
Appeal Decision

Site visit made on 28 November 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/F9498/X/18/3233040

Orchard View, Rodhuish, Minehead TA24 6QZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Tracy Stevens against the decision of Exmoor National Park Authority.
 - The application Ref 6/26/19/103, dated 26 February 2019, was refused by notice dated 10 July 2019.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is stationing of a caravan for holiday letting purposes.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Tracy Stevens against Exmoor National Park Authority (ENPA). This application is the subject of a separate Decision.

Main Issue

3. Since the certificate sought by the appellant was granted with respect to the siting of the caravan, the main issue in this case is whether the ENPA's refusal in part to grant a certificate of lawful use in respect of the use of the caravan for holiday letting purposes was well-founded. In cases such as this, the burden of proof rests with the appellant and the relevant test of the evidence is the balance of probabilities.
4. In support of her appeal the appellant has submitted a range of documentation, including a written statement, photographs, letters from local residents and statutory declarations. The ENPA contends that with respect to the use of the caravan for holiday letting purposes the evidence is inconsistent and contradictory.
5. The statutory declaration by Mr Moore states that the caravan was used from 2005 for a period in excess of 28 days but for no more than 33 days. In addition, the Planning Contravention Notice that was returned by Mr Moore in August 2013 states that the caravan the subject of this appeal was used for sleeping purposes for approximately 6 nights each year. The applicant's

statutory declaration dated 29 April 2019 does not satisfactorily explain this discrepancy in the evidence.

6. Furthermore, there is evidence from a local resident that brings into doubt whether the caravan has been occupied for holiday letting purposes for the three year period up to the date of the application for the lawful development certificate.
7. Therefore, due to the inconsistencies in the evidence submitted by the appellant with respect to the holiday letting purposes, there is insufficient evidence before me that demonstrates, on the balance of probabilities, that the caravan has been used continuously and without significant breaks.

Conclusion

8. For the reasons given above I conclude that the ENPA's refusal in part to grant a certificate of lawful use or development in respect of use of the caravan for holiday letting purposes was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A A Phillips

INSPECTOR