



Stambridge Parish Council

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Clerk to the council

Mrs Linda Hare

Tel: 07502 226819

Email: clerk@stambridgepc.co.uk

*Stambridge Memorial Hall
Stambridge Road
Great Stambridge
Essex
SS4 2AR*

25th July 2014

Rochford District Council
Planning Department
Council Offices
Rochford
Essex SS4 1BW

Dear Mr Scrutton

Re: Planning Application 14/00352/LDC

The planning application 14/00352/LDC has been distributed to the councillors of Stambridge Parish Council and they are of the opinion that the dwelling, the business and land should be considered as separate matters. For this reason the application has been rejected.

Yours faithfully

Mrs Linda Hare



Head of Planning & Transportation
Shaun Scrutton, BSc(Hons), Dip TP,
MRTPI, IHBC, MBA, MCMI

Stambridge Parish Council
Clerk Of Stambridge Parish Council
Stambridge Memorial Hall,
Stambridge Road,
Great Stambridge,
Essex SS4 2AR

Ask for: Mr Mike Stranks
Direct Dial:

Email: planning.applications@rochford.gov.uk
My Ref: 14/00352/LDC
Your Ref:

10th July 2014

Application No: 14/00352/LDC
Applicant: Mrs G Carr
Site Location: Stambridge Trout Fisheries Stambridge Road Stambridge Essex
Proposal: Application for a Certificate of Lawfulness for the Occupation of Dwelling Without Compliance With Agricultural Occupancy Condition.

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)
Town & Country Planning (General Development Procedure) Order 1995 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
Town & Country Planning (Control of Advertisements) Regulations 1992

Parish/Town Council Planning Consultation

I enclose a copy of the submitted plans(s) and application form in respect of the proposal detailed above for your consideration.

I should be grateful if you would forward any observations that you may have to make within 21 days of the date of this letter and would appreciate the return of the documents enclosed.

If there is no response to this consultation letter within 21 days, it will be assumed that you have no comments to make on the proposal.

Yours faithfully,

Shaun Scrutton
Head of Planning And Transportation

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Council Offices, South Street, Rochford, Essex SS4 1BW
Telephone: 01702 546366 Facsimile: 01702 545737
DX: 39751 Rochford Website: <http://www.rochford.gov.uk>



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14/00552/000

26 JUN 2014



Council Offices, South Street
Rochford Essex SS4 1BW
<http://www.rochford.gov.uk>

planning.applications@rochford.gov.uk / 01702 318191

Application for a Lawful Development Certificate for an Existing use or operation
or activity including those in breach of a planning condition.

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) (England) Order 2010

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MRS			First name:	GLORIA		
Last name:	CARR						
Company (optional):							
Unit:		House number:		House suffix:			
House name:	STAMBRIDGE FISHERIES						
Address 1:	STAMBRIDGE ROAD						
Address 2:	GREAT STAMBRIDGE						
Address 3:	NR. ROCHFORD						
Town:							
County:	ESSEX						
Country:	ENGLAND						
Postcode:	SS4 2AR						

2. Agent Name and Address

Title:	MR			First name:	MARTIN		
Last name:	FREEMAN						
Company (optional):	FENN WRIGHT						
Unit:	1	House number:		House suffix:			
House name:	TOLLGATE EAST						
Address 1:	VEANWAY						
Address 2:							
Address 3:							
Town:	COCCHESTER						
County:	ESSEX						
Country:	ENGLAND						
Postcode:	CO3 8RJ						

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3. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name: STAMBRIDGE FISHERY

Address 1: STAMBRIDGE ROAD

Address 2: SPAN STAMBRIDGE

Address 3:

Town: ROCHFORD

County: ENEX

Postcode (optional): SS4 2AR

Description of location or a grid reference.
(must be completed if postcode is not known):

Easting: Northing:

Description:

FISHERY

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):
(must be pre-application submission)

Details of pre-application advice received?

