

Appeal Decision

Site visit made on 28 February 2023

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/V0510/X/21/3287806

Land at Twentypence Marina, Twentypence Road, Wilburton CB6 3PX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Jason Barr of Barr's Residential & Leisure Ltd against the decision of East Cambridgeshire District Council.
 - The application ref 21/00772/CLE, dated 10 May 2021, was refused by notice dated 27 July 2021.
 - 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 described in the application as a use of land as a caravan site.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Application for costs

2. An application for costs was made by Jason Barr of Barr's Residential & Leisure Ltd against East Cambridgeshire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. I sought the parties' views on a number of matters, including the matter of the planning unit or units in this case and the relevant use or uses. I have had regard to all comments received in reaching my decision.
4. Late in the proceedings, the appellant provided additional evidence to support his case. This followed a request for documents from the Council. The Council were given the opportunity to comment on the documents and the appellant's representations. I have had regard to these in reaching my decision.

Main Issue

5. Section 191(4) of The Town and Country Planning Act 1990 as amended (the 1990 Act) indicates that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application was lawful at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application. My decision is, therefore, based on the facts

of the case and judicial authority. The main issue in this case is whether the Council's decision to refuse to grant a LDC was well founded.

6. The test of the evidence is the balance of probability and the burden of proof is on the appellant. Paragraph 006 of the Planning Practice Guidance document on Lawful development certificates advises that, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
7. The provisions of section 191(4) of the 1990 Act allow me to either grant a LDC for a use that is described in the application, or to grant a LDC after first modifying that description of the use, or substituting it for another description.

The Appeal Site

8. The main access is from Twentypence Road, which I understand is the only vehicular access to the site. From the main access is an internal track that runs past the dwellinghouse, the toilet block and the units described as the administration and facility block. These are all to the north of the track. I also noted a grassed area to the south of the track, close to the main entrance, this was, in part, enclosed by a low post and wire fence.
9. At a short distance into the site the internal track splits. At the site visit I noted that the first branch of the track continues towards the north east corner of the site, past a number of touring caravans stationed along part of the northern boundary.
10. The second branch of the track runs towards the southern boundary of the site and provides access to the slip way into the marina itself. The rectangular shaped marina has banks on all sides, with a narrow opening onto the River Great Ouse. Most of the marina is enclosed with a substantial grassed bund. Indeed, the bund separates the marina from the track and the touring caravans I observed.
11. The western boundary of the appeal site is shared at two points with the adjoining highway, at the site access and in the southwest corner of the site. Otherwise the western boundary is shared with a row of dwellinghouses along Twentypence Road. The northern and eastern boundary is mostly defined by mature trees and hedge. The southern boundary forms the bank of the River Great Ouse.

The Relevant Planning History

12. The following planning applications have been drawn to my attention and are relevant to the main considerations in this case:
 - Council reference ER/72/98/0 relates to an outline planning application for the 'construction of a boathaven: manager's cottage, workshop/toilets; provision of a caravan or boat park for 24 units and a car park for 60 vehicles'. This was approved on 24 May 1973.

- Council reference ER/73/00424/D. Planning permission was granted on 20 December 1973 for the 'erection of a detached house and garage for manager'.
- Council reference 75/00364/RMA (also referenced as E/0364/75/D). This application was approved on 27 August 1975. Whilst the decision notice provided is difficult to read, I can see that it refers to 'the construction of a marina basin and new flood bank'.
- Council reference E/0754/80/F (also referred to as 80/00754/FUL) approved on 2 October 1980 for 'the erection of a toilet block'.
- Council reference E/0411/80/F refused on 15 July 1980 for 'the increase in number of off-river moorings from 40 to 60 and the erection of an administrative and service block'. This development was permitted at appeal (reference APP/5138/A/80/13540) on 29 May 1981.

Reasons

13. The application form says that the LDC is sought for the use of land as a caravan site. However, the land identified in red on the site location plan submitted with the application is also used as a boating marina. There is also a dwellinghouse within the appeal site. This raises questions of the planning unit in this case and the use or uses of it.
14. In view of the above, it is important that I firstly consider the matter of the planning unit in this case. I can then move on to consider whether or not the use that is described in the application, or some other use as the case may be, is permitted or is otherwise lawful.

