



Appeal Decision

Site visit made on 16 February 2021

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/J3720/X/20/3259043

Outhill Caravan Park, Hardwick Lane, Outhill B80 7DY

- 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 in part to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Anthony Cooper-Barney of Countrywide Park Homes Ltd against the decision of Stratford on Avon District Council.
- The application Ref. 19/02712/LDE, dated 16 September 2019, was refused in part by the Council by notice dated 22 April 2020.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
- The use for which a certificate of lawful use or development is sought is use of land as a Caravan Park.

Summary Decision: The appeal is allowed in part and dismissed in part and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Preliminary Matters

1. The address of the site is taken from the application form. The Council have stated that the red line, to indicate the application site, on the location plan submitted as part of the LDC before me (2019 LDC) reflected that on a previously considered LDC application¹ (2018 LDC). Moreover, the Council have stated that it requested an amended location plan from the appellant during the LDC application process as the covering letter associated with the 2019 LDC application states that the application site does not include those parts of the site for which an LDC was granted on the 2018 application. The location plan submitted as part of the appeal process for the 2019 LDC does not include those parts of the site for which an LDC was granted on the 2018 application. Notwithstanding this, given the above I have dealt with the appeal on the basis that the application site for the 2019 LDC reflected that of the 2018 application.
2. I have taken the description of the existing use for which an LDC is sought from section 5 of the LDC application form. There is no reference to the number or type of caravans within that description. Furthermore, section 6 of that form says the ground the application is made on is that the use began more than 10 years before the date of the application. There is some evidence before me in relation to the use of the site as a caravan park since 1960. Nevertheless, it is clear from the evidence before me that the appellant considers that the use of the land as a caravan park has deemed planning

¹ Ref No: 18/00442/LDE

permission through section 17(3) of the Caravan Sites and Control of Development Act 1960 (the 1960 Act). Consequently, I have dealt with the appeal on the basis that the LDC is sought for the use of the land as a caravan site.

3. A refusal in part includes a modification by the Council of the development described in the application. In this case, the Council's Decision Notice certified, amongst other things, that on the balance of probability, the areas of land edged in bold on the site plan attached to the decision (but excluding all other land within the red line on the application plan), can be lawfully used as a residential caravan site without any condition or limitation. As parts of the 2019 LDC application site were excluded by the LDC decision it is to be treated as a part refusal of the application applied for. I have dealt with the appeal on this basis.
4. Due to the restrictions in place in relation to the COVID-19 pandemic I undertook an unaccompanied site visit on the basis that I was allowed access, alone, on to the site in question. Both main parties agreed to the appeal being dealt with on this basis.
5. I note that the evidence before me refers to the planning merits of the case. Nevertheless, the planning merits of the development are not relevant in this appeal which relates to an application for an LDC. My decision rests on the facts of the case, on relevant planning law and judicial authority. The test of evidence is made on the balance of probability.

Main Issue

6. The main issue is whether the Council's decision to refuse in part an LDC was well-founded.

Reasons

7. Section 17 of the 1960 Act applied to existing caravan sites not covered by a specific planning permission. When an application was made for a site licence for such a caravan site, the local authority who received the application were required to transmit it to the local planning authority who could grant planning permission for the caravan site just as if the application to the local authority for a site licence under this Act had, in fact, been an application to the local planning authority for planning permission under the Town and Country Planning Act 1947 (the 1947 Act).
8. Unless, before the end of six months from the date of the application for the site licence, the local planning authority had either granted the requisite planning permission; or served an enforcement notice under section 23; or begun an action under section 26 of the 1947 Act to bring about a discontinuance of the caravan site, then the requisite planning permission under the 1947 Act for the use of the land as a caravan site was deemed to have been granted without condition or limitation of any kind by the virtue of section 17(3) of the 1960 Act. The site licence under the 1960 Act then followed as a matter of course under section 3(4) of that Act.
9. For the purposes of section 17 an "existing site" was defined within section 13 of the 1960 Act as, amongst other things, land which was in use as a caravan site at the commencement of the 1960 Act, 29 August 1960, and which was also used as a caravan site on the 9 March 1960.

