

Planning Statement

Application for Certificate of Lawful Use

Use of buildings and land for commercial purposes

Site address: Colesdale Farm, Northaw Road West, Cuffley EN6 4QZ



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1.0 INTRODUCTION

1.1.0 Background

1.1.1 This report relates to an application a certificate of lawful use for commercial storage use at buildings and land to the north west of the Colesdale Farm site, Northaw Road West, Cuffley EN6 4QZ.

1.2.0 Summary

The evidence combined shows a clear picture of the commercial storage uses continuously occupying the site for a period of over 10 years and therefore a certificate of lawfulness is justified.

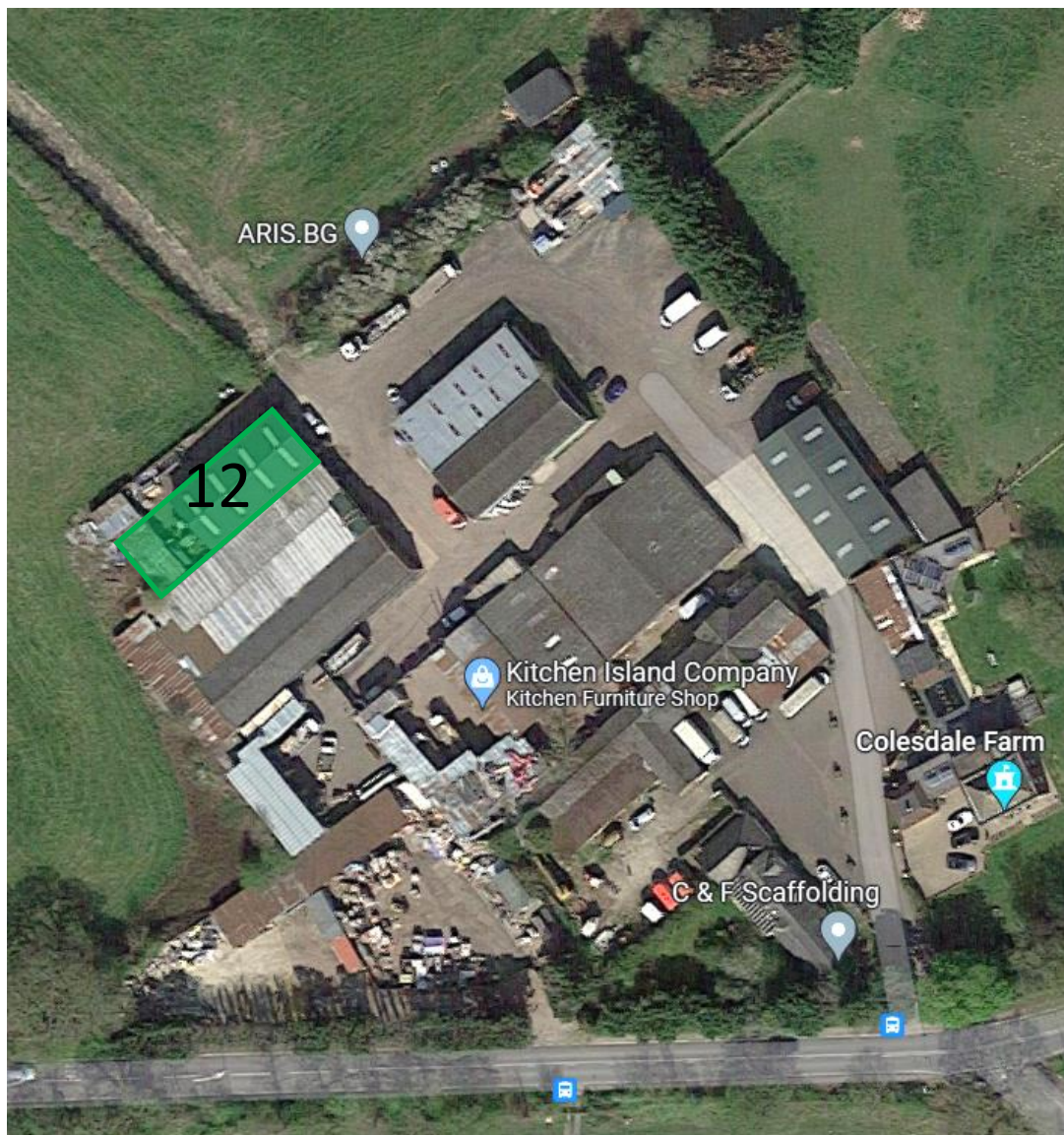
2.0 SITE & CONTEXT ANALYSIS

2.1.0 Location

2.1.1 The application site is located to the north of Northaw Road West opposite the junction with Cattlegate Road.

2.2.0 Application Site

2.2.1 The Colesdale Farm site, which is 1.3ha, consists of buildings, mostly used as commercial units and storage yards, as well as a substantial amount of hardstanding that, with the commercial buildings, make up almost the entire site. The current application relates to the buildings and land annotated 12 in annotated photograph CF3 below which is located to the north west of the site. Access to the site is gained from Northaw Road West to the south of the site.



2.3.0 **Context**

2.3.1 The site is bound to the east, west and north by open fields, with Northaw Road West to the south of the site. The village of Cuffley is around 600m to the east of the site.

2.4.0 **Proposals Map Notation**

2.4.1 The site is within the Green Belt and the Northaw Common Parkland Landscape Character Area.

2.5.0 **Local Services**

2.5.1 The site is located to the south west of the village of Cuffley and is easily accessible to a wide range of different services and facilities.

2.6.0 **Accessibility**

2.6.1 The site is served by a bus stop immediately to the front of the site on Northaw Road West. This bus stop is served by the number 242 bus. This bus gives a regular service to nearby towns and villages including Cheshunt, Potters Bar, Welham Green, Goffs Oak, Hatfield, and Welwyn Garden City.

2.6.2 The nearest train station to the site is Cuffley Station which is within 1.5km of the site. The station operates a National Rail service on the Great Northern line, a regular service which runs from London Moorgate in the south to Hitchin in the north. It would take under 45 minutes to get a train from Cuffley to London.

