

PLANNING STATEMENT

BACKGROUND & PLANNING HISTORY

Winder Brow Farm has been developed over the last 26 years and now consists of 3no. residential properties, builders & joinery storage sheds, plantation and an area of rough agricultural land. All of these areas are within the ownership of the applicant and are outlined blue on the submitted location plan.

There are a number of planning applications on the site relating to residential properties and extensions. These are not a consideration in this case so no further detail is deemed necessary on these in support of this application.

The applicant purchased the site in the late 1990s (at which time it was used as a haulage depot) and shortly after this applied for planning permission for for the construction of a builders store and joinery shop which was granted (4/99/0740/0F1). A copy is attached, appendix 1, in which it can be seen the whole of Winder Brow Farm main building complex and access was included in the redline of the application. At this point the applicant operated from the site as partnership under W.R. Richardson & Son. The business was incorporated in 2002 and became WR Richardson Ltd which it still trades under today. See appendix 3 for letter from Gibbons Chartered Accountants.

In 2000 the approved buildings were erected and brought into use. The business has operated continuously from Winder Brow Farm since then to the present day.

In October 2004 an application (4/04/2726/0N1) was made under the notice of intent procedure for an agricultural building on the parcel of land forming this CLEU application. See appendix 2 for details. The shed was given consent under the notice procedure and was erected in autumn 2004. At this time the construction business was already expanding, investing into plant and equipment and the shed was immediately used for activities associated with W.R. Richardsons Ltd rather than agriculture or forestry. It was used for storage of plant and materials associated with the construction business and as a workshop to repair, service plant. A couple of years after completion of the shed two wing extensions were constructed to give additional storage space.

In 2009 an application was made ref. 4/09/2196, for which I, Martin Cuthell, acted as agent/architect, for an extension to the northern end of the applicants home to form a first floor office with external stair access, specifically for the day to day running and operation of the expanding business.

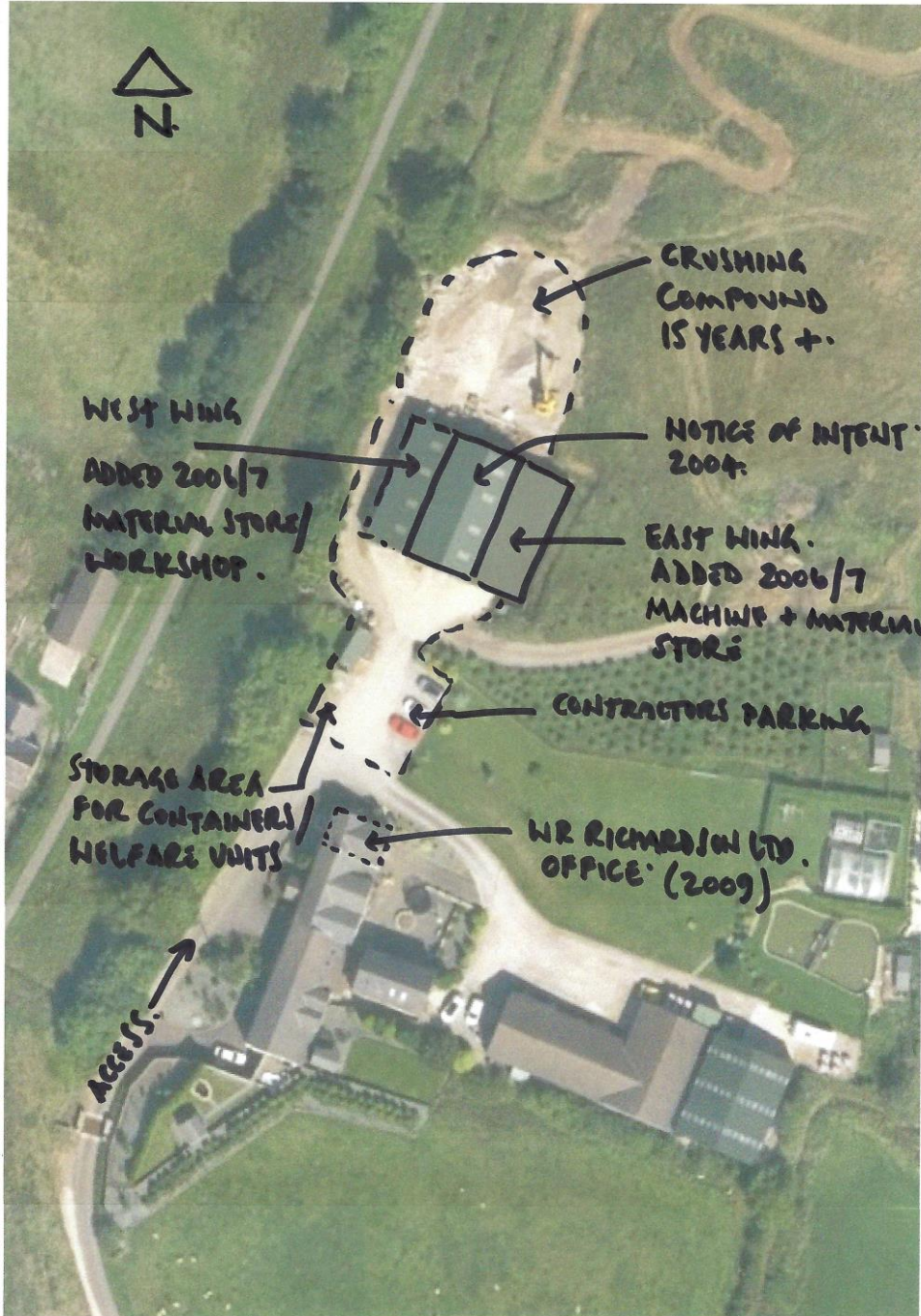
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THE EXISTING USE

The inset image below shows the area concerned and the specific operations carried out in each area, which we believe are now lawful.



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W.R. Richardson Ltd have operated from the land adjacent to the application site since 2000 following issue of planning permission 4/99/0740/01F. See appendix 1 for copy of consent and approved plan. There was no breach at this time as the business was operating within the approved red line. Land outside of this was at the time a small holding belonging to the applicant and extending to the blue line on the location plan.

In 2004 an agricultural building which was approved under notice of intent 4/04/2726/0N1 was constructed on land to the North of Winder Brow Farm. See appendix 2 for planning documents. However, as the building and joinery contracting business continued to grow this approved shed was instead used for storage and repair of machinery and plant. In 2006/2007 further storage/workshop space was required and two wing extensions were added to the building (east & west). These were to house the first purchase of a crusher and the growing collection of plant which consisted of various tracked excavators, tele-handlers, haulage vehicles and the like.

This first crusher was purchased approximately 15 years ago and due to ongoing faults and improved machinery it has since been replaced, twice. The crusher was purchased to recycle their own inert building material which was generated on other sites that they were developing or contracted to work on. The materials were crushed to make clean hardcore for general fill material. Crushing has been in operation throughout this 15 year period. They now operate the third generation of crusher which was purchased in 2012. A copy of the lease agreement for this latest crusher included in appendix 5. At the same time further investment was made into machinery to load lorries on site to deliver inert material for crushing and back again after recycling. A JCB JS130LS excavator was purchased - the invoice for this is also included in appendix 5.

Soon after purchase of the crusher (2012) a beaver tail flat-bed lorry was purchased to allow transportation of the crusher for the occasional time it was contracted out. Following on from this a 32 ton tipper lorry was purchased to transport the inert material to Winder Brow for crushing and back to site for re-use as fill. The machinery inventory continued to grow and currently consist of the following main items, all of which are stored in the steel framed building:

- 32 ton tipper lorry
- 32 ton beaver tail flat bed lorry
- 13 ton JCB tracked excavator
- 5.5 ton excavator x 2
- 1.5 ton excavator
- 6 ton swivel dumper
- 10 ton crusher
- 2 x tele-handlers
- Assortment of small plant
- Fork lift

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As a haulage, plant and waste operator W.R. Richardson Ltd. have been required to obtain the appropriate permits for operation of the plant and business. A Goods Vehicle Operators Licence was issued in March 2002 (see appendix 7) and a permit was issued by The Environment Agency on 29/10/2011 under The Waste (England & Wales) Regulations 2011 and then 17th April 2013 an Environmental Permit was issued by Copeland Borough Council for the mobile crushing plant (this refers directly to the Red Rhino 7000 crusher referred to on the lease agreement in appendix 5). Although earlier permits may have been in place the dates on the two copies provided both demonstrate that the contracting business and crushing process have been in operation for more than 10 years. Periodic inspections are carried out of the crushing plant by the Environment Agency to confirm compliance with operating procedure, emission standards and general safety requirements.

The inset photographs below show the machinery stored within the building.



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As shown on the inset map, crushing and stock piling of crushed or imported inert material takes place to the rear (north) of the storage shed. The google earth historic image included in appendix 6 was confirmed by the imagery supplier (Emapping) to have a capture date of 2016. There seems to be no intermediary images available over the period 2002 - 2016. However, the image from 2016 shows that the site was well established as a building contractors yard at this time and it can be seen that the crushing area was also well established with stock piles, concrete platform/yard and the excavator in view. The photographs below show the crushing area today which is relected in the 2016 Google Earth image.



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The following photographs shown the general forecourt area (south of the storage building) used for contractor/staff parking, storage of containers and welfare units and general delivery/collecting area of goods and machinery. It can be seen from the wear and tear on the concrete forecourt areas that it has been there for a considerable time. A leylandi hedge was planted to the eastern boundary to screen the crusher compound from the adjacent CTC railway path. It can be seen by the height of the hedge that it has been there a number of years.



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SUPPORTING EVIDENCE

Appendix 1.

Copy of planning permission 4/99/0740/01F.

Appendix 2.

Notice of intent 4/04/2726/0N1

Appendix 3.

Statement of business activities and status from company accountants Gibbons.

Appendix 4.

Includes examples of invoices, delivery notes and credit note referring to the general ongoing operation of the business over the period 2004 to 2007.

Appendix 5.

Invoice from Taylor & Braithwaite for a JCB JS130LS excavator and lease purchase agreement from Lombard for the Rhino 7000 crusher.

Appendix 6.

The attached 2116 google earth historic image

Appendix 7.

Goods vehicle operators licence.

Appendix 8.

The Environment Agency permit under The Waste (England & Wales) Regulations 2011 and an Environmental Permit issued by Copeland Borough Council.

Appendix 9.

Declaration statement from Graeme Gilpin, long standing employee of W.R. Richardson Ltd.

Appendix 10.

Statements from two neighbouring properties confirming that the operation referred to in this CLEU have been ongoing for in excess of a 10 year period.

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CONCLUSION

We believe that the existing use is lawful for the following reasons.

It has been proven, beyond any doubt, that the activities started in this 'Certificate of Existing Lawful Use' application have been proven to have been in continuous operation for well in excess of the required ten year period.

There has been no interruption to the business activities stated in this document for a period exceeding 10 years. The owner/operator/applicant has been consistent during this period.

Dates can be verified against reliable sources and the business has dated permits and licensing issued by local authorities, traffic commissioners and environment agency officers relating directly to the operations and buildings forming part of this application.

There has been no intervention by the local planning authority in this period and no planning enforcement orders issued.
