

## Supporting Statement

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### **Yew Tree Park, Peterstow, Ross-on-Wye, Herefordshire, HR9 6JZ**

Proposed Use - Lawful Development Certificate for use of land for siting caravans  
without condition or limitation

**January 2016**

Prepared By *Rachel Whaley* ..... Status: Associate

Date: 29.01.16

**For and on behalf of Bilfinger GVA**

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## 1. Introduction

- 1.1 Bilfinger GVA has been instructed by Barrs Residential & Leisure Ltd, owner and operator of Yew Tree Park to submit an application for a Certificate of Lawfulness in respect of use of land for siting caravans. The land in question comprises the eastern part of the site which has always been included within the park boundary for Site Licensing purposes and for the siting of caravans prior to our client's purchase of the site. Our clients have continued to use the land for the siting of caravans since they purchased the site in 2000.
- 1.2 The site has the benefit of a Lawful Development Certificate confirming use of part of the land as a site for caravans but this does not cover the whole of the site area. Our client therefore wishes to regularise use of the site by applying for a Lawful Development Certificate in respect of the remainder of the land.
- 1.3 The application is submitted under S192 for Proposed Use as it is contended that the land has the benefit of deemed consent and therefore may be used as a site for caravans without any condition or limitation.

### **Bilfinger GVA – Retail Hotels and Leisure**

- 1.4 Retail, Hotels and Leisure is the specialist tourism and leisure advisory arm of Bilfinger GVA, one of the UK's top property consultancies. With twelve offices covering the whole of the UK, it has the capability to provide the full range of property advisory services to the leisure business across the regions.
- 1.5 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.
- 1.6 Bilfinger GVA 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

1.7 The following evidence is included with this application:

- Copies of previous Site Licence and planning permissions
- Caravan Sites and Control of Development Act 1960
- Copy of Planning Appeal ref. APP/G2815/X1041/154763
- Sworn Affidavit from Mr. Jason Barr
- Aerial photos showing use of the land for siting caravans

## 2. Site Description and Context

2.1 Yew Tree Park is a residential caravan site covering a total area of 2.7 acres (1ha). The site plan attached as **Appendix 1** shows the whole site, marked Field A and Field B. Field A is laid out with 30 caravans and Field B currently has 12 caravans on the land, an access track and water tap in the centre of the field. Field B is edged red and forms the application site.

2.2 The site is accessed from the south of the A49. It is bounded to the north and east by woodland and agricultural land and to the west by detached houses with large gardens to rear. Immediately to the south between Yew Tree Park and the A49 is a small touring caravan park in separate ownership. The aerial photograph below shows the site in this context.