3.0 RELEVANT PLANNING HISTORY

3.1.0 The relevant history of the application site is summarised in Figure 3.1.0 below.

LPA Ref	Proposal	Outcome
6/2021/3069/LAWP	Certificate for two storey rear extension to Colesdale Farmhouse	Granted 24.12.2021
6/2019/2760/OUTL	O/L for residential of site of up to 34 dwellings following demolition of existing buildings and structures	Appeal allowed 15.02.2022
6/2019/2544/FULL	Retention of existing use of buildings (1a, 1b, 2b) for storage (use class B8)	Granted 07.01.2020
6/2019/0882/OUTL	O/L for residential development	Refused 01.08.2019
6/2018/2936/LAWE	Certificate of lawfulness for use of buildings as commercial	Granted 18.02.2019
6/2017/0204/PN3	Prior notification for erection of metal storage shed	PN not required 28.02.2017
S6/2015/0175/FP	Erection of agricultural building following removal of existing buildings	Granted 23.07.2015
S6/2013/2483/FP	Sub-division of existing dwelling to form two dwellings and the erection of a two storey side extension and part single, part two storey rear extension	Refused 27.01.2014
S6/2008/2224/MA	Change of use of land to C3 dwelling houses, extensions and conversion of barn to create six bed dwelling plus staff accommodation. erection of four two storey dwellings comprising of; 1x three bed, 1 x four bed, 2 x five bed dwellings and ancillary car parking and landscaping following demolition of existing buildings	Appeal Dismissed
S6/2009/0646/DS	Discharge of conditions 2 (landscaping) & 3 (materials) of planning permission S6/2005/0009/FP	Granted 03.06.2009
S6/2008/0310/FP	Erection of single storey rear extension	Granted 10.04.2008
S6/2007/1505/FP	Erection of single storey rear extension and single storey extension to garage with glazed link	Refused 10.12.2007
S6/2005/0009/FP	Renewal of planning permission S6/2000/0922/FP for the demolition of existing	Granted 10.08.2005

	buildings and conversion of existing barns to create three residential units	
S6/2000/0922/FP	Demolition of existing buildings and conversion of existing barns to create three residential units	Granted 21.08.2000
S6/1993/0669/FP	Change of use of existing agricultural barn for the storage of telecommunication equipment	Appeal Dismissed

3.2.0 **6/2018/2936/LAWE**

3.2.1 The certificate was granted for the following units 3/3A, 3B, 5, 10, 10A and 11 as a B8 use and unit 2A as a sui generis (B2/B8) use as shown in Annotated Photo CF1 below.

3.2.2 **6/2019/2544/FULL**

Planning permission was granted for the retention of buildings (1a, 1b, 2b) for storage (use class B8) as shown on CF1 below.



