

Appeal Decision

Site visit made on 10 September 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/X0360/X/24/3341547

Springfields, Trowes Lane, Swallowfield, Reading, RG7 1RJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr David Meakin against the decision of Wokingham Borough Council.
 - The application ref 233093, dated 13 December 2023, was refused by notice dated 7 February 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is parking and storage of vehicles, plant and machinery and laying of hardstanding to facilitate the change of use. The hardstanding has also been used for the placement of ancillary containers.
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Decision

1. The appeal is dismissed.

Reasons

2. The application is as described above for the parking and storage of vehicles, plant and machinery on a hardstanding laid for that purpose. The vehicles are described as lorries, diggers, tractors and topplers. Aerial photographs have been provided for 2010, 2014, 17, 18, 20, 21 and 2022 along with a statutory declaration from the appellant describing exactly what vehicles have been parked/stored in each of those years. There are generally several tipper trucks, a tractor, occasionally a forklift and a Hitachi excavator. There is also a DAF45 which can be in various configurations but I'm assuming it is a van, as vans are mentioned in the statutory declaration and not otherwise shown in the photographs.
3. However, there are some clear discrepancies between the description in the statutory declaration and the photographs which are themselves labelled. In every case there are more tipper trucks labelled on the photographs than mentioned in the statutory declaration. It could be that when Mr Meakin says "Iveco Tipper" he means several such tippers, but there are other discrepancies such as no Hitachi Excavator in the 2021 photograph, no DAF45 or tractor in the 2020 photograph and no forklift in the 2018 photograph. There are other things on the hardstanding in the photographs other than

those mentioned in the statutory declaration or labelled on the photographs themselves, possibly building materials, but it is impossible to tell what they are. Finally the photo dated April 2020, according to the statutory declaration is dated April 2021 on the photograph itself. I assume the latter is a typo and it is from 2020.

4. All of this does throw some doubt onto what exactly has been stored or parked on the hardstanding. A further confusion is the relationship of the hardstanding to the adjacent barn. In 2022 an LDC application was made for *"the use of a barn building for the storage and restoration of vintage vehicles, a mixed use of the surrounding land for the storage of agricultural machinery and historic materials, with adjacent hardstanding utilised for the storage of old vehicles"*. The hardstanding referenced is the same as in this appeal. Then it was claimed to be used for storage of *"old vehicles"*. The Council granted the LDC for the barn use only, not the surrounding land or the hardstanding. The reason was that the aerial images suggested it was either not being used or was used for parking heavy machinery. An undated photograph shows an excavator and possibly a tractor with a bulldozer blade.
5. It would seem therefore there are 2 different uses going on, the vintage vehicles in the barn and the tipper trucks and diggers etc on the hardstanding. However, the appellant says clearly that *"it is clear on the ground that the use of the land is integral to and associated with the use of the barn as lawfully approved under application ref, 222305 for the restoration of vehicles. The barn does not function as a separate and individual planning unit"*.¹ This cannot be the case unless the various tippers, diggers, forklifts etc are being parked on the hardstanding awaiting restoration in the barn, which is not what has been argued elsewhere, and would not be lawful unless they were *"vintage"* vehicles and again no claim has been made that they are.
6. Consequently it is far from clear exactly what the appellant says has been happening or what he is claiming the LDC is for. On my site visit I saw that the hardstanding was being used for a variety of purposes. Two tipper trucks were parked in front of the barn and down the side was a pile of building materials, a topper, a John Deere tractor and an excavator. None appeared to have been moved for a while. Between the tippers and the entrance were piles of building materials and they were also stored along the opposite side of the hardstanding. Some appeared to be quite new, others were overgrown with weeds. In the adjacent field were more building materials and several other vehicles. The container, that is shown on the aerials to be consistently beside the barn is now in the corner of the adjacent garden and not on the LDC site.
7. The appellant used to run a building supplies business, but that was sold in 2022 and a haulage company but that is dormant as he has retired. It is stated the building supplies business did not operate from the hardstanding but that is clearly not accurate as about a third of the space on the hardstanding is taken up with building supplies. In addition the aerial photographs clearly show lorries being driven off the hardstanding so it was being used for something.

¹ Final comments

8. It is unfortunate the appellant has not been clear exactly what he has been doing on the hardstanding. But I would guess that there was some spill over from the building materials business at the same time as the barn was being used for the vintage vehicle restoration. As this business declined and was sold, that usage waned and some of the old plant was simply stored beside the barn. The tippers might be in line for restoration, but they didn't look vintage to me, so they could just be being stored as the appellant has no use for them but is loathe to sell them. However, they may be being used for other commercial purposes, I simply do not know.
9. All of this is in the context of the lawful use of the site. I am assuming the Council accept the hardstanding is immune from enforcement. The barn has a lawful use established for restoration of vintage vehicles. The hardstanding could lawfully be used for parking and storage that was ancillary to that use, and that would not require planning permission. A separate parking and storage use, unrelated to the barn, would require permission, as would parking and storage that was ancillary to a different commercial activity such as building supplies. Both the latter would imply either the hardstanding was a separate planning unit, or, more likely, the barn and hardstanding formed a mixed use on a single planning unit. The appellant is clear the parking and storage is not a separate use on its own, but what it is associated with is uncertain. I cannot amend the description of the LDC as I do not know what the appellant actually wants, or what he is actually doing and there seems to have been more happening on the hardstanding than just parking and storage of vehicles and machinery.
10. Consequently I consider the Council's refusal to issue a certificate was well founded.

Simon Hand

INSPECTOR