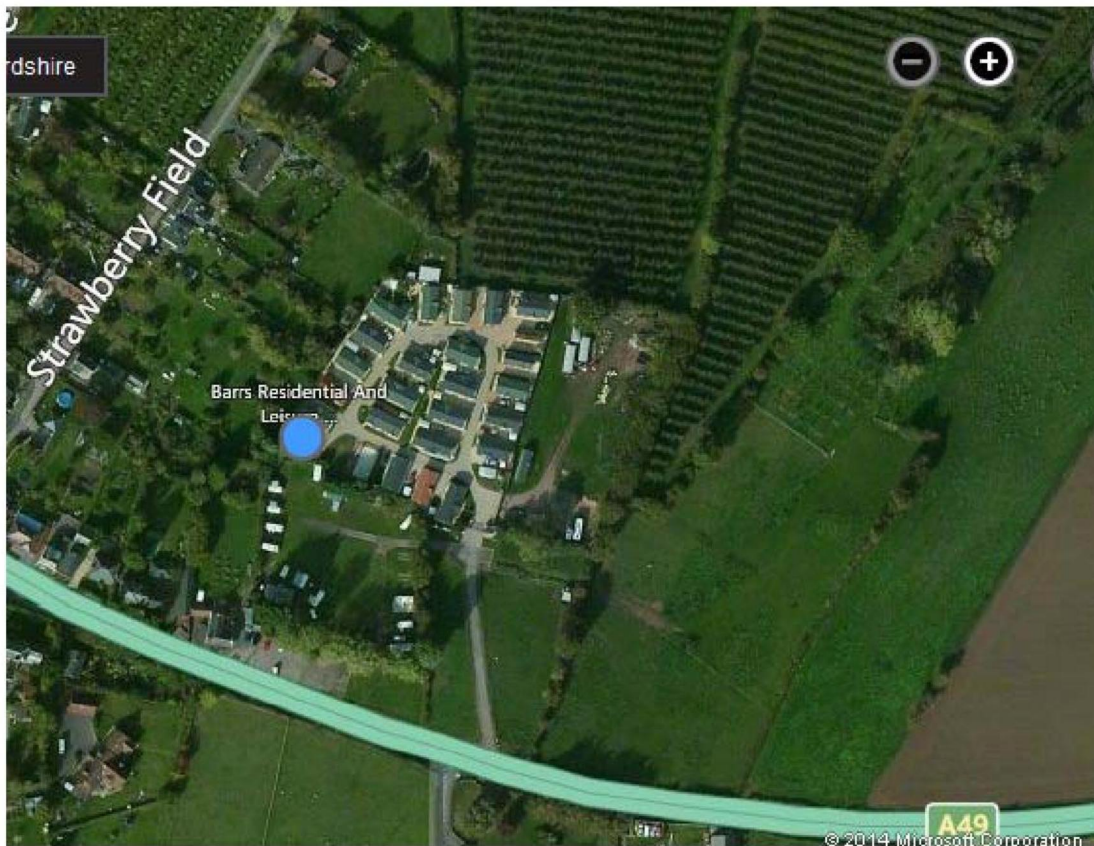


Fig.1 Aerial photograph of the site (courtesy of Bing maps)

## Planning History

- 2.3 The site was granted planning permission on 10<sup>th</sup> May 1951 under reference 10619 for use of site for caravans. Condition a) advises this was a temporary consent for 12 months and that the use should cease and the land be reinstated after this time.
- 2.4 Condition a) was never complied with and the land continued to be used as a caravan site since that time.
- 2.5 A Site Licence application was made in 1961 referring to the total site acreage of 2.695 acres.
- 2.6 An application for Certificate of Lawful Use was submitted in 2003 claiming existing lawful use of the whole of the site (2.69 acres) on the basis it had operated without the benefit of the original expired planning permission for more than 10 years (ref.SE2002/2792/U). This application was refused as the Council considered there was



not sufficient evidence (ie 10 years use) of the eastern part of the site, and the approved plan for the 1951 planning permission was considered to relate only to the western part of the site.

2.7 A revised application was then submitted seeking a Certificate of Lawful Use on the western part of the site only. This was granted on 4<sup>th</sup> August 2003 for 'Use of Land as a site for caravans' (ref. SE2003/1714/U). This relates to the caravans sited on Field A.

2.8 An earlier planning permission SH102/81 was granted on 25<sup>th</sup> March 1981 for the re-siting of touring caravans at Yew Tree Inn Caravan Site. Whilst part of our client's land (the eastern part) was included as land owned by the applicants at that time, the red line application site on which the siting of touring caravans was permitted is to the south of our client's site in separate ownership.

2.9 The thrust of the planning history for our client's land can therefore be summarised as follows:

- The whole of the land (2.695 acres) is Licensed as a caravan site
- temporary planning permission was granted for use of the land as caravan site in 1951 for 12 months only
- The whole of the land continued to be used for the siting of caravans since 1952 without planning permission but only the western part currently has the benefit of a Certificate of Lawful Use confirming its use as a site for caravans.
- Use of the western part of the site as a site for caravans (as authorised by the Certificate of Lawfulness) is without condition or limitation

### 3. The Evidence

- 3.1 The following evidence is submitted to prove that the application site (which we refer to as 'Field B') has the benefit of deemed consent for use as caravan site and its proposed use as a caravan site without any condition or limitation is therefore lawful.