10. Section 1(4) of the 1960 Act states that a "caravan site" means '*land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed*'.
11. In regard to this site an application for planning permission was made in 1961 for the stationing of a caravan at Outhill Farm to be occupied by a person employed at the farm. During the determination of that planning application the issue of a site licence under the 1960 Act was raised. As a result, it appears that the Public Health Inspector (PHI) visited Outhill Farm in February 1962 and had a telephone conversation with a Mr Loveridge who owned the farm at that time. The letter states '*further to my visit to your premises yesterday, and our telephone conversation this morning in connection with the five caravans that are used for holiday purposes it is necessary under the provisions of the above Act to obtain the necessary permission irrespective of whether the caravans are used for holiday or residential purposes.*'
12. It is not clear from this letter whether the PHI actually saw the 5 caravans at the site visit or whether he/she was told about them in the telephone conversation. That letter goes on to invite an application for the caravan site, states that an application form has been enclosed and informs Mr Loveridge that the application should have been made before the 29 October 1960.
13. Nevertheless, even though section 17(1) of the 1960 Act states that an application under that section should be made prior to 29 October 1960 it also states '*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*'. Therefore, even though Mr Loveridge did not submit his application for a licence to use land as a caravan site until February 1962 the procedure outlined in section 17 of the 1960 Act was followed in all other respects and the local authority had invited the application.
14. Within the application form the address or description of the site for which the licence was required is Outhill Hill Farm, Top Hill and the acreage of the site is stated as approx. 11. The maximum number of caravans proposed to be stationed on the site was 6 to 7. Other details within the application form state that '*we have always had weekend caravan friends of ours who spend summertime Sundays on the Hill in nice weather*' and that the site was in use as a caravan site on the relevant dates. However, the form also confirms that the site licence was required between 1 May and 30 September in any year.
15. A plan (the 1962 plan) submitted with that form indicates the position of a number of roads, fields and the buildings that appear to have formed part of the farm holding at that time. There are a number of annotations on the plan which appear to include field numbers in red ink, acreage of each field in blue ink, a number of crosses in blue and red ink and the notation 'Weekend Sites Summertime'. The crosses in blue ink appear to indicate where caravans have been stationed on the farm holding at various dates. The crosses in red ink indicate '*where caravans are in summertime*' according to the annotation on the plan. Access into the site or 'way in' is shown as a dashed line in red ink and a red dotted line appears to follow an approximate location of the edge of the plateau that is at a level 'over 50/0 ft' high'.
16. The local planning authority at the time wrote to the local authority in June 1962 referring to '*the application to your Council by Mr R.S. Loveridge for a site licence in respect of the stationing of seasonal caravans on land in O.S. fields*

Nos. 478 and 479'. It goes onto to state that 'the Sub-Committee decided, in the absence of evidence to the contrary, that it is conceded that existing use rights had been established.....the site will be deemed to have planning permission for seasonal caravans...'

17. On the 10 August 1962 site licence No 41 was issued *'to allow the land situate at O.S. field Nos. 478 and 479 Outhill Farm, Studley to be used as a caravan site subject to'* a number of conditions. These conditions included that not more than 6 caravans were to be sited on the farm, and an access road of suitable hardcore, a carpark and a toilet block, amongst other things, were to be provided within 6 months.
18. In September 1962 Mr Loveridge submitted a planning application to increase the number of caravans stationed on the said O/S 478 and 479 from 6 to 30. However, this planning application was not determined as the local planning authority stated, in a letter dated 15 October 1962, that *'...from the 10 August 1962 the site was deemed to have planning permission for seasonal caravans ... I am therefore of the opinion that there is no need for this present planning application and from the site licence aspect, it rests with your Council to determine as they think fit'*.
19. Mr Loveridge's covering letter for the application stated *'As you have granted me a Summer Weekend caravan site licence, in the field o/s 478, and 479 the area being approx: 4 acres,...'* A plan (the 30-caravan plan) submitted with that application has the annotation *'proposed position of caravans marked in blue pencil'*. Nonetheless, in the absence of a colour copy it is not clear where they were proposed to be. A roadway is shown going into the centre of the northern part of the fields and 'B' has been written either side of the centre of this part and by the northern boundaries. There is a dotted line that appears to demark the higher plateau even though it appears to be in a slightly different location to that shown on the 1962 plan.
20. In November 1962 Mr Loveridge made an application for a site licence to increase the number of caravans from 6 to 30. The address is indicated to be fields O.S. 478 and 479 with an acreage of 10. The site licence, No 41, was issued by virtue of Section 8 of the 1960 Act on 19 December 1962. The conditions of that licence include that not more than 30 caravans of a proprietary type to be sited in the field adjacent to the hedge as indicated on application plan, that an access road of suitable hardcore is to be provided, that a toilet block is to be provided in central position in relation to the caravans and the toilet block is to be connected to the road by a footpath with a hard surface and a carpark area. The application plan cited within this licence has not been provided to me. However, it is more likely than not that it was the same plan or a similar one to that submitted with the planning application. The works required by the conditions were to be carried out within 6 months.
21. In 1964 a planning application for a wooden building to house a shop to serve the caravan site was submitted by Mr Loveridge. The building was to be sited adjacent to the main farm buildings and planning permission was granted for a temporary period. A plan with that file shows a toilet block in the northern part of fields 478 and 479 with a proposed water line shown between the farm and the toilet block. The copy of the covering letters associated with that application are very faint and as such the writing on them is generally illegible.