The Planning Unit or Units

15. The settled caselaw of *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207 assists in the determination of the planning unit. In that case three broad categories of distinction were suggested for the purposes of identifying the planning unit:
- a) A single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary;
 - b) A single planning unit that is in a mixed use because the land is put to two or more activities and it is not possible to say that one is incidental to another; and
 - c) The unit of occupation comprises two or more physically separate areas which are occupied for different and unrelated purposes. Each area that has a different primary use ought to be considered as a separate planning unit.
16. Having regard to the case law, I have approached the matter of the planning unit as follows.
- *How is the site occupied?*
17. Whilst there are clearly multiple users (i.e. those who caravan at the site and those who moor their boats in the marina), the appellant suggests that the operation and activities on the site are managed by the individuals who reside

in the dwellinghouse close to the site entrance. This points to a single occupier of the site for the purposes of this appeal, which is a position that is not disputed by the Council.

- Are the activities on the site primary or ancillary uses of the land?

18. Whilst I have seen reference to dog training, there is no suggestion that this is anything more than a historic, infrequent or transient activity. The Council also refer to a kitchen and restaurant. These appear from the evidence to be historic former uses. They were not pointed out to me at the site visit and were not accommodated within any of the buildings or units I observed.
19. There is no dispute that the marina is a main activity of the site and that this is a primary use. As for the caravan site use, there is some ambiguity in the evidence with regard to what this entails. To be clear, the LDC is sought for a use as a caravan site. A caravan site is defined in section 1(4) of the Caravan Sites and Control of Development Act 1960 as 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 (my emphasis).
20. Accordingly, in order to conclude that land is being used as a caravan site, it is not enough to show that a caravan stationed on the land is capable of being used for the purposes of human habitation. It must be shown that the caravan **is** used for the purposes of human habitation. If a caravan is stationed on land for the purposes of storage, such an activity does not fall within the definition of a caravan site. This is because the caravan would be stationed for a purpose other than for human habitation. It would be stationed for the purposes of storage. Such a use of the land would, in my judgement, be materially different to a use of land as a caravan site. The appellant does not suggest that the LDC is sought for the use of land for the storage of caravans.
21. At my site visit I noted that the majority of touring caravans were located in the area between the northern boundary of the site and the marina itself. The caravans were spaced well apart and the vast majority were connected to gas bottles and solar panels. Most had some garden furniture and other such paraphernalia stored around them. Indeed, most appeared to be in regular use. For these reasons, I conclude that caravans are stationed on the land and used for human habitation, and that there is, therefore, a use of the site as a caravan site.
22. Whilst I note the appellant's initial submissions, that the caravan site was ancillary to the marina. His position was made clear in his response to my questions, which is that the caravan site use is a primary, rather than ancillary or incidental use of the site. Having regard to the evidence before me, I have no reason to disagree with this.
23. As for the dwellinghouse on the appeal site, I note above that its occupiers manage both the marina and the caravan site. The appellant says that planning permission has been granted for the dwelling¹ and he points to the condition of that planning permission, which limits the occupation of the dwelling to 'persons required for the operation of the marina and boat-house'.

¹ The appellant has provided plans and the decision notice relevant to planning application reference ER/73/00424/D.

24. Whilst the plans provided for that permission identify the dwelling and its associated land, the plans also identify the wider appeal site. I am also mindful of the condition that connects the occupation of the dwelling to the marina.
25. Nevertheless, I cannot conclude that the dwellinghouse and its garden are incidental or ancillary to the other primary uses of the appeal site. Rather, it is also a primary use of the appeal site. I find as such, having regard to the approved details submitted by the appellant showing the accommodation comprised within the dwelling, and having viewed the dwellinghouse within its associated garden at the site visit.

- How do the primary uses occupy the appeal site?