The site was included in the original 1951 planning permission and further relevant consents

- 3.2 On 10<sup>th</sup> May 1951 planning permission 10619 was granted for "use of site for caravans". A copy of the Decision Notice and site plan are attached as **Appendix 2**.
- 3.3 The planning permission was issued to Cheltenham and Hereford Breweries Ltd.
- 3.4 The site plan shows in basic plan form the position of the pub (Yew Tree Inn) with land parcels labelled arable, grass and garden around it. To the east is a further land parcel labelled grass showing the route of the access through to the caravan site at the rear. To the north, rear of the access, is a land parcel identified as 2.695 acres. The western part of the land parcel is hatched and labelled grass; the eastern part of the parcel is labelled Arable, with no other markings. The key to the plan indicates that the hatched lines represent the camping ground.
- 3.5 There is nothing on the plan or in the key to indicate that only the hatched area (camping ground) is to be used for siting caravans. The plan clearly identifies the size of the land parcel to the rear as being 2.695 acres.
- 3.6 In fact the key includes a symbol ( ) which said to mean "included". This symbol is shown on the plan to cross both the grass and arable sections of OS field 126 (2.695 acres) as well as land surrounding the Inn labelled Arable, Grass and Garden. OS field 125 with the access through is not marked with the symbol of included.
- 3.7 It is therefore reasonable to assume that the planning permission granted in 1951 was intended to apply to all the land surrounding the Inn, and to the rear (all 2.695 acres -



Field A and Field B on the location plan submitted with this application for Certificate of Lawfulness) allowing its use as a site for caravans.

- 3.8 There are no conditions on this permission limiting the number of caravans or the nature of occupancy/length of season. However, condition a) states that “The use of land authorised by this permission shall be discontinued at the expiration of a period of twelve months from the date hereof, and any works required for the reinstatement of the land at the expiration of that period shall be carried out.
- 3.9 Condition b) requires the owner of the land to undertake to supply and maintain water and arrange for drainage and sanitation of the land to the satisfaction of the local authority. Condition c) states that no entrance gate being erected within a distance of six feet from the boundary of the trunk road, and any fence between the entrance gate and the boundary of the trunk road being splayed outwards at an angle of not more than 45 degrees with the boundary of the trunk road.
- 3.10 Condition a) was never complied with and the land has continued to be used as a caravan site since that time. We have seen correspondence from the County Planning Officer dated 23<sup>rd</sup> September 1952 to the manager of Cheltenham and Hereford Breweries. It refers to a planning application submitted on 9<sup>th</sup> May 1951 and granted permission on 5<sup>th</sup> September 1951 and it appears the brewery then decided not to implement the permission due to the conditions imposed. It appears from this letter that the brewery had advised the council of their long standing use of the land as a caravan site as defence for not needing to implement the permission as the County Planning Officer concludes “*I can only assume that your application of 9<sup>th</sup> May 1951 was unnecessary....*” A copy of this letter is attached as **Appendix 3**.
- 3.11 It appears this letter was sent in response to one received from Cheltenham and Hereford Breweries Ltd on the same date (23<sup>rd</sup> September 1952) which states that “*...according to our tenant , the land in question has been used as a site for caravans and camping for well over 30 years.*” A copy of this letter is attached as **Appendix 4**.
- 3.12 We have seen correspondence from the County Planning Officer dated 24<sup>th</sup> March 1953 to Mr. W. Byard of the Yew Tree Inn concerning the need for planning permission. It appears that Mr. Byard had submitted a planning application for a camping site. The letter refers to previous correspondence with the manager of Cheltenham and Hereford Breweries Ltd concerning “previous use of this land as a caravan site”. (ref.

