

Green Roots Nursery Pre School

784 -B047828

Planning Statement – Certificate of Lawful Development

Green Roots Limited

April 2024

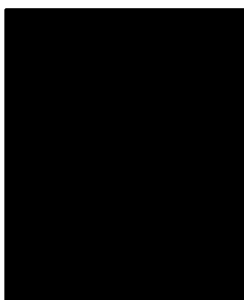
Document prepared on behalf of Tetra Tech Environment Planning Transport Limited.
Registered in England number: 03050297

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1.0 INTRODUCTION

1.1 THE APPLICATION PROPOSALS

- 1.1.1 This statement has been prepared by Tetra Tech Planning on behalf of Green Roots Limited (“the Applicant”) to support an application for a Certificate of Lawfulness for an Existing Use and Development (CLUED).
- 1.1.2 This application seeks to establish that the balance of probability is that the application property:
- (i) has been continuously in breach of the relevant outdoor activity condition for a period in excess of 10 years prior to the application date.
- 1.1.3 As per the decision notice issued on the 14th January 1997 (LPA ref: SB/96/01846/COU) which granted planning permission for development described as follows:
- “Change of use of property to allow entire building to be utilised for use as a sports injury clinic or reflexology; Chelation Therapy Chiropody, Osteopathy, and children’s day care centre”.*
- 1.1.4 Condition 4 attached to this planning permission reads:
- “Outdoor play activities shall not take place except between the hours of 10a.m. and 3 p.m. and the maximum number of children engaged in such activities shall not exceed ten.*
- Reason: In the interests of residential amenity”*
- 1.1.5 A variation of the 1997 planning permission was subsequently granted in 2015 (15/02399/FUL) which carried forward this condition.
- 1.1.6 The applicant submitted a CLUED in relation to this matter on the 26th July 2023 (23/01743/ELD), however the application was refused on the 30th January 2024. The applicant submitted this application under assurances provided by Chichester officer’s that the 10 -year clock for immunity was not considered to have ‘restarted’ in 2015.
- 1.1.7 The LPA however refused the application citing that the 1996 permission was considered “spent” and therefore the date the 2015 planning permission was implemented is when the period of immunity begins.
- 1.1.8 Following the outcome of this decision the applicant sought additional legal advice which concluded that the condition attached to the 2015 amendment permission could not be considered lawful. This is because the condition attached to the 1997 permission had been breached for a period of over 10 years prior to 2015.

- 1.1.9 The LPA advised the applicant should present the argument to support the breach of condition as part of a revised CLUED application, it is under these circumstances this application is submitted.
- 1.1.10 The dates to be considered in this case are; 10 years prior to date of the implementation of the 2015 permission. The relevant use in breach of condition had therefore become lawful through 10-years of continuous use / breach of Condition 4 (attached to the 1997 Permission).
- 1.1.11 This application provides good, credible, and consistent evidence that this was the case.
- 1.1.12 Secondary to this, this application seeks to prove that Condition 3 attached to the Section 73 permission was unenforceable (and therefore, unlawful) from the outset.

1.2 DESCRIPTION OF DEVELOPMENT

- 1.2.1 The use and development for which a Certificate is sought is:

“Certificate of Lawfulness in respect of the breach of Condition 4 of application SB/96/01846/COU and subsequently Condition 3 of application 15/02399/FUL was unenforceable and therefore unlawful”.

1.3 STRUCTURE OF THIS STATEMENT

- 1.3.1 This supporting statement outlines the case for granting the CLUED and sets out the evidence submitted in support of the application. This evidence includes:

Statutory Declaration from [REDACTED], owner of the Site

Statutory Declaration from [REDACTED], owner of the Site

Statutory Declaration from [REDACTED] [REDACTED], current employee of Green Roots

Statutory Declaration from [REDACTED] [REDACTED] former employee of Green Roots

Statutory Declaration from [REDACTED] [REDACTED] former employee of Poppins Early Learning and Green Roots

Statutory Declaration from [REDACTED] [REDACTED] former employee of Poppins Early Learning

Statutory Declaration from [REDACTED] [REDACTED] former employee of Poppins Early Learning

2.0 THE APPLICATION

2.1 LEGAL SCOPE OF APPLICATION

2.1.1 The application for a CLUED is made in respect of Section 191 of the Town and Country Planning Act 1990 (TCPA) which states:

“(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.”

(2) 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) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(4) If, on an application under this section, the planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the planning authority or a 6 description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.”

2.1.2 With regards to CLUEDs, subsection 4 Paragraph 8.7 of Circular 10/97 confirms that *“there is no compulsion to apply”* where a use is lawful.

- 2.1.3 However, it is considered appropriate for the avoidance of doubt to formally establish with the Local Planning Authority that the breach of planning condition at the site in association with its use as a nursery school is lawful.
- 2.1.4 By virtue of Section 191(3) of the TCPA, any matters constituting a failure to comply with a condition subject to which planning permission was granted is lawful if the time for taking enforcement action in respect of the failure has expired and it is not in contravention of any enforcement notice which is in force. There is no record of any enforcement notice having been issued previously in respect of these breaches of planning control at the Site.
- 2.1.5 The general powers for local planning authorities (LPAs) to impose conditions on the grant of planning permission are set out in sections 70 and 72 of the Town and Country Planning Act 1990 (TCPA 1990).
- 2.1.6 Paragraph 56 the NPPF makes it clear that planning conditions must meet 6 tests, otherwise they should not be imposed on a planning permission. These 6 tests are set out within the NPPF and Planning Practice Guidance and require the planning condition to be:
- necessary;
 - relevant to planning and;
 - to the development to be permitted;
 - enforceable;
 - precise and;
 - reasonable in all other respects.
- 2.1.7 The Government advises that Councils should use planning conditions in such a way that they do not unnecessarily affect an applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission. This means the Council should consider whether the detailed information required by a planning condition is necessary before development commences.
- 2.1.8 A planning condition is deemed unreasonable where it requires something of an applicant or development, and it is patently clear there is no prospect of the action being performed within the time limit imposed by the permission.

2.2 RELEVANT PLANNING HISTORY

- 2.2.1 As stated in Section 1 a conditional planning permission for use of the Site as children's day care centre was granted by the LPA on 14th January 1997 (SB/96/01846/COU). The permission was

approved subject to the imposition of a condition which limited the hours and number of children allowed to participate in outdoor play activities:

“ Outdoor play activities shall not take place except between the hours of 10a.m. and 3 p.m. and the maximum number of children engaged in such activities shall not exceed ten.

Reason: In the interests of residential amenity”

2.2.2 A subsequent variation of the 1997 planning permission was subsequently granted in 2015 which carries forward this condition.

2.2.3 The Applicant considers that in relation to the site planning history the building has been in continuous use as a children’s day care centre since the 1997 permission was granted and in breach of the relevant condition for a period of at least 10 years since this time.

2.2.4 Tetra Tech wrote to Chichester District Council (“the LPA”) via email on the 2nd June 2023 to seek a view on their acceptance of a CLUED application in relation to this matter. The LPA subsequently responded by email dated 5th June 2023 and confirmed their views on this matter as follows:

“In response to your queries, the Enforcement Team consider that the condition in question is attached to the use granted in 1997, so the 10-year clock for immunity is not considered to have ‘restarted’ in 2015, when the opening hours conditions was varied. As such, you are able to make an application for a certificate of existing lawful use.

I note that the evidence will need to demonstrate that on balance, the planning condition has been breached every day that the use of the site for a nursery took place for the past 10 years.”

2.2.5 It was under this assurance that the Applicant submitted the previous application (23/01743/EL D).

2.2.6 The previous CLUED in relation to this matter was submitted on the 26th July 2023. The LPA however refused the application on the 30th January 2024, citing that the 1996 permission was considered “spent” and therefore the date the 2015 planning permission was implemented is when the period of immunity begins.

2.2.7 Following the outcome of this decision the applicant sought additional legal advice which concluded that the condition attached to the 2015 amendment permission could not be considered lawful. This is because the condition attached to the 1997 permission had been breached for a period of over 10 years prior to 2015.

2.2.8 The LPA advised the applicant should present the argument to support the breach of condition as part of a revised CLUED application, it is under these circumstances this application has been submitted.

2.3 THE TEST OF EVIDENCE

2.3.1 National Planning Policy Guidance (NPPG) advises that:

“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 process.”

2.3.2 The Applicant is responsible for providing sufficient information to support an application. The NPPG adds 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 applicants version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficient precise and unambiguous to justify the grant of a certificate on the balance of probability.”

2.3.3 Government guidance and case law makes it clear that the burden of proof is on the Applicant. Furthermore, the Courts have held that the relevant evidential test in such matters is ‘the balance of probability’.

2.3.4 When applied to the current application this test simply means that the key issue is whether the assertion that a breach of condition has continually occurred for at least 10 years prior to the implementation of planning permission 15/02399/FUL, is more likely to be correct than incorrect.

2.3.1 Moreover, the Court has held (F W Gabbitas v Secretary of State for Environment and Newham LBC 1985) that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. Nevertheless, such corroboration has been provided by way of the evidence summarised in Section 3 of this document.

2.3.2 In this case the evidence submitted demonstrates without doubt the ‘balance of probability’ (or ‘more than likely’) test is met as qualified in the following section and appendices to this document.

2.4 THE RELEVANT TIME PERIOD

2.4.1 The relevant time period upon which the lawfulness of a breach of planning condition is established is 10 years as qualified by Section 171B (3) of the TCPA.

- 2.4.2 The 10-year period runs from the date the breach of planning control was committed.
- 2.4.3 As is demonstrated by the evidence provided in Section 3 and the supporting appendices of this statement the property has been operating as a day care centre and in breach of Condition 4 of planning permission SB/96/01846/COU for a period of at least 10 years prior to the implementation of the 2015 Section 73 permission.

3.0 THE EVIDENCE

3.1 OVERVIEW

- 3.1.1 The case set out is that since 2001 the property has been in operation as a day care centre and that since this time said the approved use has been operating continuously and without interruption in breach of Condition 4 attached to planning permission SB/96/01846/COU.
- 3.1.2 Secondary to this, this application seeks to prove that Condition 3 attached to the Section 73 permission was unenforceable (and therefore, unlawful) from the outset.
- 3.1.3 The following evidence is submitted to support this statement.

3.2 EVIDENCE

Location Plan

- 3.2.1 The Location Plan edged red identifies the Site to which the application relates.

Statutory Declarations

- 3.2.2 Seven independent statutory declarations have been submitted in support of the application.

The first is from [REDACTED] a full-time employee at Green Roots since 2014 whose daily working hours are 7am to 6pm. Lauren's statutory declaration confirms first-hand knowledge of there being more than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2014 and the present day.

The second is from [REDACTED] the owner of the property since 2013. Whose statutory declaration confirms first-hand knowledge of there being more than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2013 and the present day.

The third is from [REDACTED] former full-time employee for Poppins Early Learning and Green Roots between 2012 to 2015 whose working hours at that time were between 8am and 6pm. Isabelle's statutory declaration confirms first-hand knowledge of there being more than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2012 and 2015.

The fourth is from [REDACTED] the owner of the property since 2013. Whose statutory declaration confirms first-hand knowledge of there being more than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2013 and the present day.

The fifth is from [REDACTED] a former full-time employee for Poppins Early Learning between 2004 to 2007 whose working hours at that time were between 8am and 6pm. Sandra was also employed full time by Green Roots between 2015 and 2018 at which time her working hours were between 7:30am and 6pm. Sandra's statutory declaration confirms first-hand knowledge of there being more than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2004 and 2007 as well as 2015 and 2018.

The sixth is from [REDACTED] a former full-time employee for Poppins Early Learning between 2001 to 2006 whose working hours at that time were between 8am and 6pm. Kerry's statutory declaration confirms first-hand knowledge of there being more than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2001 and 2006.

The seventh is from [REDACTED] a former full-time employee for Poppins Early Learning between 2006 to 2013 whose working hours at that time were between 8am and 6pm. Hannah's statutory declaration confirms first-hand knowledge of there being more

than 10 children playing in the garden on a daily basis outside between the hours of 8am to 6pm (outside of the time restrictions of Condition 4 which limits outdoor play to maximum 10 children between 10am and 3pm) between 2006 and 2013.

3.2.3 This evidence demonstrates that from at least 2001 until the present day (at the time of writing) there has been a continuous and uninterrupted breach of the relevant condition. The evidence also demonstrates that prior to Green Roots taking ownership of the property it was in use by another business operator as Poppins Early Learning at which time the development was also in breach of the relevant planning condition as far back as 2001.