Annotated Photo CF1

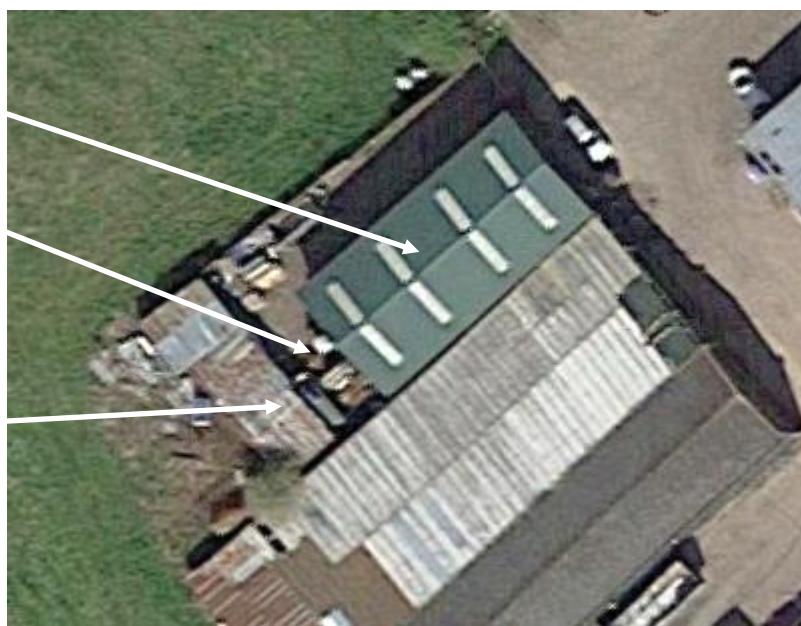
4.0 THE EXISTING USE

4.1.0 The site comprises a metal roofed building, part of a smaller building to the south east and storage area in between to the north west of the Colesdale Farm. The green roofed barn has had 5 different users between 2012 and the present day as listed below. The smaller building and storage area in between the two buildings has been occupied by one occupier for the entire ten year period. This smaller building has been added to subsequently but the application site includes only the part that has been in place for 10 years.

Metal roofed building

Storage area

Smaller building



Google Maps Photo

4.1.1 Occupation of metal roofed building

The occupation details are set out in Document CF4 (Appendix 2) and below.

Time period	Occupier	Use
May 12- Sept 17	Kanvas Ltd	Storage
Oct 17 – June 18	Brinden Ltd	Storage
June 18 -June 20	Kenza Ltd	Storage
Aug 20 – June 21	MZMTEX Ltd	Storage
June 21 – present day	R Stanchev & P Toshkov	Storage

Occupation of smaller building and storage area

Time period	Occupier	Use
March 12- present day	Keogh Building Services Ltd	Storage

5.0 THE SUPPORTING EVIDENCE

5.1.0 Invoices Appendix 5

Colesdale Farm Services Ltd invoices each of the companies for their rent and power usage. The summaries of these invoices have been supplied and a summary is set out below showing the time periods that they cover.

Location	Name	From	To
Metal roofed building	Kanvas Ltd	15.05.2012	15.09.2017
Metal roofed building	Brinden Ltd	5.10.2017	15.06.2018
Metal roofed building	Kenza Ltd	27.06.2018	15.06.2020
Metal roofed building	MZMTEX Ltd	17.08.2020	09.06.2021
Metal roofed building	R Stanchev & P Toshkov	01.06.2021	31.05.2023
Smaller building and land	Keogh Building Services Ltd	15.04.2012	15.11.2022

5.1.1 Email Document 5

For the current occupiers, the arrangements were different as they did not want to be invoiced monthly. The two tenants chose to pay annually on a 24 month contract and the confirmation email from Colesdale Farm is attached as Appendix 6. This contract is from 1 June 2021 to 31 May 2023.

5.2.0 Statutory Declarations Appendix 3

5.2.1 Dr S Marrinan

Dr Shanna Marrinan is the daughter of the late Michael Marrinan and Mrs Jean Marrinan who have owned and managed the Colesdale Farm site since 1994 and rented the buildings out. She has been familiar with the site and helped with the accounts from a young age. Since 2016, she has been working on the accounts along with her mother as she is now a Director of the company.

She confirms that the account statements submitted relate to the green roofed building and smaller building to the south west and associated land in between in the north west part of Colesdale Farm marked as 12 on document CF3. She confirms that the records submitted are true and accurate copies of the account statements held by Colesdale Farm.