Appendix 4) The letter advises Mr. Byard that “...unless you are contemplating very considerable changes to what has taken place in the past, I do not think you need obtain planning permission unless, of course, you so desire.” In other words, despite there being no actual planning permission in place, use of the land as a caravan site was considered lawful. A copy of this letter is attached as **Appendix 5**.

- 3.13 We have seen a plan for a planning application submitted in 1959 (ref. 34736) for a new septic tank and proposed toilet block. The plan clearly shows the whole of the current caravan park (Field A and Field B in this application for Certificate of Lawfulness) forming OS field 126 and measuring 2.695 acres and labelled across the whole of this area as “Existing Caravan Site”. The plan clearly shows pitches along the eastern boundary of what is Field B in this current application for Certificate of Lawfulness. A copy of this plan is attached as **Appendix 6**.
- 3.14 Further evidence that the whole of the 2.695 acre site (including Field B as referenced in this current application for Certificate of Lawfulness) has formed part of Yew Tree Caravan Park can be found in the various Ordnance Survey maps attached in **Appendix 7**. These clearly show the whole of the 2.695 acre site as a single land parcel (OS field 126). Of particular significance is the Ordnance Survey sheet dated “Revision of 1927 with additions from 1943-1944”.
- 3.15 We have also obtained a copy of the Ordnance Survey sheet used for plotting site licensing/planning applications at the council. This clearly shows the whole of the 2.695 acre site (OS field 126) edged in red as a single unit marked as Caravan Site, with the front field (through which access is obtained) also included within the same red line boundary. This corresponds with the area edged in red with the site layout plan submitted with the 1961 Site Licence application (see Appendix 2). A copy of the marked up plotting sheet is attached as **Appendix 8**.
- 3.16 We also have sight of a further drawing (ref. ADS:219:78:) which shows details for connection of 4 residential caravans at Yew Tree Caravan Park to an existing septic tank. This plan shows the whole of the OS Field 126 as forming the caravan site with no division between the western and eastern parts. A copy of this drawing is attached as **Appendix 9**.
- 3.17 **From this evidence it is reasonable to conclude that the intention of the planning application submitted in 1951 was that the whole of the current site (2.695 acres - Field**

**A and Field B) was intended to benefit from the granting of planning permission for use as a site for caravans; that the whole of the site had been in use as a caravan site before that application was made; that it continued to be in use as caravan site after the 1951 planning permission had been granted and subsequently expired; that the local authority accepted the whole of the site had been in use as a caravan site for a considerable time (more than 30 years according to the applicant) and that planning permission was not in fact required at that time for the whole of the site to continue to be in use as caravan site.**

The site has the benefit of a Site Licence granted in 1961

- 3.18 An application for Site Licence required under the Caravan Sites and Control of Development Act 1960 was submitted on 4<sup>th</sup> July 1961 by K G Byard, stated as tenant of the land. In section 3, the description of the site is clearly Yew Tree Inn Caravan Site and in section 4 the acreage of the site applied for is clearly stated as 2.695 acres. At the time of the application a licence was applied for in section 6 on the basis of 15 permanent residential caravans and 15 seasonal/touring caravans. In section 7 the maximum number of caravans proposed to be stationed on the site at any one time for human habitation was stated as 30.
- 3.19 Section 8 of the application form requires a site layout plan of not less than 1:500 scale to be submitted showing boundaries of the site and position of caravan standings. Our client has obtained from the Council's Site Licensing department a copy of a site layout plan drawn in July 1961 for K Byard showing proposed improvements to existing caravan site. These all relate to the requirements of the Site Licence. This clearly shows the whole of the site area (2.695 acres – including both Field A and Field B of this current application for Certificate of Lawfulness) , as well as the field in front with the access , all within the red line boundary of the caravan site. The red line boundary also includes a small section of the land rear of the Yew Tree Inn on which the toilet block and septic tank were proposed.
- 3.20 At section 10 on the Site Licence application form the applicant states that planning permission has not been sought from the local planning authority. At section 11 the applicant claims “existing use rights” meaning the site does not require permission. He states that the site was in operation before the 1947 Planning Act. At section 12 the applicant states that the site was in use as caravan site for the purpose of human habitation on a) 9<sup>th</sup> March 1960 and b) 29<sup>th</sup> August 1960 and c) all the time since 9<sup>th</sup>

March 1958. A copy of the Site Licence application form and accompanying site layout plan are attached as **Appendix 10**.

