents.

- 4.18 On 13th June 2020 our client also took a photo of the Kitchen area, showing an oven and the recently purchased microwave standing on a temporary cabinet prior to being installed. Compared to the previous kitchen image, it is evident that differing furniture has been purchased. The kitchen arrangement demonstrates Cristian's continued residential use of the Stables at this point.



Supporting Documents.

4 Supporting Documents.

- 4.19 The image below is dated 2nd September 2020 and shows Cristian installing a stone base in preparation for the temporary siting of two steel containers on the land. The steel containers had been on site for a long number of years but were relocated as part of the works being carried out by Cristian as this time.



Supporting Documents.

4 Supporting Documents.

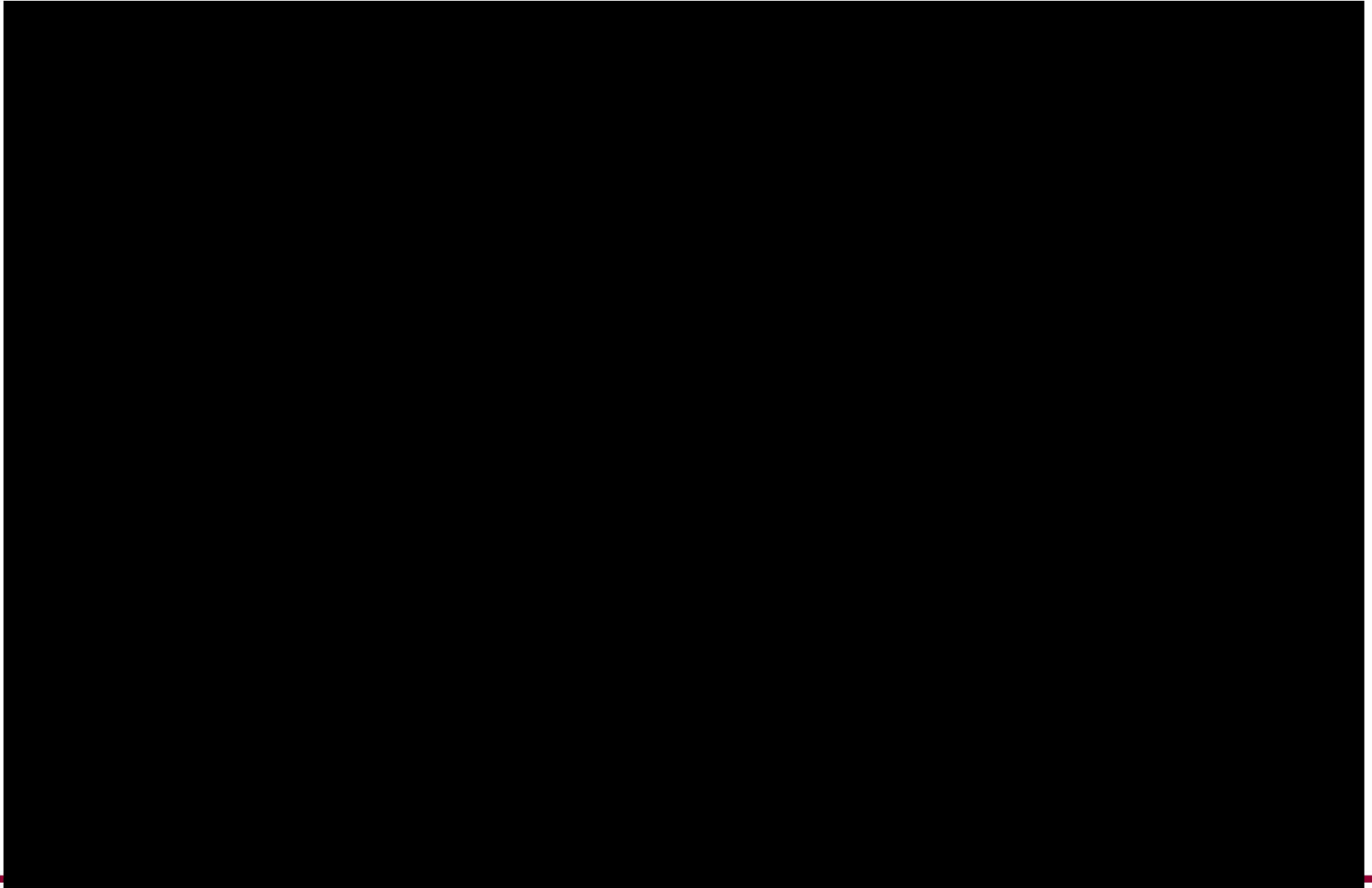
- 4.20 Cristian moved the two storage containers atop the previously laid stone on the 3rd September 2020, as evidenced by the image below. The storage containers have been used for domestic storage purposes since their arrival on site.



Supporting Documents.