26. I note that the dwellinghouse and its garden are within a defined part of the site. Although the front of the dwelling is open to the remainder of the site and the internal access track, it retains the character of a private dwelling. Indeed, the administration and facility block I have seen reference to is to the side of the dwelling, outside of the land that appears associated with the dwelling (i.e. its associated garden). Accordingly, I find as a matter of fact and degree that the dwelling house and its garden occupy a planning unit that is separate to any planning unit or units that are within the remainder of the appeal site.
27. In reaching this conclusion I do not consider myself to be at odds with the appellant's case. He has pointed to the separate planning permission granted for the dwelling. Whilst the dwelling is included within the land to which the LDC application relates, there is no suggestion that this forms part of the mixed use claimed by the appellant. Were I to grant a LDC for the use of the remainder of the appeal site, the dwelling and its associated garden could be excluded from the land to which that LDC relates.
28. As for the remaining primary uses, it is plain that boats can only be moored within the marina itself (i.e. the body of water). It does not necessarily follow that the marina is a planning unit of its own. Clearly access to the marina on foot or by vehicle is necessary. As is vehicle parking for those who moor their boats in the marina. Along with this is the toilet block, as well as the unit described as the administration and facility block. I have no reason to conclude that these are not used in association with the marina. Based on the evidence before me, the use of the site as a marina extends beyond the body of water alone.
29. As for the caravan site use, as I note above, the majority of touring caravans are located in the area between the northern boundary of the site and the marina itself. Other than the grass bank to the south of the caravans, there is no other means by which this part of the site is physically separated from the remainder of the site. Indeed, the grassed areas and walkways surrounding the marina itself are open to the touring caravan area.
30. In addition to this, the appellant suggests that the toilet block, as well as the administration and facility block are used in association with the caravan site. I also noted the disposal point for grey waste next to the toilet block. The caravan site use clearly extends beyond the area of land occupied by the touring caravans referred to above.

31. Bringing all of this together, whilst I have sympathy with the Council's case, it has not provided sufficient evidence, including a plan as requested indicating the planning unit which it says is used only as a caravan site. I must have regard to the evidence before me, which only leads to a conclusion that, as a matter of fact and degree, the appeal site, excluding the dwelling and its garden, is a single planning unit used for a mixed use comprising a marina and a caravan site.
32. In reaching this conclusion, I am mindful of the appellant's suggestion that, despite the caravan site being part of a mixed use, I am able to confine my findings to the caravan site use alone. The appellant has referred to a recent appeal decision which he says sets a precedent for this approach. He has not, however, provided a copy of that decision setting out the matters considered in that case. It is not for me to research that case in order to draw comparisons with the case before me.
33. The appellant does not suggest that the caravan site use is not development. Rather that the use is development that is permitted or otherwise immune from enforcement action. The uses comprised in a mixed use are not severable. The caravan site use is not, therefore, severable from the marina use. Accordingly, I cannot consider the caravan site use in isolation.
34. If I were to grant the LDC in this case, I would find the caravan site use to be lawful, but as part of a mixed use and not as a single use of the appeal site. In doing so, I can see no reason why the appellant would be prejudiced in any way.
35. Having established the relevant planning unit and the use of it in this case, I now move on to consider whether that use is permitted or is otherwise lawful.

Is the use permitted?

36. In determining whether or not the use of the site as a caravan site is permitted as part of a mixed use, it is important to identify the relevant planning permission and consider whether or not this is extant. If so, I will then move on to consider what is permitted by the extant permission, before considering whether or not this includes the development that is the subject of this appeal.

- What is the relevant planning permission?

37. The appellant points to the planning history for the site and refers in particular to the applications referenced ER/72/98/0 and 75/00364/RMA. As noted earlier, the first is an application for outline permission for the 'construction of a boathaven: manager's cottage, workshop/toilets; provision of a caravan or boat park for 24 units and a car park for 60 vehicles'. The Council have confirmed that the second application is the related reserved matters.
38. Whilst the description of development for the reserved matters application is given as the 'construction of a marina basin and a new flood bank', the Council does not suggest that the application sought the approval of the reserved matters for only part of the development permitted at outline stage. Indeed, the Council say that together the outline and reserved matters decisions form a full planning permission.

- is the 1972 permission extant?