- 3.21 Following this application a Site Licence was issued to Mr K Byard.
- 3.22 The site layout drawing submitted with the Site Licence application shows a layout of 30 caravans on the western part of the site. Located in the centre of the eastern part is a water stand pipe with a 180m radius illustrated that covers the majority of the eastern part. This suggests that the pipe would be used serve caravans stationed on the eastern part as well as the 30 pitches laid out on the western part. The hedgerow boundary shown on the drawing encompasses the whole of the land and does not divide the two parts. Similarly the site plan refers to the whole of field 126 measuring 2.695 acres.
- 3.23 The original 1961 Site Licence issued to Mr.Byard was for 15 permanent residential caravans, 7 seasonal and 8 touring giving a total of 30 overall and includes the whole site area of 2.695 acres. The 1973 Site Licence to Mr. Byard indicated the number of caravans was 15 residential , 15 holiday plus 6 night halts, giving a total of 36 pitches. With the 30 pitches laid out on the western part this suggests that the eastern part was used for the siting of the overnight caravans. These numbers remained the same on a further Site Licence no. 58 issued to Mr. Byard in 1976.
- 3.24 We have copies of a further Site Licences issued in respect of Yew Tree Caravan Park which again suggest that the whole of the site (including the eastern part – Field B in this current application for Certificate of Lawfulness). Copies of all the Site Licences referred to are attached as **Appendix 11**.
- 3.25 Site Licence ref. S/114 was issued on 7<sup>th</sup> July 1981 (dated 29<sup>th</sup> September 1980) to a Mr.Goddard as an amendment to the original Site Licence dated 12<sup>th</sup> January 1976. This licence refers to the siting of 3 residential caravans, 27 holiday caravans and 6 night halts, giving a total of 36 pitches.
- 3.26 A further amended Site Licence S114 dated 10<sup>th</sup> March 1986 and then held by Mr R H Gibbs also confirmed the numbers as 3 residential plus 37 holiday caravans, giving a total of 40 caravans.
- 3.27 Site Licence S114 was transferred to Miss B A Tandol and Mr B Frame on 17 July 1995. This Licence states the maximum number of caravans as 3 residential caravans and 37

holiday caravans giving a total of 40. This number of caravans could not be accommodated solely on the western part so it is reasonable to conclude that the Licence included the eastern part also.

- 3.28 The Site Licence issued to our clients on taking on the park was dated 27<sup>th</sup> November 2002 (ref. 21.5) This makes no reference to a maximum number of static caravans or any distinction between holiday and residential use but states that the maximum number of touring caravans shall not exceed 6 in total.
- 3.29 Over the years the number of caravans permitted on the Site Licence has increased and the current Site Licence places no restriction on the number or type of caravans that may be sited on the land, other than restricting the number of touring caravans to 6.
- 3.30 **From this evidence it is reasonable to conclude that the whole of the site (2.695 acres and including Field B subject of this application for Certificate of Lawfulness) has the benefit of a Site Licence for use of land as a caravan site; that whilst the initial site layout plan indicated 30 caravans stationed on the western part of the site, subsequent applications for Site Licence have requested a higher number of caravans on the site that would have required use of Field B to accommodate them; that the current Site Licence issued to Mr. Barr has no limit on the number or type of static caravans and therefore his Site Licence permits the siting of static caravans for either residential or holiday use on Field B.**

