



Supporting Statement

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Rainroach Farm, Stoke on Trent, ST10 4DH

Existing Use - Lawful Development Certificate for siting 37 caravans

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For and on behalf of GVA Hotels and Leisure

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1. Introduction

- 1.1 GVA Hotels and Leisure has been instructed by Barrs Residential & Leisure Ltd to submit an application for a Certificate of Lawfulness in respect of use of land for siting caravans. The site has the benefit of planning permission dating back to 1982 for siting 21 static caravans and 10 touring caravans. Over the years the number of caravans on the site increased and the park ceased operating prior to our clients' purchase of the site in April 2007.
- 1.2 The purpose of this application is to establish that the increased number of static caravans now sited on the land is lawful as the site has been laid out with this number of pitches for more than 10 years prior to the submission of this application.

GVA Hotels and Leisure

- 1.3 GVA Hotels and Leisure is the specialist tourism and leisure advisory arm of GVA, one of the UK's top property consultancies. With twelve offices covering the whole of the UK, GVA Hotels and Leisure has the capability to provide the full range of property advisory services to the leisure business across the regions.
- 1.4 Our specialist planning and consultancy team has a broad range of public and private sector experience and provides services to clients in the leisure industry ranging from local authorities, major institutions, private land owners and property investors to business occupiers of commercial and leisure property.
- 1.5 GVA Hotels and Leisure is also retained as national planning advisor to the British Holiday and Home Parks Association and regularly advises members on caravan park planning and site licensing issues as well as responding to national planning policy consultations which affect the park industry.

Other Supporting Information

- 1.6 The following evidence is included with this application:

- Copies of previous Site Licence and planning permissions
- Sworn Affidavit from Mr Jason Barr regarding use of the site since his purchase in 2007
- Additional letter of support confirming the number of caravans that have been sited on the land
- Aerial photographs of the site showing a greater number of caravans
- Topographical survey showing number and position of caravan pitches on the site

2. Site Description and Context

- 2.1 Rainroach Park is a holiday caravan site covering approximately 0.8ha on land at Rainroach Farm. There is adjoining land of approximately 7.6ha to the north/north-west.
- 2.2 The site plan attached as **Appendix 1** shows the land subject of this application edged in red with the area of the approved caravan park boundaries (land hatched green) and location of a further static caravan (land hatched pink). The remaining land in the applicant's ownership (land edged blue).
- 2.3 The site is accessed from the west off the B5032 via a lane (Holm Road) leading to Rainroach Farm. It is located between Cheadle (3 miles to the west) and Alton (less than 2 miles to the east). Alton Towers theme park is a 3.5 mile drive to the north-east.
- 2.4 The caravan park is bounded by agricultural land to the south and west, including the buildings at Rainroach Farm, and to the north and east by mature woodland (Threap Wood). The aerial photograph below shows the site in this context.



Fig.1 Aerial photograph of the site (courtesy of Bing maps)

Planning History

- 2.5 There is a Site Licence 9/82 dated 29th September 1982 to Mr Tideswell referencing planning permission SM/10958 and the Site Licence specifies a maximum number of 21 static holiday caravans and 10 touring caravans.
- 2.6 From reading the information on file it appears that planning permission was sought initially in order for a Site Licence to be issued following the Caravan Sites and Control of Development Act. Planning permission was originally refused for 6 caravans in 1962 (ref, no. 4457). A scheme showing layout of 21 was put forward with application SM 7109 but due to concerns over screening an initial limit of 14 caravans was imposed, with the suggestion that this could increase to 21 at a later date once landscape planting for screening had become established. It appears that the later permission SM10958 was eventually submitted to regularise the increase from 14 to 21 that had by then occurred, and the storing of touring caravans on the land.