She goes into detail about the documents as follows:

Document 1 shows the statements of account for Kanvas Ltd from May 2012 to September 2017 who used the green roofed barn for storage. From March 2013 to March 2015 there are some entries for the electricity payments and the remaining entries are for the rental of the building and the land associated with it. The electricity payments were calculated

manually and billed. From April 2015 to September 2017 there are separate payments for rent and electricity.

Document 2 shows the statement of account for Brinden Ltd from October 2017 to June 2018 who used the green roofed barn for storage. When I took over sole responsibility for the company, I introduced Quickbooks and this is the first statement produced for this site using this software. It is dated October 2022 as this is when I produced the Statement of accounts for the purposes of this submission, but the data was prepared between 2017 to 2018. The electricity is still calculated manually so there is only one electricity payment and the rest of the entries relate to the rent. Electricity readings are ideally taken once every three months and billed accordingly, but due to access requirements, regular electricity invoicing wasn't possible for this tenant.

Document 3 shows the statement of account for Kenza Interior Design Ltd from June 2018 to June 2020 who used the green roofed barn for storage. The smaller amounts of under £100 relate to the quarterly electricity billing and the larger payments relate to the rent. This system has continued for subsequent occupiers.

Document 4 shows the statement of account for MZMTEX Ltd from August 2020 to June 2021 who also used the green roofed barn for storage. Unfortunately, the occupier Mr Mikat Ahmad died of Covid and so the barn was left occupied with all the company's stock. Credit Notes were issued to wipe out the outstanding debt.

Following the emptying of the barn, I then rented the premises to two gentlemen for storage of soft drinks who wished to pay annually rather than be invoiced regularly. This storage use began on 1st June 2021 and has continued to the present day. There are no Quickbooks entries for this rental but Document 5 shows my email confirming the payment arrangements.

Document 6 shows the statement of account for Keogh Building Services Ltd from April 2012 to September 2022. This company has used and continues to use the building to the south west of the green roofed barn and the land between the two for storage. From April 2017 the accounts were prepared on Quickbooks and so the format changed.

She confirms that these buildings and associated land have been in commercial storage use for at least 10 years.

5.2.2 Mrs J Marrinan

Mrs Jean Marrinan confirms that together with her late husband Michael Marrinan, she has owned and managed the Colesdale Farm site since 1994 and has rented the buildings out.

Since his passing she has continued this rental business together with her daughter Shanna Marrinan. She is therefore familiar with the site and she has been working on the accounts throughout the period since 1994.

She confirms that the account statements submitted relate to the north west part of Colesdale Farm marked as 12 on document CF3. This includes the green roofed building which has had a number of different tenants, and a smaller building to the south west and associated land in between which has had one continuous tenant. She confirms that these records are true and accurate copies of the account statements held by Colesdale Farm. She then confirms the details of the accounts as also set out in Dr Marrinan's statement.

5.2.2 **Mr H Brosnam**

Mr Humphrey J Brosnam first visited Colesdale Farm in January 1999 before preparing planning applications on behalf of the late Mr Michael Marrinan for the demolition of existing buildings and conversion of existing barns to create three dwellings. He and Mr Marrinan were friends and he made regular visits to have a cup of tea at his dwelling. When Mr Marrinan moved away Mr Brosnam still visited the premises regularly at least twice a year. After Mr Marrinan passed away in 2020 he continued to be involved with the planning of the site with the family and so he is therefore familiar with the Colesdale Farm site. He confirms that the buildings and land numbered on the annotated photo CF3 have been used for commercial uses for the last ten years and since 2012. Prior to this the area was still in commercial use and a different building was in place. He confirms that the information in document CF4 regarding the current and previous users for the site is correct to the best of his knowledge.

5.2.3 **Mr D Shipton**

Mr Daren Shipton is a company director who lives at Colesdale Farmhouse adjacent to Colesdale Farm which shares the main entrance. He has been living there since 2003. He can see the buildings on site from the rear of his house and is aware of the comings and goings of vehicles onto the site as the entrance to his property is from the main access to the site. He was friends with the late Mr Mike Marrinam and saw him most weekends. Their conversations included the subject of the Colesdale Farm site that Mr Marrinan owned and managed. Therefore, he is familiar with the Colesdale Farm site and his statement carries weight.

