Hewitt&CarrServices

Planning Statement

Lawful Development Certificate for Existing Use:
Siting of residential caravan and associated engineering and building operations
Brow Nook Farm, School Lane, Freehay
For Mr. L. Bagnall

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1.0 INTRODUCTION

1.1. Hewitt & Carr Services have been instructed by Mr. L. Bagnall to prepare a Lawful Development Certificate application under s191 of the Town and Country Planning Act 1990 (As Amended). The application seeks to establish that the existing use of land at Brow Nook Farm, School Lane, Freehay for the siting of a residential caravan, along with associated building / engineering operations are lawful.

1.2. The site is occupied by a static caravan, which comprises a living room, kitchen, bathroom and two bedrooms. It is sited upon an area of hardstanding, with gravel surrounds, access steps, and parking for one vehicle. There is also a garden shed present on the site used by the occupiers of the caravan, and the caravan has drainage and electricity connections.

1.3. This Planning Statement and its associated Appendices seek to demonstrate a precise and unambiguous set of evidence to support the case that the siting of a residential caravan on the site is lawful and therefore immune from enforcement action by the Local Authority.

2.0 SITE DESCRIPTION

2.1. The application site comprises an area of hardstanding upon which a residential caravan has been sited. The building is located to the immediate southeast of an existing range of portal framed buildings, with a yard area and manege to the southwest. A parking area, with amenity space and garden shed are located immediately to the southeast and enclosed by a mature hedgerow which also wraps around the northeastern boundary of the site. Further to the southeast lies the existing farmhouse, with the existing vehicular access running in between. An aerial photograph of the site is shown in Figure 1 below.

Figure 1 – Aerial Photograph of Site



Source: Getmapping.com

3.0 THE PROPOSAL

3.1. This Lawful Development Certificate for Existing Use and Development seeks confirmation that:

1) The laying of a hardstanding on the site has been in situ for a period in excess of 4 years and is now lawful;

2) The siting and occupancy of a residential caravan on this site has taken place for a period in excess of 10 years and is now lawful.

3) The garden shed constructed on the site has been in situ for a period in excess of 4 years and is now lawful.

4.0 PLANNING ASSESSMENT

4.1. Section 171B of the Town and Country Planning Act 1990 (As Amended) confirms that where there has been a breach of planning control consisting engineering operations or the change of a building to a dwelling, no enforcement action may be taken after the end of a period of 4 years beginning with the date on which the operations were substantially completed. In the case of any other breach of planning control, no enforcement action may be taken after a period of 10 years beginning with the date of the breach.

4.2. In this particular case, the breaches of planning control that have taken place on the site consist of the creation of an area of hardstanding, the subsequent change of use of that parcel of land to a residential caravan site, and associated building operations in the form of the construction of a garden shed.

4.3. The enclosed Statutory Declaration prepared by the applicant (Mr. Lee Bagnall) confirms that the hardstanding was first constructed on site in 2000. It goes on to confirm that it wasn't until 2005 when further engineering works were undertaken on the site to provide drainage and electricity connections to serve the static caravan that was subsequently brought onto the site. The laying of the hardstanding amounts to an engineering operation and remains in situ to this present day. It has therefore been substantially completed for a period in excess of four years (20 years +) and the submitted Statutory Declaration confirms that it would have already been lawful by the time the static caravan was brought onto the site in 2005 (Section 171B(1) of the Town and Country Planning Act 1990 refers). The hardstanding is therefore considered to be lawful.

4.4. The Statutory Declaration confirms that the caravan was brought onto site in January 2006 and that its accommodation was fully self-contained, comprising of a living room, kitchen, bathroom and two bedrooms. Externally the caravan was cladded around its base, and adjacent to it there a gravelled area, parking space and latterly a garden shed were installed (discussed later). The caravan

was furthermore connected to mains electricity and an existing septic tank, as shown in the photographs enclosed as Appendix A.

4.5. The Statutory Declaration confirms that the caravan was first occupied in January 2006 by the applicant's son, Bruce Bagnall, who used the caravan as his sole place of residence, and who also used the amenity space around the caravan for ancillary residential purposes associated with his occupancy of the caravan. The breach of planning control consisting of the change of use of the land to a residential caravan site therefore first began in January 2006 (or 2005 if one considers the breach to have started when the caravan first arrived on site).

4.6. The Statutory Declaration goes on to confirm that the caravan was occupied by Bruce Bagnall until early 2015, a period of 9 nine years, and that other than holidays it was continuously occupied during that period. Bruce Bagnall vacated the caravan in early 2015, and within a matter of days his younger brother, Joseph Bagnall moved in. Joseph Bagnall occupies the caravan as his sole place of residence and continues to live in the caravan to the present day. He also uses the amenity space around the caravan and the garden shed for purposes associated with his occupancy of the caravan. Other than holidays Joseph Bagnall has permanently occupied the caravan, and consequently the site has been used continuously as a residential caravan site for a period in excess of 15 years. The use of the land as a residential caravan site is therefore considered to be lawful in the context of section 171B(3) of the Town and Country Planning Act 1990 (As Amended).

4.7. The statements of fact set out within the Statutory Declaration are furthermore independently corroborated by the aerial photographs of the site enclosed as Appendix B. The images contained therein show the land laid as hardstanding in 2003, and a caravan being in situ on the site in 2006, 2013 and 2017.

4.8. Turning to the garden shed, the Statutory Declaration confirms that this was constructed on site in 2008. The works to construct the shed would have amounted to an engineering operation, and thus would ordinarily be subject to the four-year rule when it comes to establishing lawfulness. However, those engineering works were also associated with the change of use of the land to a residential caravan site, and consequently the ten-year rule would apply in such circumstances. The garden shed was constructed in 2008 and remains in situ to this present day, and thus has been present on site for a period in excess of 13 years. It is therefore also considered to be lawful in the context of section 171B(3) of the Town and Country Planning Act 1990 (As Amended).

5.0 CONCLUSION

5.1. For the reasons set out within the Planning Assessment above it is submitted that the laying of the hardstanding was substantially completed for a period in excess of 4 years before the caravan was first brought onto site, and that it is

therefore lawful in the context of paragraph 171B(1) of the Town and Country Planning Act 1990 (As Amended).

5.2. The site has furthermore been used as a residential caravan site for a period well in excess of ten years from the date of the first breach of planning control, and that the use has carried on uninterrupted and continues to this present day. The use of the site as a residential caravan site is therefore considered to be lawful in the context of Section 171B(3) of the Town and Country Planning Act 1990 (As Amended).

5.3. The garden shed constructed on site has furthermore been in situ for a period in excess of 10 years, and therefore is also considered to be lawful in the context of Section 171B(3) of the Town and Country Planning Act 1990 (As Amended).

5.4. Having regard to these conclusions, the Local Authority is respectfully requested to issue a Lawful Development Certificate to confirm that these developments are now lawful and therefore immune from enforcement action.