- 2.7 The original planning permission SM 7109 granted in October 1979 for formation of a caravan site and toilet block was subject to conditions including that the number of caravans shall not exceed 14 in total and that the caravans shall not be occupied during the period from 1st October and 31st March in one year.
- 2.8 Planning permission SM 10958 granted in June 1982 is for “Increase in the number of static holiday caravans from 14 to 21, and siting of a maximum of 10 touring caravans”. Condition 1 states that the static caravans shall be used for recreational purposes only and not for permanent residential occupation, and shall not be occupied at all from 1st October to the 31st March, without the prior consent of the Local Planning Authority.
- 2.9 Condition 2 states that touring caravans shall at no time be occupied at the site. Condition 3 states that the maximum number of caravans at the site shall be 21 static holiday caravans and 10 touring caravans.
- 2.10 The limitation in the planning permissions is therefore for the siting of 21 holiday static caravans on site (within the approved boundary), to be occupied for 6 months only during the summer months (1st April to end of September), and for 10 touring caravans to be stored on site only and not occupied. Copies of the most recent Site Licence and relevant planning permission are attached as **Appendix 2**.

3. Purpose of the Certificate of Lawfulness

- 3.1 The site has had more than the permitted maximum number of static caravans within the approved site boundary for many years prior to our client’s purchase of the site and the caravans have continued to be sited on the land since that time. There has been a breach of condition 3 of planning permission SM10958 for more than 10 years prior to submission of this application for Certificate of Lawfulness and therefore the existing number of static caravans on the park should now be considered lawful.
- 3.2 The additional static caravan in the field adjacent the approved boundary has also been located there for more than 10 years prior to submission of this application and should therefore be considered lawful. In addition touring caravans have been sited outside the approved boundary used regularly for holiday purposes.

3.3 This application therefore seeks to confirm that the following existing uses of the land are now lawful:

- i) The siting of 37 static caravans on the land hatched green
- ii) The siting of 1 static caravan on the land hatched pink

4. The Evidence

4.1 The following evidence is submitted to prove that the existing use of the land as described above is lawful having been used in this way for more than 10 years prior to submission of this application in breach of condition 3 of planning permission SM 10958.

Topographical survey and Sworn Affidavit

4.2 A topographical survey has been carried out of the site which shows the number and layout of static and touring caravans across the site. This clearly shows more than 21 static caravans on the site, with a total of 37 caravan pitches site within the land hatched green on the Site Plan) as well as identifying the location of the single static caravan on the adjoining field (land hatched pink on the Site Plan). The topographical survey is submitted as a plan with this application and a copy attached to this Statement at **Appendix 3**.

4.3 A Sworn Affidavit from Mr Jason Barr confirms that the site was laid out with these numbers when he purchased the park in April 2007. The Sworn Affidavit is attached as **Appendix 4**.

Aerial and site photographs

4.4 A number of aerial photographs of the site are attached as **Appendix 4**. Photo 1 dated 1976 shows 17 static caravans around the site and 10 touring caravans within the site. Here the site is open to view with landscaping not yet implemented. Also clearly visible is the single static caravan in the field adjacent the caravan park although at this time there as an access road right around the caravan plot.

- 4.5 Photo Ref 1 dates to 1982/1983 and shows a similar layout but with touring caravans sited either side of the toilet block, and an additional 2 static caravans behind the agricultural buildings. This brings the total of static caravans to 19. The siting of a further 2 touring caravans can be seen on the plot previously occupied by a single static, with the access road now more developed and ornamental planting evident around the caravans. This suggests that the touring caravans in this location were being occupied and not simply stored.
- 4.6 Photo Ref 2 shows the site more developed with landscape planting within the site evident, including around the toilet block so will be taken after 1982. This shows 37 caravans located on the site, of which at least 24 are clearly static caravan plus the 2 statics located behind the agricultural buildings taking the total on site to 39 (and number of statics to 26).
- 4.7 The Google Earth photo dated 2007 shows the static caravan in the adjacent field with the access road no longer looping around it as in previous photos. The boundary landscaping is more developed in this photo. This photo also shows a total of 37 caravans within the site and the single static caravan in the adjacent field is also evident.
- 4.8 The site has been visited on three occasions by employees of the now GVA Hotels and Leisure team following purchase of the site by the applicants. Photos were taken in October 2012 by Simon Davis and in July 2014 by Rachel Whaley. These confirm that the site continued to be laid out with numbers in excess of the maximum stated in the planning permission, and also that the single static caravan remained in situ in the field adjacent the park. Photos from these site visits are attached as **Appendix 6**.
- 4.9 At the most recent site visit the number of caravans counted on site by Rachel Whaley was 28 static caravans, plus 3 extra that would be hidden from view by extensive tree cover, and 4 touring caravans all within the original site area. There were 2 more touring caravans by the house and another by the farm entrance, so 7 touring vans in total making the total number of caravans 37. The single static caravan in the field adjacent the park was also evident.
- 4.10 The topographic survey carried out in July 2014 confirms the number and position of caravans across the site, including pitches hidden by tree cover, for example around the toilet block.