5. Lawful Development Certificate - Interest In Land

Please state the applicant's interest in the land:

Owner: ☒ Yes ☐ No Lessee: ☐ Yes ☒ No Occupier: ☒ Yes ☐ No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application	
		Yes	No
<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>

If No to all the above, please give name and address of anyone you know who has an interest in the land:

Name	Address	State the nature of their interest (if known)	State whether they have been informed about this application		If No, please explain why not
			Yes	No	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

6. Authority Employee / Member

With respect to the Authority, I am:

(a) a member of staff (c) related to a member of staff
(b) an elected member (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

If Yes, please provide details of the name, relationship and role

7. Description of Use, Building Works or Activity

Please state for which of these you need a lawful development certificate/building works (you must tick at least one option):

An existing use: ☒ Yes ☐ No

Existing building works: ☐ Yes ☐ No

An existing use, building work or activity in breach of a condition: ☐ Yes ☐ No

Being a use, building works or activity which is still going on at the date of this application

If Yes to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

C3

8. Description of Existing Use, Building Works or Activity

What is the existing site use(s) for which the certificate of lawfulness is being sought? Please fully describe each use and state which part of the land the use relates to:

See Supporting
Statement

9. Grounds For Application For A Lawful Development Certificate

Please state under what grounds is the certificate sought (you must tick at least one box):

- ☒ The use began more than 10 years before the date of this application.
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

If applicable, please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached:

Reference Number: F/0385/14/124 Condition Number: Date (DD/MM/YYYY): 20/12/1994
(must be pre application submission)

Please state why a Lawful Development Certificate should be granted:

See Supporting Statement

10. Information In Support Of A Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed: 20/12/2001 (date must be pre-application submission) (DD/MM/YYYY)

In the case of an existing use or activity in breach of conditions has there been any interruption? ☐ Yes ☒ No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, please state exactly when any interruption occurred:

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought? ☒ Yes ☐ No

If Yes please provide details:

See Supporting Statement

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10. Information In Support Of A Lawful Development Certificate (Continued) - Residential Information

Does the application for a Certificate relate to a residential use where the number of residential units has changed? ☐ Yes ☒ No

If Yes, please complete the following table:

Proposed Housing							Existing Housing						
	Number of Bedrooms					Total		Number of Bedrooms					Total
	1	2	3	4+	Unknown			1	2	3	4+	Unknown	
Market Housing							Market Housing						
Houses							Houses						
Flats & Maisonettes							Flats & Maisonettes						
Live-Work Units							Live-Work Units						
Cluster Flats							Cluster Flats						
Sheltered Housing							Sheltered Housing						
Bedsit/Studios							Bedsit/Studios						
Unknown							Unknown						
Market Housing Total (a + b + c + d + e + f + g) =							Market Housing Total (a + b + c + d + e + f + g) =						
Social Rented Housing							Social Rented Housing						
Houses							Houses						
Flats & Maisonettes							Flats & Maisonettes						
Live-Work Units							Live-Work Units						
Cluster Flats							Cluster Flats						
Sheltered Housing							Sheltered Housing						
Bedsit/Studios							Bedsit/Studios						
Unknown							Unknown						
Social Rented Housing Total (a + b + c + d + e + f + g) =							Social Rented Housing Total (a + b + c + d + e + f + g) =						
Intermediate Housing							Intermediate Housing						
Houses							Houses						
Flats & Maisonettes							Flats & Maisonettes						
Live-Work Units							Live-Work Units						
Cluster Flats							Cluster Flats						
Sheltered Housing							Sheltered Housing						
Bedsit/Studios							Bedsit/Studios						
Unknown							Unknown						
Intermediate Housing Total (a + b + c + d + e + f + g) =							Intermediate Housing Total (a + b + c + d + e + f + g) =						
Key Worker Housing							Key Worker Housing						
Houses							Houses						
Flats & Maisonettes							Flats & Maisonettes						
Live-Work Units							Live-Work Units						
Cluster Flats							Cluster Flats						
Sheltered Housing							Sheltered Housing						
Bedsit/Studios							Bedsit/Studios						
Unknown							Unknown						
Key Worker Housing Total (a + b + c + d + e + f + g) =							Key Worker Housing Total (a + b + c + d + e + f + g) =						
Proposed Housing Grand Total (A + B + C + D) =							Existing Housing Grand Total (E + F + G + H) =						