22. In 1965 a planning application was submitted to site a further 30 caravans on the caravan site at Outhill Farm. The covering letter to that application states that the existing 30 caravans are suitably sited adjacent to the northern hedgerows of fields O.S. 478 and 479. It also refers to the new access road, toilet block and greenhouse to raise seeds and annual flowering plants. The application was refused on 20 December 1965. The plan (the 1965 plan) associated with that application indicates a number of red and blue rectangular blocks (caravans) with a road, planting and paths. The Council have provided a colour copy of the plan and the legend identifies that the red caravans are 1st stage original licence 30 caravans and the blue one's 2nd stage proposed 30 caravans. The plan also shows the position of the greenhouse to the south of the access road and the toilet block which was proposed to be extended. It is clear that all the caravans, the greenhouse, access road and toilet block were shown to be within the higher plateau of land. The land to the south of that plateau is annotated as proposed tree plantation on that plan.
23. In 1968 a site licence for 30 caravans with the same wording as the November 1962 site licence was issued. I have not been provided with a plan associated with that licence.
24. Between 1981 and 1984 the then owner of the site, her agent and the Council investigated what parts of the area, that is the appeal site, had planning permission to be used as a caravan site. It would appear that the Council took legal advice and undertook its own investigations into this matter. As a result, in 1984 it entered into a legal agreement under section 52 of the Town and Country Planning Act 1971 (S52 Agreement) with the owner of Outhill Farm.
25. This document states, amongst other things, that the Council agrees that the plot of land marked 1 has had established use as a caravan site for the past 20 years and both the plot marked as 1 and 3 has the benefit of deemed planning permission for a caravan site in accordance with section 17 of the 1960 Act. It also states that the owner agrees that the land edged yellow does not have the benefit of deemed planning permission. Plot 1 appears to relate to the higher plateau of land at the northern end of fields 478 and 479. The land edged yellow appears to be the steeply sloping sections and Plot 3 is the lower land adjacent to the southern boundaries of the fields.
26. In 1988 a site licence for a caravan site for a maximum of 90 caravans was issued on the basis of the S52 Agreement. There is no evidence to indicate there is an extant site licence issued to the appellant for the use as a caravan site on all or part of the appeal site.
27. There is no dispute that, in relation to the 'existing site', planning permission for the for use of the land as a caravan site was deemed to be granted on 10 August 1962 by virtue of section 17(3) of the 1960 Act. The Council now considers that the area of the 'existing site' at the relevant time would have been that around the 6 red crosses shown on the plan submitted with the February 1962 site licence application. This is based on the evidence submitted in support of the 2019 LDC and the judgements made by the Divisional Court² and House of Lords³ in the mid-1960's.

² *Williams-Denton v Watford Rural DC* [1963] 15 P. & C.R. 11 and *Regina v Axbridge Rural District Council* [1964] 1 W.L.R. 442

³ *James v Secretary of State Wales (formerly MHLG)* [1965] 1 WLUK 830, [1966] 1 W.L.R. 135, [1968] A.C. 409, [1974] J.P.L. 43.