Issue of the 1961 Site Licence has the effect of granting deemed consent

- 3.31 The Caravan Sites and Control of Development Act 1960 introduced the requirement for caravan site owners to hold a Site Licence. Site owners therefore had to make an application for a Site Licence to the local authority. Applicants had to declare whether or not they had planning permission for the use of land as a caravan site. A copy of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) is attached as **Appendix 12**.
- 3.32 Section 3 of the 1960 Act stated that “A local authority may on application under this section issue a Site Licence in respect of the land if, and only if, the applicant is, at the time when the site licence is issued, entitled to the benefit of a permission for the use of

*the land as a caravan site granted under Part III of the Act of 1947 otherwise than by a development order."*

- 3.33 Sections 13 -20 of the 1960 Act made special provisions for existing sites. Yew Tree Caravan Park meets the definition of an existing site under Section 13 a) as land which is in use as a caravan site at the commencement of this Act and which was also used as a caravan site on the 9<sup>th</sup> March 1960.
- 3.34 Section 17 deals with existing sites that do not have the benefit of planning permission. Section 17 applies to *"any application for a Site Licence made in respect of an existing site which is made within two months of commencement of the Act, or within such longer period as the local authority to whom the application is made may, having regard to the special circumstances of the case, allow, other than an application in respect of a site which has at the date of the application the benefit of a permission for use of the land as a caravan site."*
- 3.35 Section 17 (2) states that on receiving an application for Site Licence on a site without the benefit of planning permission, the authority shall take any steps required for transferring the application to the local planning authority and the local planning authority may grant planning permission for use of the land as a caravan site as if the application for Site Licence were an application for such permission.
- 3.36 Section 17 (3) states that unless within six months of the site licence application being made the site has either been granted planning permission (17 3 a) or served with an enforcement notice (17 3 b) then *"permission for the use of the land as a caravan site shall be deemed for all purposes to have been granted at the end of that period under the said Part III of the Act of 1947 without any condition or limitation"*.
- 3.37 The Site Licence application for Yew Tree Caravan Park (made by K Byard) was submitted on 4<sup>th</sup> July 1961 and clearly stated as being on the basis of an existing site without the benefit of planning permission. The provisions of Section 17 therefore apply.
- 3.38 The local authority chose to accept the application and issue a Site Licence for the land without the benefit of planning permission therefore confirming that in this circumstance a longer time period for making the site licence application was



acceptable. It is likely their knowledge of the longstanding use of the site as a caravan site constituted special circumstances of the case.

- 3.39 The local authority did not at the time of the site licence application choose to treat this also as an application for planning permission. No planning permission for the site was granted within six months of the site licence application, nor was any enforcement notice served in respect of the use of the land as caravan site within that six month period.
- 3.40 It follows that at the end of a six month period from site licence application, permission for use of the land as a caravan site was deemed to have been granted and that this was without any condition or limitation. If the local authority did not consider at the time the site had the benefit of deemed consent under Section 17 (3) then it would have been unable to issue the Site Licence as without the provisions of Section 17 then to do so would be contrary to Section 3 of the 1960 Act.
- 3.41 Further evidence that the local authority considered the site to have the benefit of a deemed consent without condition or limitation is the fact that subsequent Site Licences in respect of this land were issued with a higher number of caravans than original stated on the site licence application, and that the current site licence contains no limit on the number or type of static caravans that may be sited on the land.
- 3.42 Interpretation of the provisions of Section 17 of the 1960 Act in granting a deemed consent without condition or limitation is confirmed in an Appeal decision allowed in respect of land at Yarwell Mill Caravan Park, Peterborough. (APP/G2815/X/04/1154763 – decision 4<sup>th</sup> November 2004). A copy of this Appeal decision is attached at **Appendix 13**.
- 3.43 This Appeal was also in relation to an application for Lawful Development Certificate for proposed use of land as a caravan site without condition or limitation. The Appeal site was already in use as a caravan site and the appellant's case rested on the fact that the issue of a site licence in 1975 - as the land did not have the benefit of planning permission - meant that the site had in fact gained deemed consent for use of the land as a caravan site without condition or limitation.

