I **BERNARD SMITH** of Royston Springs, Common Lane, Royston, Barnsley S71 4ED **DO SOLEMNLY AND SINCERELY DECLARE** as follows:

1. I was born on 16 April 1944 and have been known as Brian Smith since 1950. Prior to moving to Royston Springs on 1 December 1991 my family and I owned and occupied a house in the centre of Barnsley for 5 years.

2. In 1986 I began working for HPW Community Programme, a company limited by guarantee. The name was eventually changed to HPW Training Ltd reflecting the change away from community benefit. HPW employed varying numbers of people over the years on short term contracts of employment. The company employed on average around 400 people at any one time. Eventually they ceased to be employees and were paid their benefit plus a training allowance.

3. HPW was initially funded by the Manpower Services Commission ("MSC"), a government department which had many successors and eventually was the Learning and Skills Council. When I began work for this organisation in 1986 I was the Chief Executive and over time I became a Director and then the Managing Director.

4. At any one time within HPW we would have around 40 people employed in horticulture. Initially the work involved gardening work for eligible people such as OAP's and disabled people and voluntary organisations in the Barnsley area, with little training being provided. However, we recognised that this activity was not leading to employment and so after making representation to the MSC we were given the freedom to change and provide training linked to employment opportunities.

5. A site in Penistone was purchased with the aid of a grant from the J Paul Getty Charitable Foundation for the purpose of providing work and training which would lead to employment in the emerging industry of large garden centres and the growth of organisations such as B&Q and the major supermarkets moving into selling horticulture products.

6. I led the operation to arrange for the Penistone site to be prepared, including the clearing of the site, the laying of the access road, the purchase of the second hand greenhouses and the purchase of topsoil and stock required for the growing horticultural unit. I also arranged the employment of people who had growing experience and who could be trained as trainers of others on the site. Once the site was up and running I retained operational responsibility for day to day activity but I was not personally involved in carrying out any horticultural activity.

7. The site was within the Green Belt and we never applied for planning permission for any type of activity such as retail. We had informal discussions with local politicians who encouraged us to "just get on with it"

8. The Springvale Trust was formed to hold the assets of the horticultural business. Again this was a company limited by guarantee and it also achieved registered charity status. This additional company was necessary as we were moving into a trading situation and needed to avoid complex government regulations on trading by government funded organisations. The formation of Springvale Trust was with the approval of the MSC.

9. During the late 1980's and early 1990's due to high unemployment in Barnsley the training company recognised that HPW and Springvale would benefit from additional facilities and this ultimately led to the acquisition of the site at Royston.

10. During mid-1990 we found the site at Royston Springs, which was ideal for building a house as it already had planning permission for a bungalow. The added bonus was that it had a greenhouse of about 10,000sq.ft.and the land extended to about 5.5acres. Therefore, both HPW and Springvale would also benefit from being able to use the site for growing and training purposes.

11. We proceeded to negotiate to purchase the site. The purchase was funded by the sale of our house in Barnsley and my wife and I were the owners of the property. I do recall conversations with my solicitor from Hinchcliffe Baker on the need to qualify to occupy a dwelling which had an agricultural tie. My solicitor led on the discussions and correspondence with Barnsley Council. I knew that the Council had disputed whether my work through HPW and Springvale Trust was sufficient to qualify for the occupation of an agricultural workers dwelling but, as far as I was aware, at the time of the purchase the matter had been resolved and the Council were satisfied that I qualified to occupy the property.

12. No formal arrangement was entered into between my wife and I with HPW or Springvale Trust for the property to be used for growing and training. Domestic Rates were paid on the property; and rated as band E.

13. By 1990 the status of people changed from employees to trainees. The trainees began working on the site at Royston immediately after our purchase of the property. The number of trainees varied

confirm that the land has not been used for any horticultural purpose since 1999 and since that time the site has only been used for residential purposes. Horses are kept on a section of the land to the rear of the site and this arrangement has been going on for over 20 years.

20. I confirm that no person has ever been paid to work on the site at Royston Springs and I also confirm that the site has never been used to derive an income for myself, my family or any other person.

21. As stated above, at the time of purchase of Royston Springs our understanding was that the Council had accepted that our use of the site qualified us as agricultural employees. In June 2006 we decided to move house. After marketing the property for since that date we had not been able to find a buyer who met the agricultural worker requirement and so I took advice from a planning consultant and planning solicitor regarding the status of the agricultural occupancy condition. I now realise that at the time of purchase of Royston Springs the matter had not been resolved by our solicitors with the Council and that we have been occupying the property in continuous breach of the agricultural workers condition since December 1991.

I MAKE THIS SOLEMN DECLARATION consciously believing the same to be true by virtue of the Statutory Declarations Act 1835.

SIGNED.....

DECLARED AT.....Barnsley.....

.....South Yorkshire.....

.....

THIS 8th **DAY OF** September **2011**

BEFORE ME .....

Solicitor

SIMON P. ALLIOTT
NOTARY PUBLIC
& SOLICITOR
31 REGENT STREET
BARNSLEY S70 2EJ