28. In the *Williams-Denton* judgement Lord Parker C.J. stated that *'the only land to which the application can relate is an "existing site" and the only land which gets deemed planning permission is an "existing site."* Accordingly, if an application is made which covers land part of which is an "existing site" and part of which turns out not to be an "existing site," then the deemed planning permission can bite, and only bite on that part which is an "existing site."
29. Lord Denning M.R. in the *Axbridge* judgement stated that *'Mr. Dawson says that the recreational use of the 2½ acres brought the whole area within the caravan site. I cannot accept this contention. The evidence shows that this 2½ acres is rough waste land consisting of sand dunes on which bushes grow. It may be that children and grown-ups run about on it occasionally and go across it to and from the beach nearby. But it seems to me that that is not such a user as to make it a part of the caravan site. In order that land should be "used in conjunction with land on which a caravan is so stationed" it must be used immediately and directly in conjunction with it. For instance, land for a latrine or on which a motor-car stands, or land laid out as a playground, would be part of the site; but not waste land over which children or adults may run from time to time. I agree with the Divisional Court that the "existing site" here is the actual land on which the caravan stands and a very small area surrounding it, say, 20 feet all round, such as the district council in their licence prescribed.*
30. Lord Reid in the *James* judgement states, in respect of Section 17 of the 1960 Act, that *'The section assumes that an application made under it will only be made in respect of an area (or areas) the whole of which is an existing site within the meaning of the definition. In the present case the appellant made an application on October 10, 1960 - within the time allowed by the section - but the application was in respect of the whole Royal Oak site. Much of this area was admittedly not part of any existing site, but it was not argued that this invalidated the application. Experience has shown that it is far from easy to determine just how much of an area should be regarded as an existing site and it would seem that the local authority ought to have treated this application as made in respect of so much of the area as was in fact an existing site.'*
31. In this case there is ambiguity as to the size and location of the area in respect of which the site licence application had been made in February 1962. The whole of the farm holding appears to be shown on the 1962 plan but the description of the site on the application form is Outhill Hill Farm, Top Hill and the acreage is approximately 11 acres. The field numbers are not indicated on that form. However, the form states that 6 to 7 caravans are the maximum stationed on the site and it also states that they are seasonal at set times of the year. The 1962 plan appears to show where 6 caravans have been stationed within field 478 and 479.
32. Nevertheless, there is also a blue cross adjacent to the red crosses and it is not entirely clear what this relates to. However, the other blue crosses on the 1962 plan appear to relate to alternate locations of caravans on the farm and there are dates next to them. The writing adjacent to this blue cross appears to state 1957 onwards. There is also the annotation that reads Weekend Sites Summertime with a line that extends towards the northern ends of the fields 478 and 479 and the annotation that the red crosses are where the caravans are in summertime.

33. I acknowledge that it was held that the 'existing site' within the *Axbridge* case entailed a tightly drawn area around a caravan. However, it was also indicated in that case that land for a latrine or on which a motor-car stands, or land laid out as a playground, would be part of the site. Moreover, the caravan on that site appears to have been permanently there and had not moved.
34. Whilst the judgements cited above post-date the site licence application there is no evidence before me to indicate that the local authority nor the local planning authority acted unlawfully in 1962. Whether the evidence before me today would support the issuing of the site licence and deemed planning permission on all or part of the appeal site is not under consideration. The question is what was the area that constituted the 'existing site', and which was therefore granted deemed planning permission through section 17 of the 1960 Act when the August 1962 site licence was issued.
35. In this case, there is very little specific evidence as to whether the caravans concerned were touring caravans that were brought to the site at weekends in the summertime or static caravans that were on the site permanently but only used on a weekend in the summertime. Given that the annotation on the plan states '*where caravans are in the summertime*' it is more likely than not that they were touring caravans.
36. Consequently, the caravans could have been stationed in different positions within the northern part of fields 478 and 479. Therefore, it would have been very difficult to identify the tight area around each caravan as indicated within the *Axbridge* judgement. In addition the site licence from August 1962 cites the required provision of a number of items on the caravan site. If the local authority had considered that the 'existing site' was confined to the area around the 6 red crosses it is highly unlikely that they would have required the provision of those items.
37. The local planning authority, only a few months later in 1962, considered that planning permission was not required to station 30 caravans on the 'existing site'. Mr Loveridge states, in his covering letter with his planning application, that he considers that the Council have granted him a site licence for the weekend summertime site of approximately 4 acres. This indicates the area for which he believed he had been granted a site licence and therefore had deemed planning permission for.
38. The requirements of the site licence were to be provided within 6 months of its issue. The toilet block, an access road and a greenhouse had been constructed on the caravan site prior to the 1965 planning application being submitted. Even though, they were installed after the granting of the site licence they provide evidence to help resolve the ambiguity relating to the area considered to be the 'existing site' by the local authorities at that time. There is no evidence before me to indicate that the local authorities have taken any enforcement action in relation to those items.
39. The 1965 planning application for an additional 30 caravans was refused for 2 reasons and the first reason for refusal states, amongst other things, that the extension of the site would be highly detrimental to the appearance and character of the countryside. The Council considers that this indicates that in 1965 the local planning authority determined that the 'existing site' that had deemed planning permission did not include the area/s associated with the additional caravans given the above judgements.