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

11. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden of proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

The original and 3 copies of a completed dated application form:



The original and 3 copies of such evidence verifying the information included in the application as you can provide:



The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The correct fee:



12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant

Or signed - Agent

M. J. K.

Date (DD/MM/YYYY):

24 / 6 / 2014 (date cannot be pre-application submission)

WARNING:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

13. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Country code: Fax number (optional):

Country code: Fax number (optional):

Country code: Fax number (optional):

Email address (optional):

14. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Mobile number (optional):

Country code: Fax number (optional):

Country code: Fax number (optional):

Country code: Fax number (optional):

Email address (optional):

m.j.k. fernwright. co. uk

15. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☐ Yes ☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ Agent

☐ Applicant

☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

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Support Services

Wright

Supporting Statement:

Application to Rochford District Council
For a Certificate of Lawful Existing Use and Development relating to:

Stambridge Fisheries
Stambridge Road
Great Stambridge
Nr Rochford
Essex
SS4 2AR

May 2014

On Behalf of:

Mrs G Carr

Report Prepared By:

Martin Freeman FRICS
Fenn Wright, 1 Tollgate East, Stanway, Colchester, Essex, CO3 8RS

Residential • Rural • Commercial • Fisheries
Country & Equestrian • Building Surveying & Building Consultancy

fennwright.co.uk

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Paragraph:	Heading:	Page No.
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	2.1 Planning History	
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	2.3 Property Ownership & Occupation	
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1. Opening Statement

This is a fact based application for a Certificate of Lawful Existing Use and Development in connection with a dwelling known as Stambridge Fisheries, Stambridge Road, Great Stambridge, Rochford, SS4 2AR.

The property was constructed with the benefit of planning permission in 1995. Planning permission F/0385/94/ROC dated 20th December 1994. The permission allowed a detached three-bed house with detached garage for manager's use and erection of single storey building comprising of hatchery with ancillary shop, café and toilets with provision and layout of parking area.

The condition attached to the planning permission states:

"the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town & Country Planning Act 1990, or in the locality in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person".

This application seeks to establish that on the balance of probability the subject property:

- Has been occupied in breach of the relevant occupancy condition for a period exceeding 10 years prior to the application date.
- That the breach has not been in contravention of the requirements of any Enforcement Notice, or Breach of Condition Notice, either currently or previously in force.

We therefore consider that the Occupancy Condition is no longer enforceable and that a Certificate of Lawful Existing Use and Development should be issued by Rochford District Council, confirming that it is now lawful for a person not complying with the restriction to occupy the dwelling.

2. History

2.1 Planning History

The subject property was constructed in 1995 under a full planning permission, subject to the restrictions outlined above.

Since planning permission was granted there have been no applications for variation and no Enforcement Notice or Breach of Condition Notice has been served.

2.2 Agricultural Industry & Housing Requirements

National statistics show that at the time the property was constructed approximately 1,118,000 people were employed nationally in full time agriculture. By 2010 this figure had reduced to 298,000. (It should be noted that these figures include all full time workers, including the farmer and his direct family who would normally be housed in the farmhouse. The farmer and his family, as a proportion of the total workforce, have seen a gentle decline, with the biggest fall being in direct employees who would have been housed in cottages such as this).

The decline in agricultural workers has been fuelled by mechanisation, economic pressures and a strive for efficiency. As well as a general move away from agriculture by potential employees, put off by the relatively low salaries and long working hours.

Research shows clearly that there has been a substantial and sustained reduction in the number of qualifying occupants and the need to house farm workers. This has been evidenced locally, and more widely in the region, with numerous applications of either a Certificate of Lawfulness or planning permission to effectively nullify/remove such restrictions.

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The agricultural industry as defined above includes the production of fish (trout) for human consumption. In the 1970s and 1980s there was a boom in the demand for table trout, however over the last 30 years the number of trout farms producing trout for the table has declined, partly due to pressure from imports and partly due to the expansion of the remaining farms.