4 Supporting Documents.

- 4.21** Our client received an invoice from EDF Energy for their electricity bill for the period from 1st January to the 10th December 2020. The invoice is dated the 15th December 2020 and relates to the residential use of the stables since the 11th March 2020. The second page notes that the Meter Number serving the stables is “D13B209323”, the same as that noted at point **4.47**

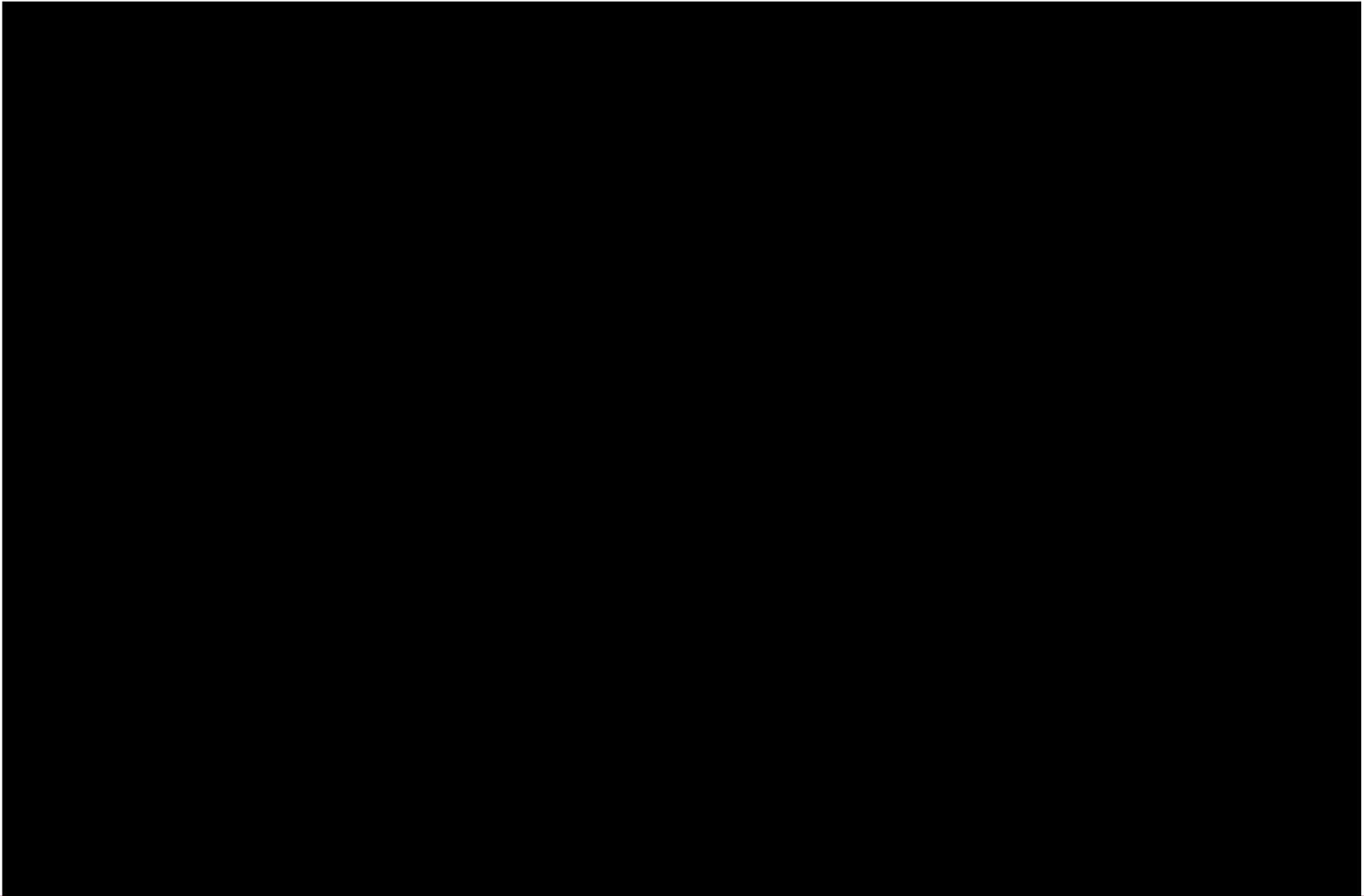


Supporting Documents.

4 Supporting Documents.

4.22

On the 19th February 2021 our client received a further invoice from EDF Energy for the period from 11th December 2020 to 17th February 2021. The second page shows the Meter Number as “D13B209323”, the same as that shown at Point 4.47.



Supporting Documents.

4 Supporting Documents.

- 4.23 With Cristian still taking residence of Tollgate Stables, works continued across the wider property. One such example of these works can be seen from the below image of tree felling works adjacent to Tollgate Farm on the 10th March 2021, practically a year after Cristian's first occupation of the stables.



Supporting Documents.

4 Supporting Documents.

- 4.24 Our client took a photo of Cristian undertaking further tree works across the property on the 15th March 2021. The image shows him using a machine for the transport of logs across the property.

