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APPLICATION FOR A CERTIFICATE OF LAWFUL USE IN RESPECT OF
THE CLUBHOUSE FACILITIES AND ADJOINING CAR PARK

AT

THREE RIVERS CARAVAN PARK
EAVES HALL LANE
WEST BRADFORD
CLITHEROE

October 2018

1. Introduction

- 1.1 Planning permission was first granted in 1997 for clubhouse facilities and an associated car park. Integral to that consent the local Planning Authority appended a restrictive condition which sought to restrict the use of the facilities to residents of the caravan park. Specifically Condition No.5 reads as follows: *“The use of the clubhouse facilities and adjoining car park should be confined/restricted to those persons residing on the caravan site and a notice to that effect should be erected and displayed in close proximity to the new clubhouse in accordance with the applicant’s agreement contained in a letter to the local planning authority dated 24th July 1979.”*
- 1.2 Subsequent to this a revised planning application was lodged the following year in 1980 in connection with a revision to the new clubhouse design and the original consent was replicated and appears as Condition No.7 on that consent notice.
- 1.3 Further relevant planning history relates to the submission of a planning application in 1987 for the removal of Condition 5 on planning permission 3/1979/0165. This was subsequently refused and an appeal under reference T/APP/T2350/A/87/080831/P3 was equally dismissed.
- 1.4 All that stated then it is the case that this condition has not been adhered to since it was first applied nor has the Council sought to pursue enforcement proceedings against the breach whilst they were at liberty to do so in the first 10 years of its application.

2. The Case

- 2.1 In order to demonstrate a case for the issue of a Certificate of Lawful Use in Breach of the restricted use condition No.5 imposed on planning permission 3/1979/0165 it is the responsibility of the applicant to demonstrate that the condition has been routinely breached throughout the last 10 year period i.e. from September 2008 to the current date rather than concern ourselves with any activities or use in the intervening period between the first use of the facilities in the early 1980’s and September 2008.
- 2.2 In this regard we believe that it would be inappropriate to seek to vary Condition No.5 via a new application as it is our client’s contention that there is sufficient evidence to suggest beyond all reasonable doubt that the facilities within the clubhouse have been available to all persons regardless of whether or not they are resident on the caravan park.
- 2.3 It is acknowledged that the ownership of the park has changed hands on two occasions during the last 10 years but nonetheless we have collated evidence from various individuals who have used the facilities throughout this period of time who for the most part are Ribble Valley residents but are not tenants/residents of the caravan park. Equally there are members of staff who have worked at the park for the relevant period who have provided letters which state their recollections of usage of the facilities throughout the 10 year period.

- 2.4 I attach at Appendix A all the relevant evidence which has been collected to substantiate the assertion that the restrictive use condition on the 1979 consent has not been adhered to and make this application on the basis of this evidence.