He confirms that the building and land on the site marked 12 on annotated photo CF3, have been used for commercial uses for at least ten years. He regularly sees a number of cars and large vehicles entering and leaving the site. He confirms that there has not been any agricultural use of the site during his occupation.

5.3.0 Aerial Photographs

Appendix 4 shows a series of historical aerial photographs taken from Google Earth. (These can be found using the clock symbol). The dates at the top and bottom of the pages show the dates (in the US format) which I have shown ringed on the 2012 aerial photograph below.



Photograph Year	Notation at top of page m/y	Notation at bottom of page m/d/y
2012	9/2012	9/15/2012
2013	8/2013	8/28/2013
2015	10/2015	10/8/2015
2017	3/2017	3/26/2017
2018	6/2018	6/25/2018

5.3.1 In each of the photographs, it is clear that both the metal roofed building and the building to the south west are in place. The previous photograph taken in March 2011 shows a different building in place. The two current buildings were therefore erected some time between March 2011 and September 2012 and it is unlikely that they would have been erected without a specific user in mind. This evidence therefore supports the statutory declarations and the accounts information.

6.0 PLANNING CONSIDERATIONS

6.1.0 The Planning and Compensation Act 1991 introduced Certificates of Lawful Use for existing as well as proposed developments. In the Government's Planning Practice Guidance the section headed 'Who is responsible for providing sufficient information to support an application' makes it clear that the relevant test of the evidence is the balance of probability.

"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 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."

6.1.1 Section 171B (3) of the Town and Country Planning Act 1990 states that:

'In the case of any other breach of planning control no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.'*

* Section 1 refers to building, engineering, mining or other operations and Section 2 refers to the use as a single dwellinghouse.

6.1.2 The application is supported by three types of evidence which I will consider in turn.

6.2.0 The Accounts

The accounts information shows the rental period of the metal roofed barn from 15th February 2012 to 9th June 2021. The information for the last year up to the present day is not in the same format, as the occupiers agreed to annually in advance rather than be invoiced regularly. However the barn is currently in use for storage purposes and there has been no significant gap in this use of the premises. The changeover between different tenants has not resulted in any significant periods where the building has been unoccupied and so the use has been continuous throughout the ten year period.

6.2.1 The accounts information for Keogh Building Services Ltd who rent the smaller building and land between the two buildings is also clear that this use has been continuous from 15th April 2012 to the present day with the latest invoice being 15th November 2022.

6.2.2 This accounts information is confirmed as being accurate in the statutory declarations of Dr S Marrinan and Mrs J Marrinan thus giving it more weight. I therefore consider that this information clearly shows the occupation of area 12 on CF12 for the whole ten year period.

6.3.0 Statutory Declarations

6.3.1 Dr S Marrinan

Following the death of her father, the late Mr Michael Marrinan, Dr Shanna Marrinan has become a director of the company. She has been dealing with the accounts from a young

age and introduced quckbooks. She has confirmed that the accounts information submitted is a true and accurate copy of the accounts of Colesdale Farm and this carries weight.

6.3.2 Mrs J Marrinan

Mrs Jean Marrinan bought Colesdale Farm with her late husband. Since his passing she has managed the rental business together with her daughter Shanna. She confirms that the rental information give is a true and accurate copy of the accounts of Colesdale Farm and this carries weight.

6.3.3 Mr H Brosnan

Mr Humphrey Brosnan was a friend of the late Mr Marrinan and has known the site since 1999. He has helped the family to prepare planning applications for development and knows the site well. He confirms the commercial storage use of the area marked 12 on document CF3 and his evidence carries weight.

6.3.4 Mr D Shipton

Mrs Daren Shipton is a close neighbour who is very aware of the comings and goings on the Colesdale Farm site. He confirms that this part of the site has been in commercial use for the last ten years. His evidence also carries weight.

6.4.0 Aerial Photographs

Google Earth's historical photographs function enables 5 different views of the site between 2012 and the present time. From these it is clear that from the 15th September 2012, the two buildings were in place. This supports the accounts information and the statutory declarations.

