

Planning Statement regarding the issue of a positive Lawful Development Certificate regarding the continued use of Abbott Delph as a caravan store and the fixed shed for storage.

According to section 191 of the Town and Country Planning Act (TPCA) 1990 a use or operation is lawful if: -

- No enforcement action may be taken against a use if the time for enforcement has expired.
- It does not contravene any enforcement notice currently in force.

Brief Site History.

c. 1982. Quarry had been closed and County Council back filling it with household waste and debris.

██████████ for "personal circumstances" was given planning permission to site and occupy a static caravan on "Abbott Delph" on untipped ground. Ref: - 3/82/0028/P

Mr ██████████ occupied the caravan and utilised an adjacent storage shed.

1989 ██████████ passed away, and his nephew ██████████ acquired the land of the former quarry.

The caravan and shed remained on site, and barring a very brief occupation, used for storage.

2023 Site tidied, original caravan replaced with another and shed repaired.

Permission refused for ██████████ to occupy the caravan.

2024 Appeal failed for ██████████ to occupy the caravan.

2025 ██████████ acquired Abbott Delph.

Enclosed documents referred to: -

- Google Earth extracts from 3 different periods.
- Signed and suitably witnessed Statutory Declarations from ██████████
██████████
- Location "Plan A".

The time for enforcement has expired?

To date a caravan and shed have stood unoccupied on site for 36 years. This is clearly longer than the 10-year qualifying period to be immune from enforcement as defined by the TPCA. This is evidenced as follows: -

- a) Enclosed Google Earth extracts for AD 2000, 2020 & 2023. These show the original caravan and replacement on the same footprint throughout, albeit the trees have grown over the 23-year period.
- b) Declaration by [REDACTED] witnessing presence of caravans and a shed for at least 35 years.
- c) Declaration by [REDACTED] witnessing presence of caravans and a shed for at least 43 years, albeit c. 36 years barring a brief 2-week occupation.
- d) Declaration by [REDACTED] witnessing presence of caravans for at least 23 years.
- e) During the failed application and failed appeal process for [REDACTED] to occupy, the planning authority have made no challenge as to the tenure of the shed and caravans.

Contravention of enforcement notice/s currently in force?

There is no current nor have there been past enforcement notices.

However, the lack of such, despite much recent correspondence as below, is indeed indicative that this specific spot is indeed an established caravan store and the lawful location of a fixed storage shed.

14.8.2024 Email from [REDACTED] (RVBC)

"In light of the refusal of planning consent for the caravan on the land annotated above and the subsequent dismissal of Appeal on the 09th of July 2024, I would be grateful if you could please advise when the caravan and outbuilding will be removed to prevent potential formal enforcement action commencing".

1.9.2024 Letter from [REDACTED] responding to [REDACTED]

"I'm frankly surprised at the contents therein; the planning authority is fully aware of the facts with regard to the length of time a caravan has been stored and shed located on the site. Indeed, they must be because they attended an Informal Hearing back in May of this year with regard to an application for the residential use thereof. The Inspector, in his

decision, was only allowed to adjudicate on the use of the caravan for residential purposes, no other matter lay before him and he makes reference to this in his decision letter.

A caravan was placed on site and was used entirely in accordance with a planning permission dating back to 1982; there was no requirement, in law, to remove the caravan after cessation of the legitimate use. Since the use ceased, in 1989, a caravan has remained positioned on the site so authorised by the 1982 consent. There is no requirement for me, in law, to now seek to legitimise the retention of the storage of the caravan on the site. Indeed, I would respectfully suggest that the planning authority is out of time for such action, enforcement or otherwise, to seek its removal.

In summary: - Regardless of original permission, a caravan has stood there since death of [REDACTED] c. 1989 unchallenged, thereby establishing the use of the land it stands on as a caravan store. Replaced or not! Occupation is another matter and currently is not the case.

If the planning authority now considers it expedient to issue an Enforcement Notice that requires removal of the caravan, and do so, then I will have no alternative than to challenge its legality by way of an appeal and will do so. As part of my appeal, and in the knowledge that the planning authority is fully aware of the length of time that the caravan has been retained on site since cessation of the use so authorised by the 1982 planning consent and (again) without challenge....."

15.10.2024 Letter from [REDACTED] wrongly address to [REDACTED] but clearly in response to [REDACTED] letter above.

"..... The Inspectors conclusion reinforces the Council's view that notwithstanding the historical siting of a caravan on this land the relatively newly sited caravan on the site does not have the benefit of planning permission nor does it appear that storage of a caravan on this site is lawful. You could seek to establish whether the storage of a caravan on this site is lawful as indicated in your letter, the Council's view is that it is not, however a certificate of lawfulness would seek to establish this formally. Alternatively, I would advise either:

- 1. Removal of the caravan.*
- 2. Seek planning permission for the storage of a caravan at the site which would be assessed against planning policy.*

I would be grateful if you could confirm which option you will pursue, if you choose none of the above options further consideration of enforcement action will be considered by the Authority."

This erroneously refers to the original 1982 permission and the appeal inspector's conclusion. I.e. the current established use of caravan store and storage shed postdates the last occupation and has nothing to do with the appeal to occupy the caravan.

10.11.2024 Response letter from [redacted] to [redacted]

".....It seems that you are not comprehending the gist of my letter to you of the 1st of September last, explaining that the siting of a caravan was beyond the remit of the planning inspector, as the appeal was only concerned with the proposed occupation thereof. Hence the verbiage in your letter regarding the inspector is simply a long winded and repeated red herring.

I also pointed out in my letter that a caravan had rested on the site unchallenged since my uncle's death in 1989 to the present, albeit largely unoccupied. A fact that neither you nor the objectors are challenging. In short, the land upon which a caravan stands is a caravan store, therefore your argument that it has been changed is irrelevant. If I wished to put a different caravan there on a weekly basis I would still be within the established use....."

".....I suspect that the old 4 year rule actually applies in this case. Either way the unchallenged 40+ years since 1989 rules out the need for a planning application and rules out lawful enforcement regarding my continued use of the land as a caravan store. Albeit, to be anything more than that a further permission will indeed be required."

".....Again, if the planning authority now considers it expedient to issue an Enforcement Notice that requires removal of the caravan and do so. Then I will have no alternative than to challenge its legality by way of an appeal, additionally I will lodge an application for an award of my costs in having to prosecute such an appeal.

Also again, I trust that in the circumstances so outlined above and to which the planning authority is fully conversant with, that this concludes the matter. Should it not do so then please advise me of your intentions in due course."

Conclusion: -

The time for enforcement regarding the storage of a caravan on this site has clearly lapsed as per the evidence from 1989 onwards.

Despite ill-conceived threats to issue an enforcement notice, RVBC have not done so. Indeed, [redacted] letter a year ago pointed out to the Council *"that this concludes the matter"*, to which no further correspondence has been forthcoming. That is, by default the Council has accepted the status quo.

Therefore, it seems that a Lawful development Certificate regarding use of Abbott Delph as a caravan store and the fixed storage shed should be issued.

Signed:- Craig Howard (Applicant) ..

Kevin J Crook (Agent)

Date: -14.1.26.....

Date: -14/1/26.....