3.2.4 It is clear the property has been operating in breach of the relevant condition prior to the Applicant purchasing the business and for a period much longer than 10 years prior to the implementation of the 2015 permission.

3.2.5 In addition to the evidence set out above it is important to note that since opening Green Roots in 2013 the Applicant currently caters for about 136 families in the area. Green Roots ethos is as confirmed by the affidavits that children should have access to unrestricted outdoor play time and therefore given the number of children cared for on a daily basis and the nursery school's opening hours it is clear that on the balance of probability there are more than 10 children in the outdoor area at one time on a daily basis.

3.2.6 Excerpts from the Applicant's website (established in June 2013) provide further confirmation in relation to their ethos to outdoor play:

"There are no boundaries to the imagination and our outdoor play makes us wonderfully different. Fresh air and exercises supports healthy physical development, team building and social situations, so we provide the freedom for children to explore outside"

"The outdoors is fully of endlessly exciting discoveries for children, so we designed our facilities to be enjoyed by all ages and at all times of the year! Our Adventure School combines fascinating elements of the natural world into everyday life at Green Roots. Children can grow plants and vegetables and explore the multi-sensory experiences of the play equipment, surfaces, and resources in our gardens."

Condition 3

3.2.7 As set out in the good, credible, and consistent evidence provided above the relevant use in breach of condition had become lawful through 10-years of continuous use / breach of condition 4 attached to the 1997 permission.

3.2.8 It is therefore considered by the applicant that Condition 3 attached to the 2015 Section 73 was unenforceable (and, therefore, unlawful) from the outset. Condition 3 therefore did not meet all six tests as set out in paragraph 56 the NPPF and should not have been imposed on a planning permission.

3.2.9 The applicant also considers that Condition 3 did not meet the test of “reasonable in all other respects”. This is considered the case because:

a condition should not be imposed if it would make a proposal unviable. As the applicant has previously advised the viability of their long-established business is reliant on children attending the nursery having access to unrestricted outdoor play time. Not only is the ethos of their company and the reason many families benefit from the service provided but the use of the rear garden enables the day nursery to operate more effectively in terms of overall use of both indoor and outdoor space.

The use of the garden is also limited to use within the day when it could be reasonably expected that people would be at their place of work.

The importance of children playing outside is consistent with early years and NHS advice.

The nursery use was long established and supersedes the residential development on Trafalgar Close.

3.2.10 At the time of the 2015 permission there had been no noise complaints about the property despite the nursery having long been in breach of condition 4 attached to SB/96/0846/COU with an excess of 10 children in the garden on a daily basis. It is therefore also considered that condition 3 of the Section 73 permission did not meet the test of “necessity” as the condition was wider in scope than necessary to achieve the desired objective i.e. residential amenity. In summary, the limitation of 10 children equates to a level of use and activity that the property had previously been operating far in excess of without causing undue harm in terms of residential amenity.

4.0 CONCLUSIONS

4.1 PRINCIPLE OF DEVELOPMENT

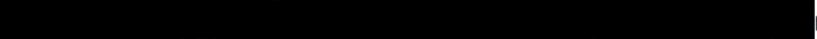
- 4.1.1 A CLUED is sought in relation to the continuous breach of the relevant outdoor activity condition for a period more than 10 years prior to the application date.
- 4.1.2 As outlined the relevant test of the evidence submitted in respect of a CLUED is whether on the balance of probability it is 'more than likely' that the use or development is a lawful one.
- 4.1.3 The onus of proof in a CLUED is firmly on the applicant. The evidence as summarised in section 3 of this Statement concludes that this is clearly the case in respect of the breach of planning control at the Site.
- 4.1.4 The breach of condition is evidenced through sworn statements which prove that the breach has occurred in excess of 10 years, which is the relevant time limit for breaches of planning control.
- 4.1.5 The Applicant has submitted statutory declarations as well as signed third party testimonies to provide proof that the property, which has been in continuous operation as a day care centre since that time, has been in breach of condition 4 of planning approval SB/96/01846/COU continuously as far back as 2001 when the property was owned by another business operator and up to 2015 when the Section 73 permission was implemented (i.e. in excess of 10 years).
- 4.1.6 It is, therefore, submitted that all the evidence unambiguously demonstrates that there has been a continuous breach of the relevant condition of the planning permission for the property concerned for a continuous period of at least ten years prior to the date of the implementation of the 15/02399/FUL permission.
- 4.1.7 In addition, as your Authority did not at any point institute enforcement action prior to 2015 the effect of which would have been to 'stop the 10-year clock', the relevant period for the purposes of the application therefore commenced ten years prior to the date of the 2015 Section 73 permission and the Applicant has perpetual immunity to enforcement action in this regard.
- 4.1.8 Secondly this application has proven that Condition 3 attached to permission 15/02399/FUL was unenforceable (and therefore, unlawful) from the outset.
- 4.1.9 In view of the evidence as stated above and submitted with this application, evidence which goes well beyond the standard of the Gabbittas case, it has been clearly demonstrated beyond the balance of probability that:

