
Appeal Decision

Site Inspection on 27 May 2022

by Graham Self MA MSc FRTPI

Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Reference: APP/U3935/X/22/3292022

Site at: Blunsdon Caravan Park, Main Drive, Blunsdon Abbey Park, Blunsdon, Swindon SN25 2DU

- The appeal is made by Mr Adam Griffin (see "Procedural Matters" below) under Section 195 of the Town and Country Planning Act 1990 as amended against the refusal by Swindon Borough Council to grant a certificate of lawfulness.
- The application (Reference No. S/LDP/21/1589) dated 29 October 2021 was refused on 15 December 2021.
- The application was made under Section 192 of the Town and Country Planning Act 1990 as amended.
- The proposal for which a certificate was sought was described in the application as "Please refer to statement" (see also "Procedural Matters" below).

Summary of Decision: The appeal does not succeed.

Procedural Matters

1. This decision has been delayed to allow time for the submission of some documents after my site inspection.
2. The appeal form indicates that the appeal was made by Mr Adam Griffin. The box on the form labelled "Company/Group Name" was also completed, naming "Park Home Life Ltd". The form was "signed" (digitally) by an agent, Mr Paul Harwood, on behalf of Mr Adam Griffin (ie not on the company's behalf). Mr Griffin is also named as the applicant in the application form. However, the statement submitted in February 2022 by an agent, Mr Martin Taylor of Avison Young (UK) Limited) was stated to be on behalf of Park Home Life Limited. The statement prepared by Mr Taylor refers to Avison Young (UK) Limited as having been "instructed by our client" - meaning Park Home Life Limited.
3. There appears to be a muddle here, and it has been necessary for me to consider whether there has ever been a valid appeal. I think it right to give the appellant the benefit of any doubt as this issue is partly caused by the layout of the standard appeal form. Since Mr Griffin was named as the applicant (and it is applicants who have a right of appeal under Section 195), and since the appeal form was apparently signed on his behalf, I am treating the appeal as having been made by Mr Griffin (ie not by Park Home Life Ltd). On that basis, I have decided that there is a valid appeal; and I have treated the written representations as having been submitted on the appellant's behalf.
4. The description of the development as originally stated by the applicant was: "The use of land as a residential park homes estate (caravan site) for the siting of no more than 112 residential caravans not within 30 metres of St Andrews

Church". Following discussion between the applicant and the council it was apparently agreed that the application would proceed with the description of the proposed development as: "The use of the land as a caravan site for the siting of no more than 112 residential caravans".

5. For the purposes of planning law, the mere "siting" or "stationing" of caravans is not a proper or adequate description of the use of land. What defines the use is the purpose for the siting or stationing, since different planning considerations arise depending, for example, on whether a caravan is sited for residential use or for storage (of either the caravan or of items within the caravan). In this instance, the use of the term "residential caravans" makes reasonably apparent that what is being sought is a certificate of lawfulness for siting 112 caravans *for residential use*.

Appeal Site

6. Apart from Blunsdon Abbey itself, the northern part of the land known as Blunsdon Abbey Park is largely developed as a mobile home park with associated roadways providing access to what appear to be static homes. The southern part of the site is mostly open, undulating grassland, except in the south-east where there is an area of woodland and near the southern and south-western boundaries where is a pond or lake. A gateway provides access from the central access ("Main Drive") to the open, southern part of the site.

Recent History

7. A decision by another inspector (Simon Hand) on an appeal relating to the same site has been issued fairly recently.¹ This was an appeal under Section 195 of the 1990 Act against the refusal of a certificate of lawfulness for what was described in the council's refusal notice as "(proposed) use of land for siting of caravans". It seems that this appeal was particularly concerned with *unrestricted* use, that is to say use for siting or stationing caravans without any limit on numbers. The appeal failed. In his decision the inspector commented:

"In order to determine exactly what has planning permission on the land I shall have to make reference to the various planning permissions and the limits on the number of caravans and so I am bound to reach a view on the 112 limit even if I make no binding determination on it".

8. Later in the decision, having referred to a series of planning permissions for various numbers of caravans adding up to 112, the inspector wrote:

"Had I been asked to consider [a certificate] only for 112 caravans I do not think I could issue that certificate either as, on the very limited evidence before me it does not seem as if the final 12 caravan permission was ever implemented."

Assessment and Reasons

9. Quite apart from the recent appeal just mentioned, the site has had a fairly complicated planning history. Various aspects of this history were set out in the previous appeal decision, so I do not consider it necessary to record them here, except to mention some key points. First, an outline permission issued in 1952 (which was subject to a condition limiting the number of caravans to 100) appears to be of doubtful validity or relevance, since in 1952 no such application could be made for the use of land (or, more accurately, for making a material change of use of land) and no reserved matters application appears to have followed. Second, and following from the first point, the development and

¹ Appeal decision reference APP/U3935/X/21/3284006, dated 8 February 2022.

expansion of the site as a whole has apparently resulted from a series of applications for specified numbers of caravans, initially 50, then 10 more, then (in 1959) for a further 40, then in 1966 for "12 additional caravans".