40. However, it is not clear what the application site for the 1965 planning application was, based on the evidence before me. Moreover, the additional caravans shown on the 1965 plan would have been stationed adjacent to the access road and the toilet block. As stated above, there is little indication that the local planning authority has ever taken enforcement action in relation to those items. Even if, the local planning authority was aware of the above judgements in 1965 and even though the wording of the refusal cites the extension of the site it is not clear if that is referring to a physical extension of the caravan site itself or its visual extension by the increase in the number of caravans. There is little to indicate that in 1965 the local planning authority considered that the area where the additional 30 caravans were to be sited did not have deemed planning permission. It could also be a possibility that it considered that the increase to 60 caravans constituted a material change of use.
41. The submitted historical aerial images dating from 1963, 1965 and 1967 are difficult to interpret as the quality of the images is relatively poor. However, they appear to show rectangular structures, that could be caravans, within the higher plateau of land. They also appear to show the access road and toilet block.
42. The first site licence, in 1962, was issued '*to allow the land situate at O.S Field Nos 478 and 479 ... to be used as a caravan site*' and condition 2 of that licence states that the caravans are to be sited on the farm. The second site licence of 1962 also stipulates the same field numbers but Condition 2 states '*that not more than thirty caravans....to be sited in the field adjacent to the hedge as indicated on application plan*'. The application plan has not been provided to me. However, the 30-caravan plan submitted in relation to the planning application in 1962 appears to show caravans only on the higher plateau. Moreover, there is no dispute that the steeply sloping part of fields 478 and 479 are/were unsuitable to station caravans on and there is little evidence to indicate that the remaining parts of those fields were used immediately and directly in conjunction with land on which any caravans were stationed.
43. Furthermore, Mr Loveridge, the owner of the site states in his covering letter to the 1962 planning application that he has been granted a site licence for the weekend summertime site of approximately 4 acres. Therefore, the owner of the site at that time did not consider that he had been granted a licence for 10 or 11 acres. In addition the local planning authority's letter in June 1962 cites '*a site licence in respect of the stationing of seasonal caravans on **land in O.S. fields Nos. 478 and 479***' (my emphasis). It is highly likely that if the area treated as the 'existing site' constituted the whole of fields Nos. 478 and 479 the wording of that sentence would not have been '**land in**'
44. Based on the evidence before me and the balance of probability I consider that the area which constituted the 'existing site' for the purposes of Section 17 of the 1960 Act, was the higher plateau of land at the northern ends of fields Nos 478 and 479 which appears to be shown on the 1962 plan as the area bounded by the red dotted line and the northern hedgerows of those fields. As such, I consider that deemed planning permission was granted by virtue of section 17(3) of the 1960 Act on that part of the appeal site.
45. The investigations undertaken by the Council in the 1980's and the legal advice it received at that time came to a different conclusion. I acknowledge that at