In planning law there has been for at least 10 years, a continuous breach of the relevant condition, and that there has been no abandonment of that breach, therefore, the certificate should be granted in accordance with the relevant planning legislation, in particular the Town & Country Planning Act 1990 Section 191 (amended) which places a duty on local planning authorities when provided with information satisfying them of the lawfulness at the time of the application of the use, to issue the certificate applied for.

- 4.1.10 A Certificate of Lawfulness is issued having regard to the facts, rather than any planning considerations, and with reference to the facts as set out in this statement there is no reason for Council as Local Planning Authority to withhold a Certificate of Lawfulness from the applicant in this instance.
- 4.1.11 We respectfully ask for a prompt determination of this application. If you have any queries in relation to this application, please do not hesitate to contact me.

APPENDIX A: AFFIDAVIT [REDACTED]

**General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths**

I,  make oath and say as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge.
 - a. I have worked full time at Green Roots from 2014 to date between the hours of 0730 and 1800.
 - b. During my time working at the property/nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm is in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 18th July 2023 (date)



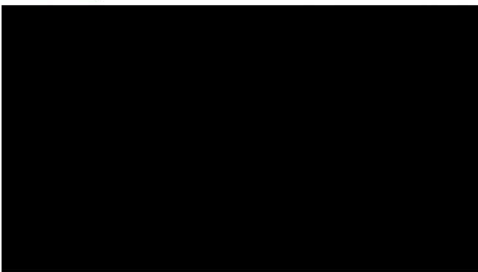
(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at Emsworth

In the county of Sussex

On 18th July 2023 (date)

Before me,



Solicitor, Officer of the Court or other person entitled to administer Oaths.

MR SIMON ROGER SOLICITOR
Churches
13-18 Kings Terrace
POZISMOUTH, HANTS PO5 3AL
Powered by Rocket Lawyer®

APPENDIX B: AFFIDAVIT [REDACTED]

**General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths**

I,  make oath and say as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge.
 - a. I have owned Green Roots from 2013 to date.

 - b. During my time owning the nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm is in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 18th July 2023 (date)



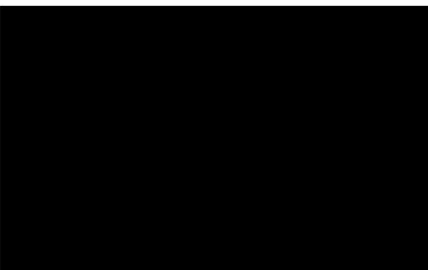
(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at Emsworth

In the county of Sussex

On 18th July 2023 (date)

Before me,



Solicitor, Officer of the Court or other person entitled to administer Oaths.

SIMON MOGGER SOLICITOR (Churched)
13-18 KINGS TERRACE,
PORTSMOUTH,
HANTS PO5 3AL
Powered by Rocket Lawyer®

APPENDIX C: AFFIDAVIT [REDACTED]

**General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths**

I,  make oath and say
as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge.
 - a. I can confirm that I worked full time between the hours for 8am and 6pm for Poppins Early Learning and for Green Roots between 2012 and 2015, whilst it was in operation as a children's nursery.
 - b. During my time working at the property/nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm is in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 18th July 2023 (date)

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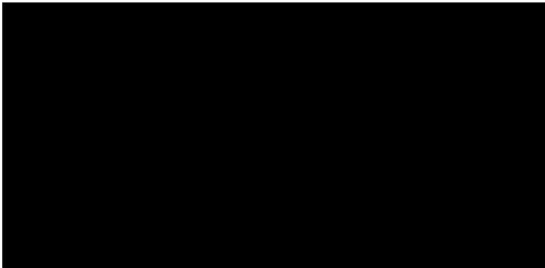
(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at Emsworth

In the county of Sussex

On 18th July 2023 (date)

Before me,



Solicitor, Officer of the Court or other person entitled to administer Oaths.