Mr. Barr's Sworn Affidavit confirms that the number and layout of caravans shown on this survey plan is how the site was laid out when he purchased it in 2007.

Evidence from Christine – covering period 1975 - 2003

- 4.11 Christine Pyatt is very familiar with the running of Rainroach Park having visited the site regularly since 1975 when she began dating Mr John Tideswell, son of the site owners and being on the site every day during 2003 when she lived there with John Tideswell.
- 4.12 She is able to confirm that the park was laid out very much as it is today in terms of number and position of caravans. She also confirms that during 2003 when she was there every day that caravans were not brought onto the site or removed during that period. Also that the single static caravan in the adjacent field was present at that time. A letter from Christine Pyatt confirming this is attached as **Appendix 7**.

Sworn Affidavit from Jason Barr

- 4.13 The Sworn Affidavit from Mr Jason Barr confirms the number of static and touring caravans on the park at the time he purchased the site in 2007. He confirms this layout is shown in the topographical survey which accompanies this application.
- 4.14 3 caravans have lost to arson but there remains evidence of the pitch on site confirming the total numbers the site had been operating with.
- 4.15 He confirms that the single static caravan in the adjacent field was in situ, and already in quite dilapidated state indicating it had been left in that position for a number of years prior to that.
- 4.16 This evidence confirms that the number of caravans within the park boundary for the past 10 years has remained at 37. It also confirms that the single static caravan in the adjoining field has been there for at least 10 years.

5. Summary of evidence and justification

5.1 In conclusion we consider that the existing use of the land for siting caravans is lawful. This is based on the following evidence:

- Mr. Barr's Sworn Affidavit confirms, with reference to the topographical survey prepared for submission with this application, that the number of caravans on the park has consistently been 37 for at least the past 10 years having remained unchanged since the time of his purchase in April 2007. The Affidavit also confirms the location of the single static caravan on the adjoining field for at least the past 10 years. This evidence is corroborated by the site visits carried out by consultants at GVA in October 2012 and June 2014.
- It is evident from the aerial photographs submitted that the site has been laid out in excess of its permitted numbers (more than 21 statics and more than 32 in total) for many years as evidenced by the photos dated as 1982 and more recently the Google earth photos which dated 2007 would reflect the position prior to that date.
- The park closed in 2003 so was not operating between 2003 and 2007 when our client purchased the site. There is limited evidence therefore of any activity relating to the site during this 4 year period. However, Christine Pyatt (partner of the former owners' son John Tideswell) visited the site regularly between the period of 1975 – 2003 and was on site every day during 2003. She confirms that during the time she was there on daily basis caravans were not removed or brought onto the site. It is therefore reasonable to assume that the number and position of caravans on the park when Mr Barr purchased the site in 2007 was in accordance with how the site was laid out during 2003. We can therefore conclude that the number and layout of caravans on the site today (as illustrated in the topographical survey) reflects how the site has been laid out for more than 11 years (ie since April 2003). Christine also confirms that the single caravan in the adjoining field was present throughout 2003 so we can conclude it has been sited there for more than 10 years also.

- It is therefore clear that the site has been in breach of condition 3 of planning permission SM 10958 for more than 10 years and the control of number and type of caravans on the site is therefore now immune from enforcement.
- All of the evidence combined proves beyond reasonable doubt that the following existing use of the land edged red and subject of this application is now lawful:
 - The siting of 37 caravans on the land hatched green
 - The siting of a single static caravan on the land hatched pink