- that time additional evidence including that of officers of the local authorities who had visited the site may have been available. However, it is unclear what evidence was before it at that time. Furthermore, from the evidence before me it is not clear as to why it was considered in 1982 that all of the 11 acre site had deemed planning permission and then in 1984 it was agreed that only Plot 1 and Plot 3, as shown in the S52 Agreement, had deemed planning permission.
46. Consequently, based on all of the above, whilst I attach significant weight to them, I consider that the evidence before me does not support the Council's findings in the 1980's and as stated in the S52 Agreement. The S52 Agreement did not involve or amount to a formal determination of the question of lawfulness or the extent of the deemed planning permission, and there is a public law duty to depart from that agreed position, if the evidence points away from it.
47. However, a decision by the Council to enter into the S52 Agreement was a formal decision made by a local planning authority in the proper exercise of its statutory powers. It therefore does not constitute informal advice and the Council's decision to enter into the S52 Agreement could have been judicially reviewed.
48. I am mindful that section 191(2) of the 1990 Act says: "For the purposes of this Act uses and operations are lawful at any time if—
- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired **or for any other reason**)" (My emphasis).
49. Nevertheless, this requirement is structured so that "any other reason" must relate to a reason why no enforcement action can be taken. The S52 Agreement, in itself, does not provide such a reason. Whilst its existence would be a point to consider in determining whether it is expedient to take enforcement action, taking into account section 172(1)(b) of the 1990 Act, the S52 Agreement does not itself prevent enforcement action.
50. Furthermore, in terms of legitimate expectation, whilst covenants in a S52 Agreement run with the land, the current appellant was not a party to the contractual agreement regarding the extent of the deemed permission. In addition, although the previous owner may have relied upon the Council's statement in the S52 Agreement, the Council stated its revised position in its refusal of the 2018 LDC application, prior to the appellant purchasing the site. As such, the appellant would have been aware that he may not be able to rely on the Council's statement in the S52 Agreement about the extent of the deemed planning permission.
51. The 2019 LDC states that '*Whilst it is accepted that the use of the site has been at a very low level over many years, the Local Planning Authority does not consider that the use approved via the deemed planning permission has been abandoned*'. I have no reason to dispute this finding. Moreover, the evidence before me in relation to the continued use as a caravan site only supports the fact that the use has not been abandoned. There is very little evidence to indicate where any caravans were stationed on the appeal site after 1967 or to indicate that Plot 3 or the land edged yellow have been used as part of the caravan site continuously for a ten-year period.

Conclusions

52. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful development in respect of the use of the part of the appeal site shown as Plot 3 and the land edged yellow in the S52 Agreement as a caravan site was well-founded and that the appeal in respect of that part of the site should fail. The Council's refusal to grant a certificate of lawful development in respect of the use as a caravan site of the parts of the appeal site that form the higher plateau, shown as Plot 1 in the S52 Agreement, that were not included within the 2019 LDC, was not well-founded and the appeal should succeed in that respect. I will exercise accordingly the powers transferred to me under section 195(2) of the 1990 Act.

Formal Decision

53. I allow the appeal in respect of the use as a caravan site of the part of the appeal site that forms the higher plateau and I attach to this decision a certificate of lawful development describing the extent of the existing use which I consider to be lawful. I dismiss the appeal in respect of the use as a caravan site of the remainder of the appeal site.

D. Boffin

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 16 September 2019 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and crosshatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability the area constituting the 'existing site' for the purposes of section 17 of the Caravan Sites and Control of Development Act (the 1960 Act) was the higher plateau of land at the northern ends of fields Nos 478 and 479 which appears to be shown on the 1962 plan as the area bounded by the red dotted line and the northern hedgerows of those fields. As such, planning permission was deemed to be granted on that part of those fields by virtue of section 17(3) of the 1960 Act.

Signed

D. Boffin
Inspector

Date: 26 April 2021

Reference: APP/J3720/X/20/3259043

First Schedule

Use of the land as a caravan site.

Second Schedule

Land at Outhill Caravan Park, Hardwick Lane, Outhill B80 7DY

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 26 April 2021

by **D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

Land at: Outhill Caravan Park, Hardwick Lane, Outhill B80 7DY

Reference: APP/J3720/X/20/3259043

Scale: Not to scale