10. A key point of dispute in this case is whether the permission for 12 additional caravans was implemented. The council say that this permission was never implemented and lapsed many years ago, and that view accords with the view expressed with reservation by the inspector when he decided the previous appeal, as noted above.
11. In assessing this matter, a key piece of evidence is the sworn statement by Mr Maurice Goodearl, who operated the site for many years but died some years ago. He stated:

"Over the years, the size of caravans increased to such an extent that by 1966 it was not physically possible to accommodate 112 caravans on the originally developed area within the Red Land and comply with site licence conditions....I found that I could only accommodate a maximum of 101 caravans on the developed area of the Red Land at any time. I decided that I needed to create additional pitches on the Red Land south of The Penthouse in order to accommodate 11 of the 12 caravans allowed under the 1966 planning permission. However....[for the reason he explains, unrelated to this site]....I decided not to continue with my plans to develop the undeveloped area of the Red Land at that time."
12. The appellant's interpretation of Mr Goodearl's statement is that 101 caravans were stationed on the site and that the act of stationing the 101st caravan implemented the 1966 permission for an additional 12 caravans. Indeed, the appellant claims:

"It can be read from Mr Goodearl's statement that 1 of the 12 caravans permitted under the 1966 permission was already on site....whether permission 9274 was retrospective or not, material operations to provide 1 of the 12 caravans permitted by the application were commenced on site. Planning permission 9274 alongside the others is therefore extant and planning permission exists for 112 caravans."
13. Mr Maurice Goodearl's son, Mr John Goodearl, has stated: "I remember that we had 101 caravans on site because this was around the time that my father got planning permission for another 12 caravans."
14. I find the appellant's case on this matter dubious. I agree with the assertion that the reference to the stationing of a 101st caravan in Mr Maurice Goodearl's statement "*can be read*" (my italics) as meaning that one of the additional 12 caravans was already on the site. But his statement can equally be read as meaning exactly what it says, ie that he "found" that he could only accommodate a maximum of 101 caravans on the developed area at any time - and he may well have found that out by having, say 100 caravans on the northern part of the site and perceiving that there would only be space for one more. Alternatively, there might have been, say, 98 or 99 caravans on the northern part of the site and Mr Goodearl perceived (or found by looking at some limited remaining space) that there would only be space for two or three more.
15. Mr John Goodearl's statement has been made many years after the relevant time and the reason he states for remembering that there were 101 caravans on the site is unconvincing. The purpose of his father's application for another 12 caravans could just as easily have been to obtain permission for 12 caravans in addition to the number already there as to obtain permission for another 11, so it

is difficult to see why knowing now of an application for 12 caravans should cause Mr John Goodearl to remember the presence of 101 caravans decades ago.

16. The available evidence causes me to have other doubts about the past mixture of uses on this site. Mr Maurice Goodearl's 1977 sworn statement refers to the use of part of the site for caravan sales ("the display and sale of new and second hand touring caravans") starting in or around 1956, and he stated that he did not know that planning permission was required for this. Then in the early to mid 1960s he evidently started to use a courtyard south of the Abbey ruins for the storage of caravans, and during the middle to late 1960s he began using the land east of the main entrance for the same purpose. After Mr Goodearl's retirement those activities were evidently continued by his son.
17. The way sales and storage is mentioned, and the related reference to a need for planning permission, suggests to me that these activities may well have been at a scale and significance as to be part of a mixed use of the site, beyond what might be ancillary or incidental to the use of the planning unit for stationing caravans for residential purposes, making the overall use of the planning unit materially different to residential use alone. If so, some existing use rights stemming from earlier planning permissions may have been lost. Moreover, even if 101 caravans were indeed on the site at some point in the 1960s or later, the evidence suggests to me that some - at least one, probably more - may well have been there for sales or storage purposes, and that would not have implemented a permission for an additional 12 caravans for residential use.

Conclusion

18. The onus of proof in this type of case lies with the appellant. I find that there is too much doubt and uncertainty for this requirement to have been met, on the balance of probability. I conclude that the council's refusal to grant a certificate of lawfulness for the development described in the application (Reference No. S/LDP/21/1589 dated 29 October 2021 as amended, for "the use of the land as a caravan site for the siting of no more than 112 residential caravans") was well-founded.

Formal Decision

19. I dismiss the appeal.

G F Self

Inspector