

Evidence

public - Linda Grant

~~Elizabeth Beuford~~

Robert Wellend.

Decision - sent letter + on portal.

Costs

site - visited ^{Appeal site} + walked Westcoast + Shafterburg.
noted non ^{residential +} commercial uses.
will visit again during inquiry.

Grounds (A) both grounds c + d still maintained.

c - use has benefit of PP granted in 1981/04/05.

d - B2 use forms part of larger B2 use + not abandoned.

procedure. (A) opening

(LCC) opening

(A) witnesses

(LCC) witnesses.

interested parties.

(LCC) closing.

(A) closing.

Approx 5pm finish + 1hr lunch.

Grant - ok to give evidence tomorrow.

B - needs to give evidence by 2pm today.

10.12

Scott Stemp.

opening not in writing.

focus - 1981 permission, ample evidence of implementation through physical aspects + premises occupied + LA itself. seeking compliance with permission 2 which a reasonable authority would do, comparable uses & no PP required, LA historically happy for uses to fluctuate both in nature + extent. fundamentally activities are lawful + minimize through infraction of time.

what's going on is not the 1981 permission is?

should it be tackled by breach of condition / enforcement?

By implication B1 use?

Yes

Amend notice if I agreed with you

Substantial prejudice due to amendments. A not prepared to meet that requirement. Can't showhorn a garage in the class, LCC has accepted that other uses in B1 were accepted. LCC haven't required PP from separate units.

10.23.

Pridham.

Some docs coming - required opening in writing.

32

Raj Sharma.

Confirms contents of written statements.

Repairs by staff mostly in Shattersbury garage.

3 minibuses + 2 cars - contract from social services for asylum seekers.

general repairs + service.

started using 2004 - 2005

opened office in Leicester in 2000.

finished using 2008 - 2009 due to contract ending.

body work repairs of collisions?

staff would deal with, doesn't recall bodywork paint spraying?

no.

I - extra question
look personal car there for general, at the time MS Motors invoices?

no - not even tax reasons? only for 6 yrs.

where did you take vehicle in (mention entrance)?

Westcoast - asked by staff - couldn't get access - on most 2 occasions.

NP Staff dealt with details of what took place on the site?
no - minor works only.

personal car being serviced, first time being mentioned?

yes first time I've been asked

Only evidence we set out 16 Jan 18 + what you've said today? nothing else?

yes.

LR Why would you take a Mercedes to a back street services?
I still do.

Can you describe what you saw when you drove in? Expand.
Type preserve

Abandoned machinery? Stamp intervenes - if he doesn't understand he can say.

Just one building? Yes.

Noisy machinery? No

Storage from care home? No

heating roof? Yes on one side.

Stemp Have you worked in a garage? No, could tell difference

10.51 Kooner.

currently own premises on Shafterburg Rd? Yes tyre shop with ancillary repairs

2007 - 2010 activities - tyres, punctures, oil change, assembly + trying to learn trade.

small set up, small vans, sometimes very quiet but most times couple.

owner + 2 staff.

dents, light bodywork

bigger service work? no, just oil change.

most vehicles brought in Shafterburg Rd, small proportion from Westholer.

2 post hydraulic ramp - already there when started.

Have you been back since you opened your own? Couple times but kept to minimum.

inspector's Never part of rectangular building? No

Do batteries, puncture repairs, breaks, oil change.

NP Manjit Singh said I full time staff? Whilst I worked 2 people worked - must be wrong.

2011? So you're most recent statement wrong then.

Month? can't remember - Bill Gates memory chip!

2007 - vacant factory unit^{PP} - Appendix 11.

2008 - " ^{PP} - Appendix 12

Design + Access statement - former hoisey factory - 1.1.
Appendix 14 - 20101286 - redundant factory unit.

q14 - redundant hoisey factory unit
vacant listed.

end date 01/06/2007

20072066 . 2002

Appendix 21 - email Faqir 26/07/2017.

empty + removed from valuation list.

vacant 23/06/2017.

small proportion of cars - what proportion using Westcoater
Drive? About 8 x a yr

Drove vehicle into Westcoater drive? No

Saw car coming in? Westcoater side? Yes.

~~less than~~ width of this room, drive through
from Shop to Wests.

Beds, baths, nursing home equipment? Hoisey machines
State of roof? leaking.
Mr Teddy? Don't know.

Stamp. No involvement in planning applications
Not invited to drive customer's vehicles.

pg 251 - recognise Shogun - it's mine
enter through pedestrian door.

only entrance with graffiti door

we both doors - too long to remember

bolled in the way so may not have used that door

33

Swinder Singh

Saw 1661s + ramp.

Pit already there before bought

Split off garage from clothes manufacturing?

Small knitting machine → overstocking.

Mr teddy partnership.

NOT involved in repairs - Mr Ted doing everything.