39. There is no dispute that the 1972 permission and its 1975 reserved matters approval have been implemented and are extant. The Council says 'the Site has a lawfully implemented consent for the site to be used as a marina basin and a boat or caravan park for 24 units'. This is consistent with the comments made by the Inspector in her appeal decision (reference APP/5138/A/80/13540), dated 29 May 1981, which was almost 6 years after the reserved matters decision. The proposal in that case was for an increase in the number of off-river moorings from 40 to 60 and the construction of an administrative and service block. The Inspector refers in her decision to the marina basin and associated development. She was, therefore, of the view that development consistent with the description of development permitted by the 1972 planning permission had been implemented on site.
40. Of particular note are the Inspector's comments at paragraphs 10 and 11 of her decision, where she refers to 'part of the existing planning permission relating to touring caravans' and '24 touring caravans that could be positioned within the site'. Whilst there is no indication that there were caravans on the site at the time of her decision, the Inspector has clearly found there to be an extant permission for 24 touring caravans to be positioned on the site.
41. Having regard to the above, and the Council's position on this matter, I have no reason to disagree with the agreed position that the 1972 permission has been implemented and is extant.
- *What is permitted by the 1972 permission?*
42. In granting consent for development including the construction of a boating marina and caravan or boat park, I do not find myself in conflict with either party in finding that the permission also granted consent for a use to which such operational development would be put. That includes a use as a marina and a use as a 'caravan or boat park'.
43. Notwithstanding the above, the Council have sought to interpret the description of development permitted by the 1972 permission, in particular the 'caravan or boat park' element of the scheme. The Council refer to the statutory definition of a caravan site, as mentioned earlier in this decision. It says that 'the parking of caravans is considered as storage' and suggests that this is not a use for the purpose of human habitation. Having regard to the appellant's case on this matter, there is clearly conflict between the parties on the nature of what is permitted by the caravan or boat park element of the scheme.
44. Where there is ambiguity in the description of development permitted, the case law that has been brought to my attention is of assistance, including that relevant to the interpretation of the planning permission. Of particular note is the case of *Wood v SSCLG & the Broads Authority* [2015] EWHC 2369 (Admin), where it was held that the decision maker, in seeking to identify the lawful use of the relevant planning unit, was entitled to consider all of the public documents and drawings comprised in the relevant planning applications, as well as the decision notices. They were also entitled to have regard to the development which had in fact been carried out.
45. Turning first to the decision notice for the outline permission, there is reference in condition 3 to caravans. The condition sets out the matters for which the local planning authority reserve, for their subsequent decision, the right to

require upon determination of any subsequent application for permission of reserved matters. This includes at 3(b) 'the limitation of the number of caravans to be parked on the site and the period of accommodation of the caravans'.

46. If the Council are correct in their interpretation of the description of development, this condition could be read as a requirement to seek approval for the period during which the caravans can be stored on the land. However, in my judgement it can also be read as a requirement to seek approval for the period during which the caravans can be accommodated for the purposes of human habitation. This condition provides no assistance in this case.
47. Notwithstanding this, I note that there is reference to 'various uses proposed' in the reasons for the conditions imposed on the outline permission. This indicates that the Council had understood that the permission it granted was for more than one use of the site.
48. As for the documents submitted with the relevant applications, I note the Council refer to the plan approved at outline stage, which is referred to in condition 1 of the decision notice. It says that the boats or caravans would be 'closely aligned with the car park area', and suggests that this 'indicates a storage use rather than the siting for the purposes of human habitation which would necessarily have spacing in between the caravans for amenity/privacy etc.'.
49. I note the close spacing between some of the 24 units annotated on the plan. However, I find the layout shown on this part of the site, which includes an indication of roads or tracks and a turning head between the blocks of units, to be consistent with that of a caravan site. There is also landscaping indicated amongst the units. I also note the proposed building and landscaping separating this part of the site from the car park. I am not, therefore, persuaded that the plan shows that it is more likely than not that the caravan and boat park use permitted by the 1972 permission includes a use that is akin to the storage of caravans, rather than as a caravan site. Indeed, for reasons I will come to later in this decision, the layout shown on this plan may not reflect the layout of the site approved by the reserved matters permission.
50. Other than the plan and the decision notice, I have been provided with no additional details relating to the 1972 permission, such as a planning statement that might have accompanied the plans. This might have assisted in understanding the nature of the uses of the site that were part of the development proposed in that case. Neither do I have the officer's report that might set out the Council's understanding of the nature of the development proposed.
51. Moving on to other evidence, I can see that the previous Inspector clearly considered the development approved by the outline and reserved matters permissions. The Council does not, however, point to any part of her decision where she indicates her understanding of the nature of the use that she refers to as the positioning of 24 touring caravans on the site. Indeed, I am unable to identify any part of her decision that might assist either way in this case.
52. With regard to evidence of the use to which the site had been put following the grant of the 1972 permission and approval of the 1975 reserved matters, the