3.44 In allowing the Appeal the Inspector made a number of observations which are pertinent to this current application for Certificate of Lawfulness. These are summarised below with the paragraph number from the Inspector's decision noted for ease of reference:

- The provisions of Section 17 were not repealed until 1993 and therefore were in force at the time the application for site licence was made in 1975 (para.7)
- The terms of Section 17 (1) did not restrict the longer period which could be allowed, which remained a matter for the Council's discretion (para.7)
- The meaning of Section 17 (1) was that licence applications should have been made within two months of the commencement of the 1960 Act but if there was good reason for allowing a longer period the authority has discretion to do so. In the present case, the special circumstances may simply have been that the application related to a long-established site which, on the available information, had continued in use for a number of years, apparently without either site licence or specific grant of planning permission required by the 1960 Act (para. 8)
- It would have been open to the Council to decide in 1975 that it was too late for the provisions of Section 17 to apply to the licence application, and to refuse to allow a longer period. They would then have been unable to grant a licence because the site did not benefit from a specific grant of planning permission. (para.9)
- If the council did not accept that the provisions of Section 17 applied then the consequence would be that the Council had granted the site licence knowing that the necessary planning permission, as required by Section 3 (3) of the 1960 Act, was not in place (para.10.)
- I therefore conclude that deemed permission was granted in November 1975, six months after the date of the application, for use of land as a caravan site without condition or limitation. As the evidence indicated that the use of the land as a caravan site continued, the permission would have remained extant at the date of the LDC application (para.11).

- 3.45 There are a clearly a number of parallels between this Appeal case and our client's application for Certificate of Lawfulness. It follows that if the provisions of Section 17 can be said to apply as late as 1975 then they would certainly still be in force and applicable in July 1961. It is evident that the council were fully aware and accepted that the site at Yew Tree Caravan Park has been in use as a caravan site since before 1947 and indeed they had written to Mr Byard before the 1960 Act came into force advising that planning permission was not required. (see Appendix 5).
- 3.46 It follows that the site at Yew Tree Caravan Site was granted deemed consent in January 1962 (six months after the site licence application made in July 1961) for use of land as a caravan site without condition or limitation.
- 3.47 **From this evidence it is reasonable to conclude that the whole site (2.695 acres - both Field A and Field B as referenced in this current application for Certificate of Lawfulness) was granted a Site Licence under the provisions of Section 17 (1) of the 1960 Act; and that subsequently the whole site was granted deemed consent in January 1962 under the provisions of Section 17 (3) for use of the land as a caravan site without any condition or limitation; that as the whole site has continued to be used for the siting of caravans since that date the deemed consent therefore remains extant and the proposed use of Field B for use of the land as a caravan site without condition or limitation is therefore lawful.**

The site has not had any intervening use since the granting of deemed consent through issue of the Site Licence

- 3.48 As the deemed consent applied to the whole of the original 2.695 acres site then continued use of Field A alone would be sufficient for the deemed consent to remain extant. However, Field B has also been used or the siting of caravans since that time, albeit to a lesser degree. The extent to which the site has been used for siting caravans is not material as the deemed consent is for use as a caravan site without any condition or limitation.
- 3.49 Mr. Barr has prepared an Affidavit outlining his knowledge of use of the site prior to and since his purchase of the site in 2002. This provides further evidence that the site has continued in use as caravan site and there has been no abandonment or intervening use since the granting of deemed consent. Mr. Barr's Affidavit is attached as **Appendix 14.**

