



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/V2635/X/24/3337250

Diglea Caravan Park Ltd, 32 Beach Road, Snettisham, King's Lynn PE31 7RA

- 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 Mr S Chapman against the decision of King's Lynn and West Norfolk Borough Council.
 - The application ref 23/01652/LDE, dated 30 August 2023, was refused by notice dated 28 September 2023.
 - The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 (as amended).
 - The failure to comply with any condition or limitation for which an LDC is sought is 'opening the existing park on or about 16 March for 20+ years'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. The most recent planning permission for Diglea Cravan Park is ref. 2/88/0787/F for 'continued use of the site as a holiday caravan park'. A condition of the permission is 'This permission shall not authorise the use of the land for the standing of caravans except for holiday purposes and these shall only be occupied during the period from 1st April or Maundy Thursday whichever is the sooner, and the 31st October in each year'. The Appellant maintains that the caravan park has opened on or about 16 March for more than twenty years and that, therefore, the breach of condition is immune from enforcement action. The onus of proof is on the Appellant who must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the breach of condition has subsisted for in excess of ten years.
4. The evidence relied upon by the Appellant is, principally, letters from owners of caravans at Diglea Caravan Park and copies of letters sent by the office manager, Lynda Nixon, on behalf of the site owner and Appellant, to caravan owners advising them, amongst other things, of the park opening date. The latter letters are only for 2012, 2014, 2016, 2019 and 2020. These letters are inconclusive as to whether the caravan park has, in fact, opened consistently before April 1 or Maundy Thursday.
5. The six letters from owners of caravans are problematical. They are all dated 18 August 2023, they are all addressed 'To whom it may concern', the text in each one starts with "I would like to confirm that..." and finishes with "...the site has always

opened around the 20th March every year”, and they all conclude with “Kind regards”. Furthermore, the format and spacing of the letters are the same. The six letters purporting to be from owners of caravans were clearly typed by the same person and their provenance is dubious. They cannot be relied upon in this appeal to demonstrate that the condition has been breached consistently for in excess of ten years. The Appellant not provided sufficient precise and unambiguous evidence to justify a conclusion, even on the balance of probability, that the breach of condition has subsisted for in excess of ten years.

6. For the reasons given above, and on all the evidence now available, the Council’s refusal to grant an LDC for ‘opening the existing park on or about 16 March for 20+ years’ at Diglea Caravan Park Ltd, 32 Beach Road, Snettisham, King’s Lynn was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector