

19.01.2026

STATEMENT OF FACT AND SUPPORTING EVIDENCE

My name is Stephen Brealey and I am the owner of the land known as Storage land facing 151 derby rd Kirkby in Ashfield.

The land was part of a much larger plot and has been divided and sold off over the years and now there are 6 separate yards. The yards are owned by various people and used for storage and business use.

All the neighbouring lands do not have any form of planning but do have buildings and structures upon them. The uses vary from car breakers yard to fencing storage. Ashfield council have not enforced any breach of planning on any land owners.

Ashfield council accept that my land has been in use since the 1970s up to the present date, but cannot confirm when the material change of use had taken place.

Ashfield council accept that the land has storage use. In the past 30 years no enforcement has been given, nor have any member of the council visited the site, they cannot confirm what the lands storage had been use for. They are using dated photos from Google maps, which are not consistent every year and show large date gaps using the same photos over many years.

The council cannot provide any site visit information and indeed by their own admission couldn't say what had been happening on mine or neighbouring properties

This is supporting evidence of existing use as storage for more than 10 years on the above land with a time line supporting photographic evidence, emails and statements.

The land belonged to [REDACTED] from early 1970 until its sale in 2015. And it is my believe he used his land for a variety of uses without planning or enforcement from council officials.

In 1993 the above land was granted planning (v/1993/0069) the planning was for a market garden with storage and alterations from the long standing use as storage within block and timber sheds. As in proposed and existing plans submitted in application (v/1993/0069).

Somewhere between 1993 and 2006 the land had a material change of use to full storage of cabins and vehicles by the owner [REDACTED] without enforcement from local council officials.

In 2006 the land was rented on a temporary licence to a road working company for storage of vehicles, diggers and machinery, as in catalogue details of sale for a period of 5 years. This material change of use was without enforcement from local council officials. As the land was part of a larger plot some of the land would have been used more than other parts, until it was subdivided and sold off.

In 2010 the land was rented from [REDACTED] who is part of the [REDACTED] fencing group who operate their business facing a number of similar pieces of land. [REDACTED] stored vehicles and a number of lorry containers on the land for a period of 5 years without enforcement from any local council officials (statement provided).

January 2015 I purchased the land and set to clear the old lorry containers and reinstate the hard standing, block storage sheds and timber structures. All without no enforcement from local officials.

In 2017 I wrote to the planning team [REDACTED] at Ashfield councils to tell them my intentions on the land and to use it as storage for my business as previous other people had done. I was placing shipping and porta containers on the land as well as the grounds for various materials. I was asked to put forward a certificate of lawfulness, but at that time I did not. No action was taken. All without enforcement from local council officials.

Some 6 years later in 2023 we were contacted by Ashfield council about our occupation on the land and were advised to apply for a certificate of lawfulness. We worked with the council over this matter to formally gain planning, even though we had been using the land as storage. We were refused on the grounds of insufficient evidence. This was a big shock to me as

the planning enforcement officer advised me to put the application forward, and indicated that there wouldn't be a problem as they were aware of the storage use. It gave it planning without a formal planning application. Ashfield council said it needed more information on its use and wanted to know when the material change of use took place. Surly it was the council's job to determine when the change had taken place; they cannot confirm when this happened.

I put a request on a local search site and found additional information that the land was indeed used as storage and had a material change of use for a period of over 30 years. I cannot prove without doubt that the land was used for the period 1993-2006 when [REDACTED] used the land but can give enough evidence, that even on the balance of probability the land had definitively had a material change use for a period of 19 years, this period was not challenged by any local council officials and without any enforcement notices.

I can provide:

Witness statements

Contractor statements

Photos

Supporting neighbouring statements.

This statement is fact and to the best of my knowledge, the evidence within is without cohesion to any party and the evidence was gathered using public domains, emails, sales catalogues, statements and photographic information

Stephen Brealey

[REDACTED]

WITNESS SIGNATURE:

[REDACTED]

WITNESS NAME:

[REDACTED]

OCCUPATION: SOLICITOR

DATE: 19 December 2025