2.3 Property Ownership & Occupation

The site on which Stambridge Fisheries sits was purchased in 2001 and was at the time described by the previous owners' property details as a commercial fish farm with leisure facilities. Comprising of four ponds containing coarse fish including the following species:

Common carp
Mirror carp
Leather carp
Koi carp

Prior to the purchase of Stambridge Fisheries by Mr & Mrs Carr in 2001 the property was owned by a Mr & Mrs J F Deering. Stambridge Fisheries was originally registered as a fish farm for the production of trout, this activity being a qualifying use in accordance with the occupancy condition. However this activity ceased between 1994 and 1999.

Mrs Carr has been in continuous occupation of Stambridge Fisheries since 2001 and has never been employed within agriculture or forestry. As such there has been an unbroken breach of the occupancy condition.

Since purchasing Stambridge Fisheries in 2001 Mrs Carr has amalgamated the ponds to create two lakes and managed the property as a commercial coarse fishery.

A commercial coarse fishery is best defined as a property where members of the public pay, usually on a day basis to purchase a ticket which entitles them to fish for coarse fish by rod and line. Fishing can take place either on an informal basis, i.e. for personal pleasure, or alternatively on a competitive basis by entering a match. All fish are returned to the water.

These operations do not fall within the definition of "agricultural" and therefore is a breach of the planning permission.

3. Relevant Statute & Case Law

3.1 Section 171A of the Town & Country Planning Act 1990 (as amended by Section 10 of the Planning & Compensation Act 1991):

(1) For the purposes of this Act –

(a) carrying out development without the required planning permission;

or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.

3.2 Section 171B of the Town & Country Planning Act 1990 as amended.

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.

3.3 Section 191 of Town & Country Planning Act 1990 as amended:

- (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 planning authority specifying the land and describing the use, operations or other matters.
- (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 description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

3.4 Circular 10/97 Enforcing Planning Control, Annex 8 states that the onus of proof is firmly on the applicant in Lawful Development Certificate cases.

3.5 Annex 8P.8.15 of the Circular states that appeals to the Secretary of State which raise "legal issues" (for example, enforcement appeals on grounds (b) to (e) in section 174(2), where the burden of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is "the balance of probability".

As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a local planning authority should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the Court has held (see *FW Gabbitts 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. If the LPA have no evidence of their own, or 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".

- 3.6 In *Nicholson v Secretary of State* 1998, Robin Purchase QC, Sitting as Deputy High Court Judge, held;

"In my judgement, to answer the question of whether enforcement action can be taken against a failure to comply with a condition, the decision maker should identify the failure to comply;

- (1) look to see when as a matter of fact and degree that failure began; and
- (2) decide whether a period of 10 years has since expired." (at pp 14-15)

- 3.7 The applicant contends that the above test is relevant.

- 3.8 With regard to this present application the Local Planning Authority will apply the current definition of agriculture, ie, Section 336 (i) of the Town & Country Planning Act 1990 which defines agriculture to include:

"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly."

4. Supporting Evidence

This application is supported by the following evidence. In addition, the applicant is able to provide additional evidence both to confirm the nature of the occupant's employment background and her continuous occupation (utility bills, invoices for repairs/maintenance). This has not been included within the application as it is considered excessive and superfluous to the evidence required. We have also been mindful of the personal nature of such documentation. If the Council require further evidence then the applicant/occupier would be willing to provide further, on the understanding that this is given on a confidential basis.

- Copy of the Planning Permission dated 20th December 1994.
- Copy of Stambridge Fisheries sales particulars 1999.
- Copy of Council Tax demand dated 1st March 2014 addressed to Mrs Carr at Stambridge Fisheries.
- Copy of utility bill dated 9th April 2014 addressed to Stambridge Fisheries.
- Statement of Truth given by Mrs G Carr as occupier of the property between 2001 and to date.
- Although not documented in this submission, occupation of the property is supported with reference to the Electoral Roll which lists Mrs Carr as being registered at the property.