- appellant claims that the use of the land as a caravan site commenced in 1975. There is, however, little evidence to support this claim. The previous Inspector's decision was made in May 1981, but I am unable to read this in any way other than that she saw no touring caravans on the site at that time.
53. As for the photographic evidence, I can see some items on the site in the 1999, 2005, 2007 and 2008 aerial photographs that could be caravans. There are also caravans visible in the photographs included in the web site extracts from 2009 and 2013. There is, however, insufficient detail for me to conclude one way or the other with regard to how the caravans shown in these photographs were being used (i.e. whether for human habitation or for storage).
54. The invoices provided by the appellant are also inconclusive on this matter. They refer to a 'Fee re Campervan', without any indication of whether they relate to the storage of a campervan or the stationing of a campervan for the purpose of human habitation.
55. I have had regard to the planning permission (reference E/0754/80/F) for the construction of a toilet block, and the subsequent permission granted at appeal for an administrative and service block. The appellant has provided plans that he says were submitted with the application subject of the previous appeal. These show the administrative and service block, which includes an office, a laundry room, w.c., shower facilities and a water point. Whilst I acknowledge that the building was not constructed, this evidence indicates that the developer at that time was proposing to meet the needs of overnight visitors to the site, consistent with a caravan site use. Whilst the proposed building would have been of benefit to the marina, such facilities are common place, and often a necessity on a caravan site.
56. When considering the ordinary meaning of the description of the development, it is not unusual to see a caravan site described as a caravan park, particularly where the caravans are stationed to provide holiday accommodation. Indeed, the appellant points to the phrase 'caravan park' being used by the Council in association with its duties to administer caravan site licences. I acknowledge that a boat 'parked' on land is more likely than not to be stored on the land, rather than it having been parked on the land for some other purpose. It is not, however, reasonable to reach the same conclusion when considering the purpose for parking a caravan on the land. For these reasons, I am not persuaded that the ordinary meaning of the term 'caravan park' can reasonably be regarded as a use of land for the storage of caravans. I find the term more relevant to a caravan site use.
57. In determining what is permitted by the 1972 permission, in particular the caravan or boat park element of the scheme, my conclusions are finely balanced. Whilst the onus of proof is on the appellant, his case is primarily reliant on historic records, the collection of which has been hampered by how these records have been kept. I acknowledge that much of the evidence before me neither supports nor contradicts the appellant's case. I am not, however, persuaded that a caravan park is more likely than not to be a use for the purposes of caravan storage. Neither do I find the plan referenced in the 1972 decision to be supportive of this.
58. In my judgment the ordinary meaning of a caravan park is akin to a caravan site, rather than a caravan storage use. The indicative layout on the 1972

plan, along with the facilities for which permission was subsequently sought, support this conclusion. Accordingly, I find as a matter of fact and degree that in permitting a caravan or boat park, the 1972 permission permits the use of caravans parked on the site for the purpose of human habitation.

- Does the 1972 permission permit the existing use subject of this appeal?