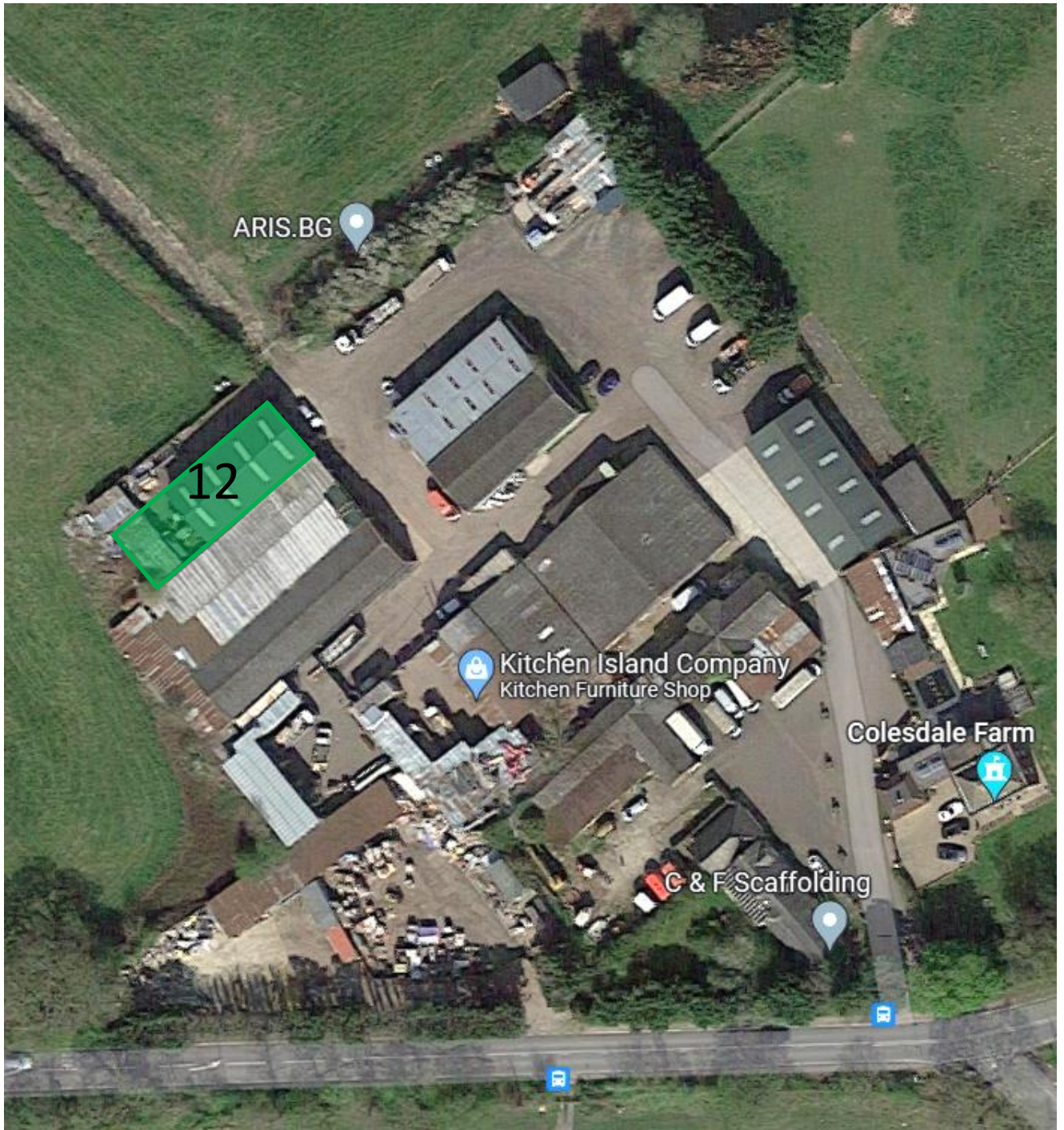
7.0 CONCLUSIONS

7.1.0 This report relates to an application for a certificate of lawfulness for area 12 to the north west of the Colesdale Farm site for use for commercial storage. The submitted evidence gives clear, precise and unambiguous information to support the application and therefore a certificate of lawful use is justified for the storage use. Moreover as set out in paragraph 6.1.0 the test for the evidence is the balance of probabilities, which is satisfied.