5. Conclusion

The original planning application was submitted to satisfy a specific need in order to provide housing for an essential worker employed in agriculture. This being one of the limited grounds to justify the erection of a dwelling in open countryside, which would not normally be supported by general Planning Policy.

The property was constructed in accordance with the Planning Permission to fulfil a genuine need and the property was occupied accordingly for almost 4 years until 1999.

The agricultural industry including fish farms in the UK changed significantly since the property was constructed. In particular, there was a significant and sustained reduction in the number of people employed fully in agriculture. This was a national change, reflective of the technological advances in agriculture and modern, efficient, methods of farming.

This application is submitted on the basis that there has been a consistent breach in the Occupancy Condition for a period exceeding 10 years prior to the date of this application. In view of this, the certificate applied for should be issued by Rochford District Council, confirming that it is lawful for persons not in compliance with restriction to occupy the dwelling.

We consider that the evidence in this case is unambiguous and demonstrates that there has been a continuous breach of the Occupancy Condition.

As Rochford District Council has not at any point taken enforcement action, the effect of which would be to stop the "10 year clock", the relevant period for the purpose of the application commenced more than 10 years prior to the date of this application.

We would also point out that Circular 10/97 makes clear the burden of proof is on the applicant and that we consider this burden to have been fully discharged. We would also point out that Circular 10/97 clarifies that the test is "the balance of probability". As this test will be applied by the Secretary of State in any appeal against the LPA's decision, the LPA should not refuse a certificate because of a failure to discharge the stricter, criminal burden of proof, namely beyond "reasonable doubt". Furthermore, the Gabbitts case demonstrates that the applicants own evidence does not need to be corroborated by independent evidence in order to be accepted. If the LPA have no evidence of their own, or are unable to obtain evidence from third parties, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application. This is also the case where the applicant's evidence is submitted alone, provided that it is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Signed.....*M.S. G*.....

For and on behalf of Fenn Wright as agents to Mrs G Carr

Dated.....*21 May 2014*.....

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ROCHFORD DISTRICT COUNCIL



Council Offices
Rochford
Essex
SS4 1BW

Date: 20th December 1994

TOWN AND COUNTRY PLANNING ACT, 1990

NOTICE OF DECISION

Application No: F/0385/94/ROC

Parish: PARISH OF STAMBRIDGE

Proposal: DETACHED 3-BED HOUSE WITH DETACHED GARAGE FOR
MANAGERS USE & ERECTION OF SINGLE STOREY
BUILDING COMPRISING OF HATCHERY WITH
ANCILLARY SHOP CAFE & TOILETS WITH PROVISION
AND LAYOUT OF PARKING AREA

Site Location: STAMBRIDGE FISHERY STAMBRIDGE ROAD ROCHFORD

Applicant: J F & D C DEERING

The Council as district planning authority hereby give notice of their decision to GRANT PLANNING PERMISSION for the above proposal as described in the accompanying drawing nos. 2553/3A, 2553/4A, 2553/2A, 2553/1, 2553/5 subject to the conditions set out below.

NOTE: This planning consent should be read and construed in conjunction with an Agreement of even date herewith made under the provisions of Section 106 of the Town and Country Planning Act 1990.

Your attention is drawn to the notes overleaf

CONDITIONS

01

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

02

The buildings hereby permitted shall only be erected as an alternative and not in addition to those permitted under planning permission ref. F/0352/91/ROC. Under no circumstances shall the buildings hereby permitted and those permitted under the aforementioned planning permission reference be erected simultaneously.





03

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in the locality in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

04

The northern most of the buildings hereby permitted, (the hatchery/ancillary shop/tea room building) shall be erected and completed to the satisfaction of the Local Planning Authority prior to the commencement of the dwelling hereby permitted.

05

None of the buildings hereby permitted shall be used except as necessary for the use of the site as a fish farm or as may otherwise have previously been permitted in writing by the Local Planning Authority. Any other such use including recreational fishing, sale of goods and or refreshments, as may subsequently be agreed in writing by the Local Planning Authority shall be ancillary to the primary permitted use of the site as a fish farm.