How noisy machines? NOT too much

Sheet in middle

Sold 16 Sharnbury Rd

Let to Manjit Singh lease on pg 399

101 Clothing - trading name + logo

My clothing official name but proper lease.

Closed manufacturing in 2003, still there.

Council tax

business rates all paid under one company name.

1990 - 2004? Yes I did everything.

Quotes, roof leaking - 2002 or 2003 stopped manufacturing because of this.

Manjit Singh operating from 2002

Ins. Why no BR paid? this fault.

or Sept

Aug 1987 - bought

100% let over + ramp only reason repairs going on.

Spanners

2-3 weeks difference 1 - manufacturing 2 - garage.

No intention of garage use? No - Mr Ted, rent paid.

Ted takes over after couple of months

16A - 4-5 months, early 1988.

↳ lets to someone else.

continues to use small shared space.

Ted retires sell 16A 1999 - 2000

MS Autos occupies March 2001.

Sold to company - person lived in London, Sukhi, in Autumn/Winter 2007.

NP Friends with Manjit Singh

29/03/02 - leave granted, company ceased to exist

pg 335 - rang council re new occupier on site

2007 - BC show Autumn Breeze Investments liable to pay + vacant but you are saying that MS Autos in there → ring ring!

Message didn't get through to council.

puts IBA on rent and comes back to small space until retires then MS Autos comes in.

Grant Why access on lease? Important, access not Westhotes Council tax go up? Don't know.

Rent review? Three years, nobody can work there because of leak, sometimes miss payment + make it up

Did bills come to you? When owned company.

Why 12 yrs? Negotiated in 2001.

2002 decided £425 pcm.

Discussed increasing rent but couldn't pay.

12.26 Ms Bamford.

42 Westhotes Drive bought with husband December 1992.
resident in Westcotes, stay at home mum from 2004.

pg 492 - email.

no time seen vehicles ^{coming up}, parked up + backed up ^{but not entering}, always referred to as factory

crossing road, wouldn't have used if dangerous.

2005 police incident break in - old storage of hoisey, thought it was vacant

risk of arson or squatters as vacant

2008/2010 unloading rubbish

Did you walk on Shafterburg? Not often, aware of garages
recall Change + Start.

prior to parking scheme, neighbors would park in front of
factory as not an issue, never asked.

Stemp. 80s involvement? walked past as a member of local church
stay at home mum from? 2004 - now.

before? teaches 1/2 7 - 1/2 5, home in school holidays +
weekends.

Kennings - remember signage, petrol filling.

81 - 83 - pedestrian

parking scheme about 4 yrs ago.

Remembers hoisey wethers - have to walk through.

Remember Mr Singh coming in taxi.

Couldn't hear clothes manufacturing.

Couldn't hear vehicle use.

Midnight banging + ramp being installed - seen through shutters
bank holiday in 2016.

12.50. 50 mins lunch

13.45 Maujib Singh

pg 339 - leave

Toyota - welder

hands on, early stage, small jobs, business trade.

MS Autos - handy man.

2 or 3 employed.

small jobs - dent, spraying

another garage on Western Rd now + 6 vans.

majority in on Shafterburg

50 or 60 women walked there - very busy site. - hearsay.

Replaced ramp ^{end of 2003} - didn't put a new one in
knitting machine, fabric rolls, big tables
Inspection pit there from 2002

Not involved in putting up walls / dividers.

New shutter pp. - building company put shutters in, repaired
roof, blockwork - dividing units.

Sukhinder Singh's responsibility to pay rent - not his - ^{misunder-}
standing. but paid BR on other business.

5-6 vehicles per week from paying customers

Left in April / May 2014 - Western Rd, Loading Rd.

No regular complaints.

NP Heard from many people in Sikh + Punjabi community.

Surgical instruments, care home stuff in clothing side on floor

Machinery stays until Mr Keller

Only toilet?

Old toilets - would have to walk across.

WC in clothing side. } should still be there.

Only office? Mr Singh had his own desk in the clothing side?!

MS Autos hobby.

Records? None - separate for building business.

No separate accounts for MS Autos.

Not on personal tax returns.

Holland. Peapod - incorporated in Aug 2002.

signed in March 2002.

Grant How did you arrive at £425 pcm? friendship deal - always pay less
worked from 2002 - 2014, Koener worked, home care stuff
stored and he didn't see it.

14.41

Kullar.

Manager of Ash Estates Ltd, involved in acquisition of site,
brief / quick look as do it on daily basis
saw both pit + ramp on visit.

tools? wrenches, red metal tool box, trolley.

father in discussions with seller, solicitors searcher.

Don't get involved in BR until bought premises

Know garage me + applied for pp for flats but wanted it for ^{commercial use}
pg 416 - valuation by Inns England. - knew it was used as a
car repair garage

Checked on weekend - car repairs - not being used for 6/7 months

Valuation office - not habitable - so don't have to pay BR.

Storage, tile, furniture, ^{shattersbury} spray paint, garage.

