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**Town and Country Planning Act 1990**

**Application under Section 191**

**For A Lawful Development Certificate**

**For the use of land at Crabtree Grange Farm Great Houghton for the storage of touring caravans**

**R.G Calvert**

**1 Introduction**

This application is submitted under section 191 of the Town & Country Planning Act 1990 as amended to establish that a change of use of the land at Crabtree Grange Farm has occurred. The land the subject to of the application has changed from the base use of agriculture to that of an area for the storage of touring caravans by virtue of this use having been carried out continuously for a period of in excess of 10 years.

This application is supported by the below statement and the appended supporting documentation including a Statutory Declaration from the applicant.

## **2 Background**

The land shown edged red on the accompanying plan JVH 001 has been used for the storage of touring caravans for a period in excess of 10 years from the 1<sup>st</sup> of June 2002 until the present day. This use of the land has been carried out exclusively and continuously on the site for this purpose and remains in situ. The applicant has written agreements with caravan owners for this specific activity and is paid by these owners to store their caravans on this land. Due to the nature of the use Caravans are removed for holiday periods from their designated plots as required by their owners and returned to their plots afterwards.

### **3 Supporting evidence**

The accompanying aerial photographs from Google at appendix A show the site at 2002 and 2009 Where it is clearly apparent from these images that the land is being used for the storage of Caravans

Due to the nature of the use individual caravan owners have come and gone over the ten year period as some have moved away and found alternative storage or given up owning a caravan due to age or other personal reasons However 17 of the current 35 caravan owners using the site have stored their caravans on this land for at least 10 years The accompanying 17 statements confirm the length of the respective use by these individuals together with their signatures names and addresses

The supporting Statutory Declaration from Robert Geoffrey Calvert who is the applicant for the Certificate and has been resident at Grange Farm since 1941 confirms that the use has occurred continuously for a period of in excess of 10 years without any breaks in the use and that this use remains in situ

On the basis of the evidence submitted it is demonstrated that a change of use of the land has occurred for a period of in excess of 10 years and that a certificate of lawful use for the purpose of storing touring caravans on the land should therefore be issued accordingly

#### **4 Planning Framework for a decision of the Local Planning Authority**

**Section 191 (1)** of the Town & Country Planning Act allows for applications to be made to establish that certain uses activities or operations are lawful. Operations are lawful by virtue of *inter alia* that the time for enforcement action has expired. A certificate under this section shall specify the land to which it relates, describe the use/ operations and give reasons why the operations or use is lawful. The onus of proof with such applications rests with the Applicant and the relevant test is the balance of probability. Authorities are advised in such cases that where they have no evidence of their own to contradict the Applicants version of events then there is no good reason to refuse to grant a certificate provided that the evidence is precise and unambiguous.

**Section 191 (2)** For the Purposes of this Act uses and operations are lawful at any time if

- (a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)

**Circular 10/97** annex 8 provides some advice on the matters covered by the above sections of the Planning Act.

## **5 The Considerations relating to the Determination of the Application**

The use of the land for the storage of touring caravans has been ongoing for a period in excess of ten years and as such this use is therefore now immune from enforcement action

The documentation that accompanies this application establishes beyond any doubt that the effective time limit for enforcement action has been passed and that the use of the land for the storage of touring caravans is lawful and the Planning Authority are requested therefore to issue the certificate as applied for upon this basis

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