06

The existing buildings on the site shall be demolished and the materials arising therefrom removed from the site within two months of the completion to the satisfaction of the Local Planning Authority of the hatchery/ancillary shop/tea room building hereby permitted.

07

Notwithstanding the provisions of Article 3, Schedule 2, Part 6 of the Town and Country Planning General Development Order, 1988 as amended (or any order revoking and re-enacting that Order), the hatchery/ancillary shop and tearoom building and parts thereof shall be used solely for the operational use of the fish farm and ancillary recreational fishing, together with ancillary sales and refreshment area. There shall be no change of use of the building or parts thereof without the prior written consent of the Local Planning Authority notwithstanding the Town and Country Use Classes order, 1988.

08

Details of the proposed finished surface of the car park shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any of the buildings hereby permitted. Furthermore, the parking areas indicated on the approved plan drawing no. 2553/1 dated 15th July 1994 shall be provided commensurate with the occupation of the buildings hereby permitted and thereafter these areas shall be used solely for the parking of vehicles and for no other purposes.





09
A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and be carried out on site during the next planting season following commencement of the development to the Local Planning Authority's satisfaction. Any trees, shrubs or hedges which die, are removed or become seriously damaged or diseased within five years of planting shall be replaced by the applicants or their successors in title. The landscaping scheme shall indicate the location, species and size of all trees and shrubs (including hedges) to be planted and shall include the location of all proposed screen walls and fences (including the proposed heights and materials), surfacing materials and any proposed changes in ground level.

10
Notwithstanding the provisions of Article 3, Schedule 2 and Part 1 of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) no dormer windows, rooflights, other windows or extensions shall be installed or erected within the roof of the dwelling hereby permitted.

11
Notwithstanding the provisions of Article 3, Schedule 2, Part 6 of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) no extensions, porches, garages or outbuildings shall be erected within the curtilage of the hatchery/ancillary shop/refreshment building hereby approved.

12
No sale or consumption of refreshments shall take place on the site except where such sales or consumption are ancillary to the use of the site for fish farming and/or ancillary recreational fishing. Such sales and consumption of refreshments shall only take place from within the building shown hatched green on approved plan returned herewith save that persons engaged in recreational fishing who purchase or bring refreshments onto the site may consume such refreshments within the areas used for recreational fishing during the periods in which they are involved in such activities.

13
Prior to any commencement of works of construction (including the delivery of plant and/or materials onto the site) required in connection with the implementation of the development hereby permitted, clear visibility from the existing vehicular access shall be provided 2.4m from the edge of the carriageway to a distance of 120m in both directions. Thereafter, the visibility splay shall be maintained free of impediment in both directions notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning General Development Order 1988 (amended).

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14

The existing access shall be remodelled to a minimum width of 5.5m at the highway boundary and provided with a suitable dropped kerb crossing in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the vehicular access shall be retained in the approved form.

15

Prior to the commencement of the development, space shall be provided within the site to accommodate parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and hardsurfaced in a manner previously agreed in writing by the Local Planning Authority, such space to be maintained thereafter free of any impediment to its designated use.

16

Notwithstanding the annotation on the approved drawings 2553/3/A, 2553/4/A, 2553/2/A, 2553/5 a schedule of materials to be used on external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the use of these materials shall be strictly adhered to. Any scheme of details as may subsequently be approved shall include: roofing materials to be hand made clay plain tiles to the dwelling and hand made clay pantiles to the outbuildings, brickwork to be in English bond to plinth areas and Flemish bond elsewhere, all weatherboarding to be featheredged type finished dense black, windows and other external joinery to the dwelling to be finished white (windows and doors in brickwork to be inset with a minimum of 100mm reveals).

17

The ancillary sales and/or refreshments shall not operate outside the hours of 8.00am to 6.00pm Mondays to Saturdays and outside the hours of 10.00am to 4.00pm on Sundays or Bank Holidays, save for the summer months of June, July and August when ancillary refreshment sales only may operate until 8.00pm on any day.

18

No floodlighting shall be installed and/or operated on the site without the prior written consent of the Local Planning Authority.

