



Appeal Decisions

Site visit made on 28 November 2022

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal A: APP/V1260/C/22/3302916

19 and 19a Dudmoor Farm Road, Christchurch, Dorset, BH23 6AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Adrian Adams against an enforcement notice issued by Bournemouth Christchurch and Poole Council.
- The notice numbered EN1 was issued on 15 June 2022.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised change of use of land from agricultural/grazing uses to a mixed use including:
 - a) The residential occupation of a twin unit caravan (marked by the letter A on the attached plan);
 - b) The erection of fencing, posts and gates of approximately 1.8m in height surrounding the twin unit caravan facilitating the domestic use of the land associated with the twin unit caravan and beyond, creating enclosed areas for parking and amenity/garden space;
 - c) The laying of hardstanding areas facilitating the domestic use for the twin unit caravan and beyond, consisting of chippings and block paving;
 - d) Construction of raised timber beds and an out building used as a summer house;
 - e) The construction of breeze block walls, and footings beyond the twin unit caravan;
 - f) The siting of containers placed on top of breeze block pillars, used for storage purposes in connection with the residential occupation of the land.
- The requirements of the notice are to:
 - a) Cease the residential occupation of a twin unit caravan, marked in the approximate position by the letter A on the attached plan;
 - b) Demolish all the fencing, support posts and gates creating an enclosed area around the twin unit caravan and beyond indicated in the approximate position shown by black dotted lines on the attached plan.
 - c) Demolish and remove all hardstanding areas consisting of loose chippings and block paving located in the areas hatched green on the attached plan;
 - d) Demolish all raised timber beds and the outbuilding from within the area hatched green on the attached plan;
 - e) Demolish all breeze block walls, rubble, waste and footings located beyond the twin unit caravan and from within the area hatched green on the attached plan;
 - f) Remove all containers from the land affected edged red on the attached plan;
 - g) Following compliance with f) above, demolish the breeze block pillars, built under the containers in the approximate position within the area hatched green on the attached plan.
 - h) Remove all domestic paraphernalia from the area hatched green and also edged red on the attached plan;
 - i) Following compliance with requirement a) to and including h), remove all resulting materials, and items from the land affected edged red on the attached plan.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended.
- There is no ground (a).

Appeal B APP/V1260/C/22/3302921

Land and premises at Plot 19/19A Dudmoor Farm Road, Christchurch, Dorset, BH23 6AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Andrew Adams against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
- The notice, numbered EN2, was issued on 15 June 2022.
- The breach of planning control as alleged in the notice is in the approximate position marked with the letter B, the unauthorised change of use of land from agricultural/grazing uses to a mixed use to include the use of a former static caravan used as a chattel, to a residential use of the static caravan, now deemed to be 'a building' by modifications and an unauthorised extension to the building.
- The requirements of the notice are
 - a) Cease the residential occupation of the building (former static mobile home and its extension) located in the approximate position marked with the letter B on the attached plan;
 - b) Demolish the unauthorised extension to the building indicated by blue hatching on the attached plan;
 - c) Remove all domestic paraphernalia from the area edged red on the attached plan;
 - d) Following compliance with a) to and including c) above, remove all resulting
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended and there is no ground (a).

Decisions

1. Appeals A and B are dismissed, and the enforcement notices are upheld.

Reasons

2. The appellant argues in both appeals that the change of use happened more than 10 years ago. He says the council tax records show this to be the case. A certificate of lawful use has also been lodged with the Council, but is not yet registered or determined.
3. For Lawful Development Certificates and enforcement ground (d) appeals the applicant's/appellant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If there is no evidence to contradict it or otherwise make the applicant's/appellant's version of events less than probable, there is no good reason to refuse the application/ground (d), provided the applicant's/appellant's evidence is precise and unambiguous to justify the grant of a certificate/ground (d) on the balance of probability.
4. I acknowledge that there are tax records going back for more than 10 years. However, while tax records can add to a general mix of evidence, that taken together could demonstrate a continuous use, on their own these are not sufficient to demonstrate that the use has occurred for a continuous period as required. I note the application for a lawful development certificate, but there is not one in place relevant to this appeal.
5. In addition, the Council has considerable evidence relating to the uses at the site, including photographs and answers to a planning contravention notice and the Council notes there is an extant enforcement notice from 2004 that has some relevance. I consider the appellant's evidence is not sufficiently precise and that the Council's evidence contradicts the appellant's evidence, such that

the appellant's evidence is not sufficient on the balance of probability to allow the appeals on ground (d).

Conclusion

6. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notices.

Graham Dudley

INSPECTOR