



Appeal Decision

Site visit made on 25 February 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2026

Appeal Ref: APP/J2210/X/25/3360106

Down Topsl, Bullockstone Road, Herne Bay, Kent CT6 7NL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Jolene Broad against the decision of Canterbury City Council.
 - The application ref CA/24/01616, dated 16 September 2024, was refused by notice dated 12 November 2024.
 - 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 stationing of caravans for residential use.
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Preliminary Matters

1. The description of the development on the application and appeal forms refer to mobile dwellings or static homes and set out how they claim to have been occupied. The Council dealt with the application for the LDC on the basis that the mobile dwellings or static homes fell within the definition of caravans. I see no reason to disagree and have used the description adopted by the Council in their decision for the banner heading above.
2. Section 191(4) of the Act sets out that local planning authorities may issue an LDC for the use described in the application, or that description as modified by them or a description substituted by them. I have the same powers in coming to my decision. I will consider this further in my reasoning.
3. The Council refused the application on the basis of information submitted at that time. Additional information was submitted with the appeal and, on that basis, the Council have accepted that the use has been carried out continuously for in excess of ten years and is therefore lawful. They have requested I allow the appeal. However, for clarity, the appeal is for me to determine and it is open to me to come to an alternative view.
4. Section 191 of the Act enables any person to ascertain whether any existing use of land is lawful if no enforcement action may be taken in respect of the use, including because the time for enforcement action has expired. Section 171B of the Act states that no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

Main Issue

5. The main issue in an appeal against refusal of an LDC is whether the decision of the Council was well-founded. In this case, that relates to whether the use of the

land had continued for a period of 10 years beginning with the date of the breach prior to the date of the application, being 16 September 2024.

Reasons

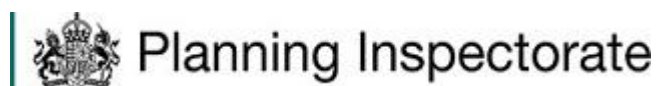
6. The appeal is supported by a number of letters or affidavits, some of which are unsigned. That of Ian Sargent states that a caravan was first occupied by the husband of the appellant in the 1990's. Other letters or affidavits are from people who have not known the appellant or her husband for such a long period but confirm that he lived there for the whole of the period they have known him. The evidence, therefore, indicates that caravans have been occupied on this site by the husband of the appellant and his family continuously since some point in the 1990's. On that basis, the use of the land had continued for a period of 10 years beginning with the date of the breach prior to the date of the application.
7. The evidence submitted is clear and unambiguous. No evidence has been provided that would contradict the evidence submitted.
8. It was clear on my site visit that the caravan has been replaced over the years and some previously occupied caravans have not been removed from the site that may still be used by the appellant and their family. Any LDC needs to be clear as to the use of the land and it will be necessary to specify that the caravans are occupied by a single family. I will, therefore, use my powers under Section 191(4) of the Act to amend the description of development for clarity.

Formal Decision

9. 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.

AJ Steen

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 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in red 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:

It has been demonstrated, on the balance of probability, that the use of land for stationing of caravans for residential use by a single family as described in the First Schedule for a period of at least 10 years beginning with the date of the breach prior to the date of the application.

Signed

AJ Steen

Inspector

Date: 02 March 2026

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First Schedule

Stationing of caravans for residential use by a single family.

Second Schedule

Land at Down Topsl, Bullockstone Road, Herne Bay, Kent CT6 7NL

IMPORTANT NOTES – SEE OVER

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 /operations 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: 02 March 2026

by AJ Steen

Land at: Down Topst, Bullockstone Road, Herne Bay, Kent CT6 7NL

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Scale: Not to Scale