19

The mobile home positioned on site shall be removed on or before the completion (to the reasonable satisfaction of the Local Planning Authority) of the Managers house hereby permitted, or at such other date that may be required by the specific temporary permission for its siting, whichever is the first to occur.





REASONS FOR CONDITIONS

01

This condition is imposed pursuant to Section 91 of The Town and Country Planning Act 1990.

02

To ensure a satisfactory and well ordered development in the interests of safeguarding the character and amenity of the Metropolitan Green Belt.

03

This permission is granted as an exception to Green Belt Policy as indicated in the Rochford District Local Plan and the Essex Structure Plan in the interests of agriculture.

04

This permission is granted as an exception to Green Belt Policy as indicated in the Rochford District Local Plan (First Review) and the Essex Structure Plan in the interests of agriculture and the building required for the operational needs of Agricultural use shall be in situ before the dwelling is commenced.

05

To ensure that sales and refreshment use of the site remain ancillary to the primary Agricultural use compatible with the policy for control of development in the Metropolitan Green Belt.

06

In the visual interests of the area and to ensure an orderly development of the site

07

In order that the Local Planning Authority may retain control over such development in the interests of ensuring that the use of the site remains compatible with the policy for control of development in the Metropolitan Green Belt.

08

To ensure that satisfactory parking conditions are provided within the site and in a visually acceptable form.

09

To enhance and add character to the development.

10

In the interests of the privacy and amenity of adjoining occupiers.

11

To enable to Local Planning Authority to retain control over such development in the interests of safeguarding the character and amenity of the Metropolitan Green Belt.





12

To ensure the development remains compatible with the policy for control of development in the Metropolitan Green Belt and in the interests of the amenities of adjoining residential occupiers.

13

In the interests of highway safety.

14

In the interests of highway safety.

15

In the interests of highway safety.

16

In order to ensure that the external finish of the buildings hereby permitted is satisfactory having regard to the desirability of safeguarding the appearance and amenity of the Metropolitan Green Belt and preserving the character of the setting of the adjacent Grade II Listed Buildings.

17

The site is situated within the Metropolitan Green Belt where developments are strictly controlled and having regard to the amenities of nearby residential occupiers.

18

To ensure the development remains compatible with the policy for control of development in the Metropolitan Green Belt having regard to the appearance of the site and highway safety.

19

In the visual interests of the area and to ensure an orderly development on the site having regard to the policies for control of development in the Metropolitan Green Belt.

Signed

A handwritten signature in dark ink, appearing to be 'M. J. ...', written over a dotted line.

Director of Development



STAMBRIDGE FISHERIES

STAMBRIDGE ROAD
ROCHFORD
ESSEX
SS4 2AR

01702 258274

OWNED BY MR & MRS JOHN DEERING



STAMBRIDGE FISHERIES, GREAT STAMBRIDGE

A commercially registered fish farm with leisure facilities and ancillary building detached house and approximately 4.5 acres. Stambridge Fisheries is situated in a semi rural location, approximately 2 miles from the centre of Rochford.

MASTER BEDROOM

TWO FURTHER BEDROOMS

BATHROOM

CLOAKROOM

SITTING ROOM

DINNING ROOM

KITCHEN/ BREAKFAST ROOM

UTILITY ROOM

FISHING FACILITIES

MODERN WEATHERBOARDED
BARN WITH SHOP, CAFETERIA
& TOILET FACILITIES

THREE LAKES IN GROUNDS EXTENDING TO
APPROX. 4.5 ACRES

Rochford - 2 miles, mainline railway station - 2 miles, Southend - 4 miles, A127 - 3 miles
All details are approximate and should be used for guidance purposes only.

**FREEHOLD FOR SALES WITH VACANT POSSESSION
OFFERS INVITED IN THE REGION OF £365,000**

Please phone for appointments



Situation

Stambridge Fisheries is situated off Stambridge Road, which lies to the north east of Rochford being due north of Southend. Rochford offers a good range of shops, schools and social facilities with a more comprehensive range of amenities being found at Southend. A main line railway station serving London Liverpool Street is approximately three miles from the property and the plans attached to these particulars show the extent and location of the property.