8.0 APPENDICES

- 1 CF3 Annotated Aerial Photograph
- 2 CF4 Timeline of Occupiers at Colesdale Farm
- 3 Statutory Declarations: (Separate Appendices)
 - S Marrinan
 - J Marrinan
 - H Brosnan
 - D Shipton
- 4 Aerial photographs
- 5 Accounts documents for: (Separate Appendix)
 - Kanvas Ltd
 - Brinden Ltd
 - Kenza Ltd
 - MZMTEX Ltd
 - Rumen Stanchev & Pasho Toshkov
 - Keogh Building Services Ltd

APPENDIX 1 CF3 ANNOTATED PHOTOGRAPH



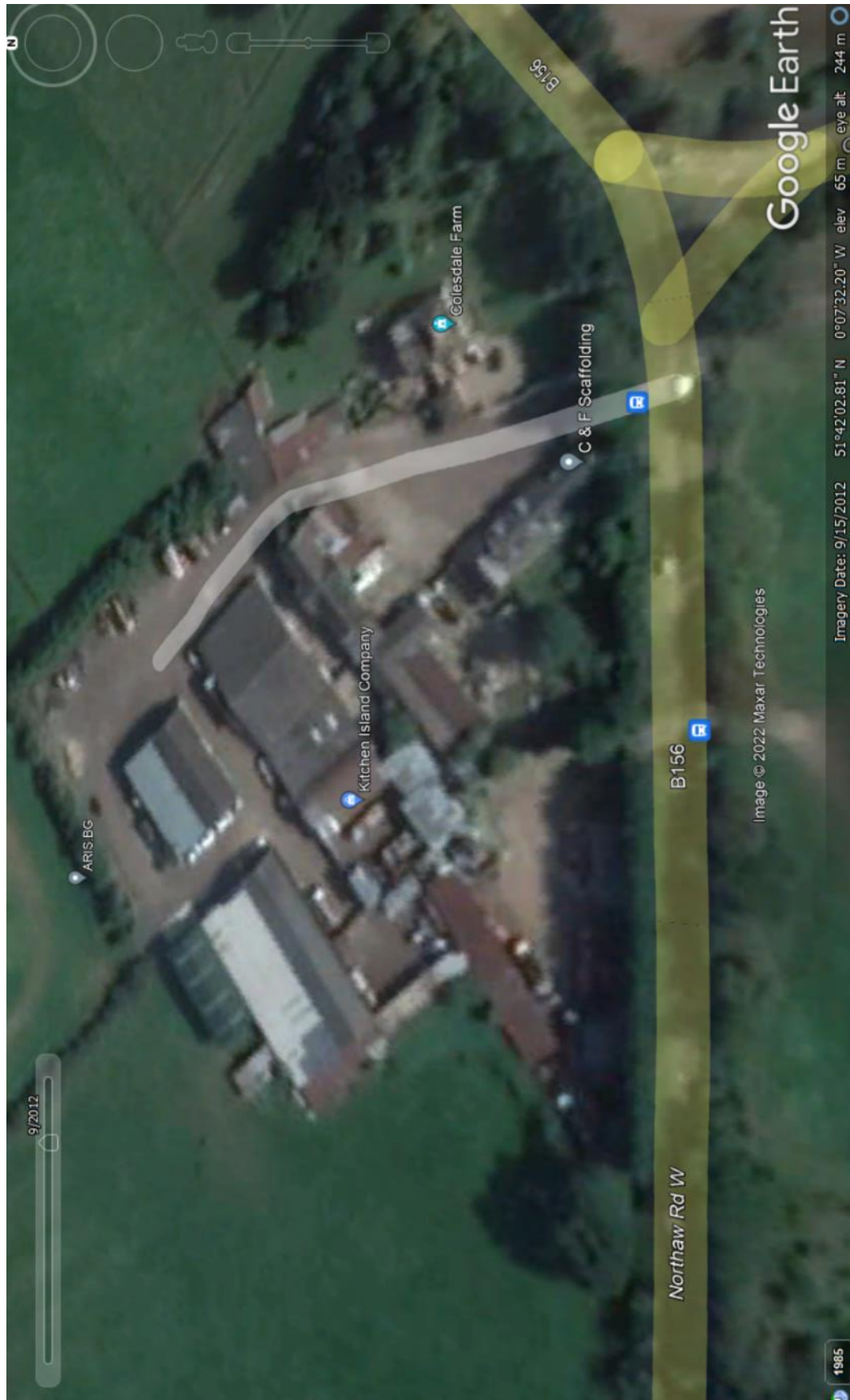
APPENDIX 2 CF4 LIST OF OCCUPIERS

CF4 List of occupiers of Building and Land 12

Location	Name	From	To
Metal roofed building	Kanvas Ltd	15.05.2012	15.09.2017
Metal roofed building	Brinden Ltd	5.10.2017	15.06.2018
Metal roofed building	Kenza Ltd	27.06.2018	15.06.2020
Metal roofed building	MZMTEX Ltd	17.08.2020	09.06.2021
Metal roofed building	R Stanchev & P Toshkov	01.06.2021	31.05.2023
Smaller building and land	Keogh Building Services Ltd	15.04.2012	15.11.2022