Know of Swinder Singh - everything stated garage, ^{ASK} office up
the road so assumed garage me - Insp. - ^{answer that} you had other ways of
checking beyond reasonable doubt.

NP Architects completed 2015/1596

pg. 281 - light industrial use

pg. 393. - covered 'light industrial' - only unit left.

Grant LIA checks? Only if concerned.

Advised by Kal Sayra - why not advertised as garage + residential
if lost appeal what would you do? Sit down with legal team ^{unit}.

15.28

Alan Beckett

the complaints in Aug 2016.

since become aware that we came in in May.

Appeal site not in cars area.

ordnance survey

originally built as petrol station which may explain "garage"
Kennings outgrew site - on market 1980.

vehicle repair we rejected considering local residents.

absolutely no evidence within LCC's records

"flour mill" + "Global windows" - no evidence
suggesting we commenced

Abandonment planning + tax records, light industrial use from 82-02

and since then nothing

no records of complaints, 1980 applications → objection due
to noise, h&s + why refused.

local community ^{very} upset, receiving regular reports, lend, middle
of the night, reported to police + E. Health, concerns about
parking

highly unlikely that car operating without complaints

10 yrs use Plastic sheet - clothing would need clean environment, car
repairs noisy - don't understand how these uses would be
compatible.

No evidence between 1981 - mid 2016.

Lack of BR.

paper printed on existence of around date of lease.

visit 2015 - completely empty, visit for shutter, met with

owner and told him about light industrial use - unfortunately not

would LCC grant pp for car repair use? No - ^{giving evidence.} highways,
no parking, residents.

Insp. If we believe all evidence, wouldn't that be B1 use?
Could be.

Whats going on now is that B1? No - B2 - would need PP.

Stamp. Not member of RTPI

Licence member? No, Master of Arts in Spatial Planning,
past 8 yrs planning experience.

Draw line in relation to planning policy.

Lease - 2002 - 2014 → what documentation exists if taken up?
would expect invoices, BL, council tax not just a lease

No corroborating evidence

Is document (lease) forged? cannot say.

Maujib & Surinder pointing fingers at each other

BL have inspectors, not gone out as no concerns, LCC
could come to conclusion that vacant premises

career - mechanical engineering? clothing / hobby? No, in my
experience I know it would not be practical

"spectrum" of car repairs

lot clothing (companies here) would have been a B1 - not
on site - but investigation found don't fall within permission

pg 199 - '81 permission → present use includes mechanical
use + spray painting.

Kenning's applied for PP to make it all go away & avoid appeal
Insp. - still would be a B2, light industrial - class 3.

pg 168 - subdivision - what would LCC's view be?

pg 167 - we would apply to whole area, no different,
subdivision would not require a PP.
not binding as not PP - informal opinions.

p238 - note

p 236 - obviously an enquiry & no evidence that permission implemented?

gap in LCC's case - LCC never said that.

insp. needs explanation

Unrepresented appellants.

NP - had gaps been indicated to LCC then would have plugged gaps.

Does that letter accept that '81 permission been implemented?

Not vehicle repair use, manufacture of windows

p223 - if pp not implemented is it reasonable of LA to ask to comply with condition which don't exist as the permission has lapsed (pg 199)

unreasonable for LA to require compliance for conditions that don't exist.

current use in B2, it would not be able to B1, breach of condition - lawful

Abandonment - submissions

16A - enforcement action depends on the outcome of this appeal, no complaints about 16A.

complaints for other 2 units, particularly paint spraying.

NP No reason to believe contradictory evidence or contradictory evidence causes LCC's doubts on reliance of Appellants' evidence?

Planning Applications state vacant, pg 257 from site visits "to let" "graffiti issues" - you would expect it to be vacant.

Prior to 2016 evidence suggesting noise etc? No.

would conditions be acceptable? No.

p335 - S. Singh informed LCC vacant but liable for charge.

16.57. Linda Grant.

take evidence as read - large bundle

no evidence of camping + gear - 2005 onwards.

Chastwell Care Trust ↔ Autumn Breeze Ian Burgess - used equipment for storage

parked in front of shutters

Ian interested in buying motor bike, saw through shutters, used for lots of storage

Kuller's statement - truly could not believe it, Ian said defective, no electricity, claims don't have any substance.

Adam Moss - 1970 - 2005 resident ^{of house.} - Cllr Russell.

Insp. Muhammed
letter - some truth, some complete fiction, purely to discredit
noisy ✓
music x
bottles x
letter for him to sign x

Only resident who has spoken directly to Kuller + Kenan.

Stamp. Mobile home storage - expensive quote.
complaints about other units 27 + 23A noise related.
spoken with Manjit Singh about businesses but never vehicle repairs
break in incident - weren't living there
17 large containers being taken out following purchase by Kuller.

Tomorrow - 10.30 am.

Costs - need to take final instructions - need to be amended.