Accommodation

A partly glazed front door with glazed side panels leads into the Entrance Hall.

Sitting Room/Dinning Room

30'9 x 15'7 window to front and side aspects, french doors to the garden with easterly aspect. Mains gas fire on west wall of sitting room, three radiators and television aerial. *BT-pl*

Kitchen/breakfast Room

15'10 x 11'5 window and door faces East. Stable door to Patio / rear garden. A range of base kitchen units incorporating single bowl sink and drainer unit, plumbing for dishwasher, built in over with hob. Gas boiler, tiled floor *7.6.2 floor, Rad*
Door to:-

Utility Room

8'5 x 7'6 Window to front aspect, radiator, tiled floor



First Floor

Landing - *Rad - lost.*

Bedroom One

20'2 x 16'0 window to west aspect, double radiator.

Bedroom Two

15'10 x 12'7 window to east, double radiator.

Bedroom Three

18'0 x 7'6 extending to 9'2, windows facing east and west. *2 Rad*

Bathroom

Window to rear aspect, bathroom suite including bath with mixer taps and electric shower, low level WC and washbasin, radiator.

Airing Cupboard

Contains hot water cylinder with immersion heater and fitted out with shelving.

Outside

The property is approached through double gates into the car park are situated to the front of the barn complex. There is a leylandii hedge along the majority of the Western boundary alongside Stambridge Road. The house has a fenced lawned garden along the south side and the rear leading to a paved patio area, which can also be accessed from the kitchen.

Outside view - north side - water level

*Red Gate & garden
pi area - new view*



Fishery Facilities

There are four principle ponds containing most course fish native to the area including several species of Carp including Common, Mirror, Leather & Koi amongst other specific species. The area around the ponds has been landscaped both to level the ground around the ponds to facilitate fishing by disabled persons and to encourage a greater diversity of habitat for wildlife by the planting of trees such as Rowan, Beech, Wild Rose and Hawthorn around the perimeter of the property. There is a boundary hedge around most of the property together with a fence along the southern boundary on the southeastern corner.

There is a modern weatherboarded Barn 20'0 x 125'0 of concrete block construction with a tiled roof situated to the North of the house. The interior of the barn has three separate areas, the cafeteria in the centre section and the toilet facilities including facilities for the disabled on the south side and the fish room/ shop on the North side. The shop contains several fish tanks, stainless steel sink unit and work surfaces. There are two further outbuildings currently used for storage purposes.

Services

The property benefits from mains electricity, water, gas and drainage systems. (The barn complex is not connected to the mains gas supply)

Note

Stambridge fishery is a Ministry of agriculture: fisheries & food registered fish farm and a licensed pet shop. The fishery also has a water abstraction licence of 40,000 cubic meter per annum, either from the borehole situated on the property or from the river running adjacent to the North Eastern boundary of the property.

Local Council

Rochford District Council 01702 546366

Viewing by appointment only - please call 01702 258274 and ask for Mr or Mrs Deering.

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STATEMENT OF TRUTH

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23. 07. 2014

Support Services

The Following statement of truth is given in support of an application for a Certificate of Lawful Existing Use and Development following a breach in compliance with an Agricultural Occupancy Restriction.

I MRS G CARR
of STAMBRIDGE FISHERIES, STAMBRIDGE ROAD, GREAT STAMBRIDGE,
ROCHFORD, SS4 2AR

Hereby state that:

1. I am the persons for the time being entitled to dispose of the freehold of the property known as STAMBRIDGE Fisheries, STAMBRIDGE Road, Great STAMBRIDGE, Rochford, SS4 2AR.
2. I Mrs G Carr have occupied the property known as Stambridge Fisheries, Stambridge Road, Great STAMBRIDGE, Rochford, SS4 2AR since 2001 and remain in occupation today.
3. Mrs G Carr has never been employed within agriculture or forestry and has occupied the property in breach of the Agricultural Occupancy Condition.
4. I believe that all the facts stated in the Supporting Statement given as part of this application are true and correct.

Signed M Carr.

MRS G CARR

(Owner)

Date 9-5-14

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