APPENDIX 4 Google Earth Historical Photos

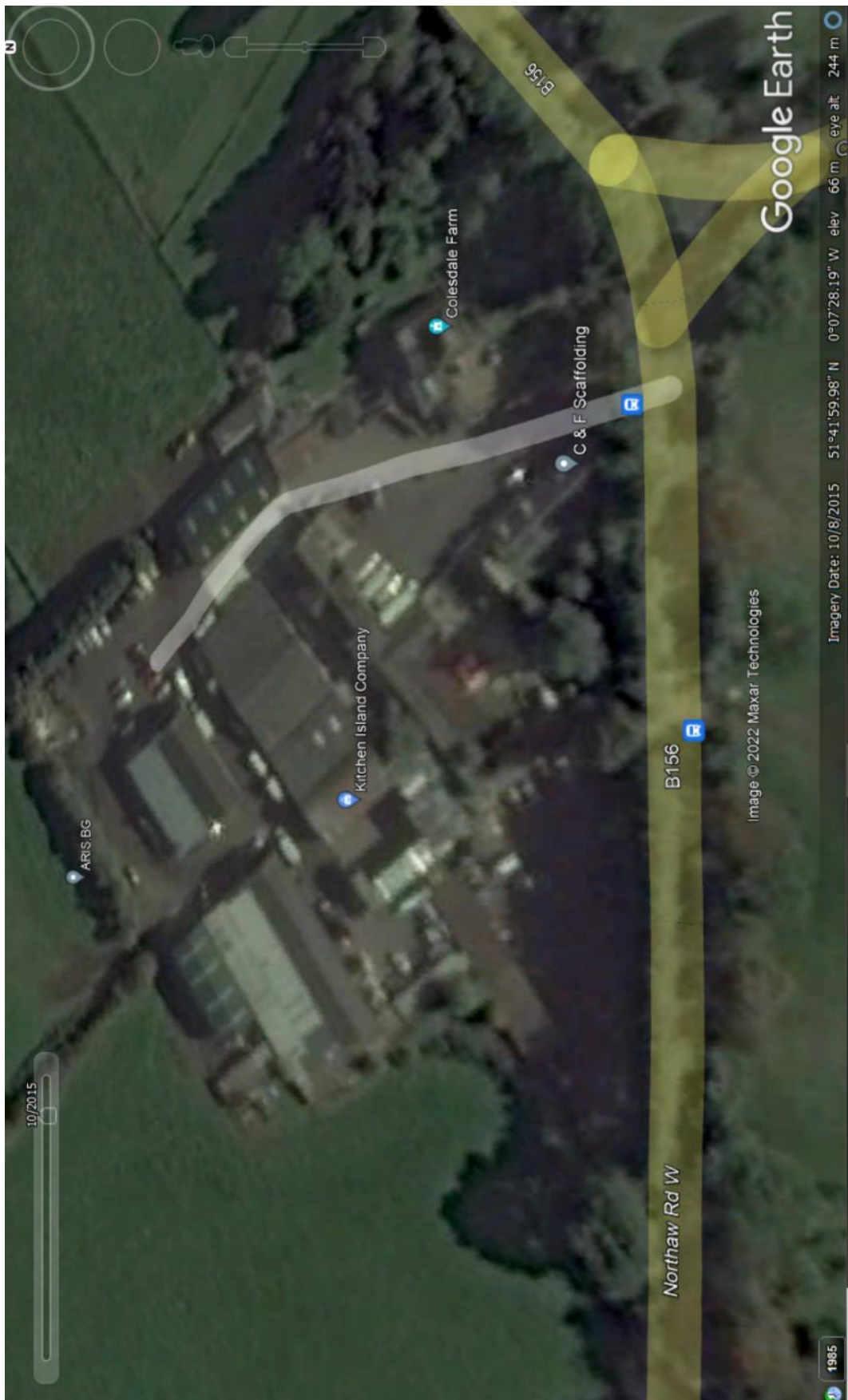
2012



2013



2015



2017





DLA Town
Planning

DLA
Heritage

DLA
Strategic

DLA
Commercial

DLA
Residential

DLA
Leisure

dlatownplanning.co.uk