MR SIMON MOGER SOLICITOR
Churchers
13-18 KING TERRACE
PORTSMOUTH, HANTS
PO5 3AL

APPENDIX D: AFFIDAVIT [REDACTED]

**General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths**

I,  make oath and say as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge.
 - a. I have owned Green Roots from 2013 to date.
 - b. During my time owning the property/nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm is in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 18th July 2023 (date)





(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at Emsworth

In the county of Sussex

On 18th July 2023 (date)

Before me,


Solicitor, Officer of the Court or other person entitled to administer Oaths.
SIMON MOGER SOLICITOR
Churchers
13-18 KING'S TERRACE
PORTSMOUTH, HANTS
PO5 3AL

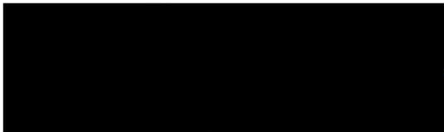
APPENDIX E: AFFIDAVIT [REDACTED]

**General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths**

I, 
as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge.
 - a. I can confirm that I worked for Poppins Early Learning from 2004 to 2007 and for Green Roots between 2015 and 2018 on a full-time basis and worked between 0730 and 1800.
 - b. During my time working at the property/nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm is in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 18th July 2023 (date)

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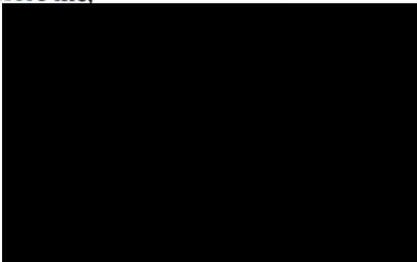
(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at Exminster

In the county of Sussex

On 18th July 2023 (date)

Before me,



Solicitor, Officer of the Court or other person entitled to administer Oaths.

SIMON MOGER SOLICITOR
Churchers

13-18 KING'S TERRACE

PORTSMOUTH, HANTS PO5 3AL

APPENDIX F: AFFIDAVIT [REDACTED]

**General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths**

I, 

make oath and say as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge
 - a. I can confirm that I worked full time for Poppins Early Learning between the hours of 8am and 6pm from 2001 to 2006, whilst it was in operation as a children's nursery.
 - b. During my time working at the property/nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm was in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 18th July 2023 (date)



(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at Emsworth

In the county of Sussex

On 18th July 2023 (date)

Before me


Solicitor, Officer of the Court or other person entitled to administer Oaths.

SIMON MOGER SOLICITOR

Churchers

13-18 Kings  [Rocket Lawyer](#)

POWISMOUNT, HANTS PO5 3AZ

APPENDIX G: AFFIDAVIT [REDACTED]

General Affidavit Before
Solicitor, Officer of the Court or other person entitled to administer Oaths

I, [REDACTED]

make oath and say as follows:

1. I make this affidavit based on my personal knowledge, unless otherwise stated, and that the following facts and matters are accurate to the best of my knowledge
 - a. I can confirm that I worked full time for Poppins Early Learning between the hours of 8am and 6pm from 2006 to 2013, whilst it was in operation as a children's nursery.
 - b. During my time working at the property/nursery I can confirm to the best of my knowledge that there would have been more than 10 children playing in the garden on a daily basis between 8am to 6pm as I can confirm was in keeping with the company's attitude to unrestricted outdoor play time.

Witness my signature on 6th February 2024 (date)

[REDACTED]

(Section below to be completed by a solicitor, Officer of the Court or other person entitled to administer Oaths.)

Sworn at HAYLING ISLAND

In the county of HAMPSHIRE

On 6th February 2024 (date)

Before me, LAURA AODÉ

[REDACTED]

BARRISTER, HOGARTH CHAMBERS
5 NEW SQUARE
LINCOLNS INN
LONDON WC2A 3RJ

Solicitor, Officer of the Court or other person entitled to administer Oaths.