

**CASE OFFICER'S (MSH) REPORT
ON APPLICATION NUMBER
20/01304/CERTE**



**Site: Pitchkettle Farm
Goodboys Lane
Grazeley Green
Reading
RG7 1ND**

This application for a certificate of lawfulness is for the confirmation that The use of a mobile home as an independent dwelling for a period greater than 10 years at Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading, RG7 1ND

Documents have been submitted including

- Covering Letter
- Location Plan
- Site Plan
- Statutory Declaration
- Site Photos

The Location Plan and Site Plan identify the mobile home subject to the application.

The covering letter submitted sets out that the application has been submitted to establish an existing mobile home that has been occupied as an independent dwelling for a period greater than 10 years.

The main body of evidence submitted to support the application is provided in the form of statutory declarations with exhibits, showing the use has occurred for a period greater than 10 years, and is therefore immune from enforcement action. These were initially submitted as unsigned documents due to COVID19 restrictions but were later submitted with signatures.

Four statutory declarations which have been signed and witnessed were submitted.

The first statutory declaration is from the occupier of the mobile home subject to this application and confirms that the mobile home has been their sole residence for around 20 years and continues to be on a life tenancy at a peppercorn rent. It goes on to describe the facilities of the mobile home and the parking situation. It identifies the mobile home on an aerial photograph and images.

The second statutory declaration is from an employee of the adjacent site Woodside Recycling to which outlines their employment on the site has been around 15 years. Throughout this period it is confirmed that the occupant of the mobile has always been the applicant and that they have witnessed the occupation of the mobile home on a daily basis and confirm there has been no break in the occupation. This statutory declaration additionally identifies the mobile home on an aerial photograph and images.

The third statutory declaration is from the Director of Woodside Recycling to which is adjacent to the site. This statutory declaration confirms that the director began to rent the mobile home subject of this application to the previous owner of the site in 2005. It goes on to confirm that it has been occupied as a residential unit since this time as a sole residence of the previous owner.

A fourth statutory declaration was submitted from a self-employed mechanic on the adjacent site who has a workshop on Pitchkettle Farm for around 10 years. This confirms that since their occupation of the premises in 2010 the previous owner of Pitchkettle farm, Jim, has always lived in the parking in the mobile home outlined in the aerial photographs contained with the statutory declarations.

The case officer has contacted the WBC Council Tax department who have confirmed that they have no records of council tax being paid on the site for a residential development.

The case officer has reviewed the council's aerial photographs of the site. In 1999 the records show a structure in this corner of the site but due to over exposure of the image it is difficult to positively identify that it is the mobile home. In 2003 the aerial photograph shows a structure of the shape of a mobile home in this section of the site more clearly. The 2010 image shows a domestic style mobile home on the site. It is clearer to see the mobile home in this image and the gable ended roof styles. The same observations are made of the 2018 aerial image.

Google StreetView images from 2009 show the top of the mobile home structure on site. The 2010 and 2011 Google StreetView images show similar images. After that the mobile home is obscured from Google Streetview due to the growth of hedging on the site.

CONCLUSION

The test of a certificate of lawfulness is the "balance of probabilities", the LPA can only produce evidence that no council tax has been paid on the site for a residential development. This does not strictly show that it has not been continuously occupied for the 10 years as proposed by the application documents. The signed statutory declarations all indicate that the mobile home has been occupied for 10 years continuously and all are precise and unambiguous on this. The aerial images and street view images would corroborate that the building has been in place for the 10 year period, but do not display that it has been occupied continuously.

On the balance of probabilities the signed statutory declarations hold a high degree of weight and the council cannot produce sufficient evidence to the contrary. Therefore the officer's recommendation is the CERTE is recommended for approval and confirm that the use of a mobile home as an independent dwelling for a period greater than 10 years at Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading, RG7 1ND is agreed and immune from enforcement action.