59. The use for which the LDC is sought is a use of land as a caravan site. At the time the LDC application was submitted I have found this to be an existing use of the site that is part of a mixed use, comprising a use as a marina and a use as a caravan site.
60. I have concluded above that, as the 1972 permission permitted the construction of a marina and a caravan or boat park, it also permits the use of land as a marina and as a caravan or boat park. I have also concluded that in permitting a caravan or boat park, the 1972 permission permits the use of caravans parked on the site for the purpose of human habitation. In my judgement, this use and a use as a caravan site are one and the same.
61. There has been no suggestion that there has been any material change to the use of the site since the 1972 permission was granted and commenced, such that I might conclude that the extant permission has been superseded.
62. In view of the above, I find the existing mixed use of the site to be consistent with the use of the site permitted by the 1972 decision. I conclude, therefore, that the existing use of land as a caravan site, as part of a mixed use of the site comprising a use as a marina and a caravan site, is permitted by the 1972 permission.
63. Notwithstanding the above, I note the inconsistency in terms of the location of the main caravan area I observed on the site and the location of the 'touring caravan or boat park' area indicated on the plan approved at outline stage. I do not, however, agree with the Council, that Condition 1 of the 1972 permission restricts the location of the caravan or boat park to the area shown on the plan. The condition simply says that the 'permission shall relate only to the application as amended by the plan'.
64. Condition 2 clearly allows the site layout to be altered, such that the location of the caravan or boat park could be approved elsewhere on the site. A revision to the layout of the site may well have been approved by reason of the 1975 reserved matters application, in discharge of condition 2. I have not, however, been provided with the details or plans submitted with that application to show the matters and layout that were permitted.
65. In my judgement, the conditions in neither the outline nor the reserved matters decisions restrict the location of the caravan or boat park. Accordingly, I have no reason to conclude that the caravans I saw on site are not permitted by the 1972 permission by reason of their location.

Summary

66. Having regard to all evidence before me, I find as a matter of fact and degree that the use of the site as a caravan site, as part of a mixed use of the site as a marina and a caravan site is more likely than not to be permitted and, therefore, lawful on the date the LDC application was made.

67. In concluding as such, the current use of the site will be subject to the terms and conditions of the 1972 permission and any conditions imposed on the subsequent reserved matters approval. In this regard, I am mindful of the case law that has been drawn to my attention, in particular *I'm Your Man Ltd v SSE & North Somerset DC* [1999] 4 PLR 107 and *Cotswold Grange Country Park LLP v SSCLG & Tewkesbury BC* [2014] JPL 981. These make clear that the description of the development for which permission has been granted identifies what can be done, whereas the conditions of a permission identify what cannot be done (i.e. the limits of development permitted).
68. The description of the development permitted by the 1972 permission includes reference to 24 units. There is, however, no condition on either the outline or the reserved matters permissions that limits the number of caravans to 24. Notwithstanding this, the caravan or boat park were just one element of the development permitted by the 1972 permission. The reference to 24 units in the description assists in identifying the extent of that element of the development permitted as part of the overall scheme. The LDC will, therefore, refer to this number of units. This will not control the number of units on site in the same way as a condition would. It will, however, provide clarity and certainty with regard to the extent of the caravan site element of the mixed use that I have found to be lawful.

Conclusion

69. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of land as a caravan site was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

J Moss

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 10 May 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

As a matter of fact and degree, the existing use of the land as a caravan site, as part of a mixed use of the site for the purposes of a marina and as a caravan site, is on the balance of probability permitted by the planning permission reference ER/72/98/0, dated 24 May 1973, for the 'construction of a boathaven: manager's cottage, workshop/toilets; provision of a caravan or boat park for 24 units and a car park for 60 vehicles', together with the subsequent approval of reserved matters reference 75/00364/RMA (also referenced as E/0364/75/D) dated 27 August 1975.

Signed

J Moss

Inspector

Date: 10 May 2023

Reference: APP/V0510/X/21/3287806

First Schedule

The use of land as a caravan site for 24 units, as part of a mixed use of the site for the purposes of a marina and as a caravan site.

Second Schedule

Land at Twentypence Marina, Twentypence Road, Wilburton CB6 3PX edged in red on the plan attached to this certificate but excluding the dwellinghouse and associated land located in the north west corner of the site.

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: 10 May 2023

by **J Moss BSc (Hons) DipTP MRTPI**

Land at: Twentypence Marina, Twentypence Road, Wilburton CB6 3PX

Reference: APP/V0510/X/21/3287806

Scale: Not to scale