- 3.50 Mr. Barr's Affidavit confirms his understanding at the time of purchase that the whole of the land was used as a caravan site. It describes how the land has continued in that use since his ownership began in 2000 with up to 12 static caravans on Field B at any one time during each year. Caravans on this field have been used as accommodation by staff/contractors working on the park and also by customers awaiting delivery of their new home onto the western part of the site.
- 3.51 Further evidence of continued use of the site as a site for caravans is found in the various aerial photographs of the site attached in **Appendix 15**.
- 3.52 Photographs taken at the time of purchasing the site show the field in use for siting caravans. There are still 3 caravans on the site, including a touring caravan stationed in the south-west corner which was occupied by Mr. & Mrs. Barr until delivery of their static caravan in 2003.
- 3.53 Another series of photographs taken in 2004 show 6 static caravans on the land and the stand pipe for water can also be seen in these photos. Evidence of these being occupied can be seen by the siting of a Calor gas bottle and an open window on one of the caravans beneath the tree canopy.
- 3.54 The aerial photograph from Bing Maps included in this supporting statement shows the residential caravan occupied by Mr. & Mrs. Barr in the south-west corner of the site and 3 caravans sited along the northern boundary of the land, as well as a further 2 caravans in the south-eastern corner. The access way into the field is also more pronounced and Field A shows the improvements made to the park since Mr. & Mrs. Barr took over.
- 3.55 Searching on Google Maps the aerial photograph for this site shows the residential caravan occupied by Mr. & Mrs. Barr and 2 static caravans sited along the northern boundary. This appears to have been taken at an earlier time than the one from Bing Maps as the hedgerow between Field A and Field B is less developed and the caravan layout in Field A is shown as it was before Mr. & Mrs. Barr began upgrading the layout and quality of the caravans.
- 3.56 Further photographs taken over the years show the field has continued to be used for the siting of caravans. These are all dated and included within **Appendix 16** showing the field in use during 2003, 2006, 2007, 2008, 2009, 2010 and 2013.

- 3.57 **From this evidence, it is reasonable to conclude that the deemed consent granted in respect of the whole site (2.695 acres – both Field A and Field B as referenced in this current application for Certificate of Lawfulness) remains extant and that the proposed use of Field B for use of the land as a caravan site without condition or limitation is therefore lawful.**

## 4. Summary of evidence and justification

- 4.1 In conclusion we consider that the proposed use of Field B subject of this application for use of land as a caravan site without condition or limitation is lawful based on the following evidence:
- the intention of the planning application submitted in 1951 was that the whole of the current site (2.695 acres - Field A and Field B) was intended to benefit from the granting of planning permission for use as a site for caravans; the whole of the site had been in use as a caravan site before that application was made; it continued to be in use as caravan site after the 1951 planning permission had been granted and subsequently expired; the local authority accepted the whole of the site had been in use as a caravan site for a considerable time (more than 30 years according to the applicant) and that planning permission was not in fact required at that time for the whole of the site to continue to be in use as caravan site.
  - the whole of the site (2.695 acres and including Field B subject of this application for Certificate of Lawfulness) has the benefit of a Site Licence for use of land as a caravan site; whilst the initial site layout plan indicated 30 caravans stationed on the western part of the site, subsequent applications for Site Licence have requested a higher number of caravans on the site that would have required use of Field B to accommodate them.
  - the whole site (2.695 acres - both Field A and Field B as referenced in this current application for Certificate of Lawfulness) was granted a Site Licence under the provisions of Section 17 (1) of the 1960 Act



- subsequently the whole site was granted deemed consent in January 1962 under the provisions of Section 17 (3) for use of the land as a caravan site without any condition or limitation;
- as the whole site has continued to be used for the siting of caravans since that date the deemed consent therefore remains extant and the proposed use of Field B for use of the land as a caravan site without condition or limitation is therefore lawful.
- as the deemed consent granted in respect of the whole site (2.695 acres – both Field A and Field B as referenced in this current application for Certificate of Lawfulness) remains extant the proposed use of Field B for use of the land as a caravan site without condition or limitation is therefore lawful.
- All of the evidence combined confirms that the land edged red and subject of this application has the benefit of a deemed consent for use of land as a caravan site without condition or limitation and this proves beyond reasonable doubt that proposed use of Field B for use of land as a caravan site without condition or limitation is lawful.