Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0323
Goffsland Farm, Coolham Road, West Chiltington, West Sussex,

DESCRIPTION:

Application to confirm the stationing of a mobile home within the farm complex for a period in excess of ten years (Lawful Development Certificate - Existing)

RELEVANT PLANNING HISTORY:

T/91/01 Demolition of farm buildings & erection of 3 houses & access Application Refused on 26.06.2001

SITE LOCATION & APPLICATION DESCRIPTION

The application site lies to the east of Coolham Road, with the site historically consisting of several outbuildings ancillary to the agricultural use of the farm and Orchards, although it was noted that the building in closest proximity to the road appeared to be empty. During the site visit it was noted that two of the barns had apple pressing facilities and other paraphernalia associated with this use.

PLANNING ASSESSMENT

The application relates to a Lawful Development Certificate Existing to confirm the stationing and occupation of a caravan to provide independent accommodation in excess of 10 years.

Article (2) of Section 191 of the Town and Country Planning Act 1990 states:

"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); and*

(b) *they do not constitute a contravention of any of the requirements of any enforcement notice then in force."*

Applicant's Evidence

- Location Plan
- Block Plan
- Sworn Statement by James Georgeardis
- Planning statement

The Planning statement indicates that the farm was left to the applicant James Georgeardis, by his grandfather. The caravan was historically used by family helping on the farm to keep their belongings during this time. It has been stated within the statement that this was not in a residential use. The Planning statement outlines the definition of a caravan and that it has been stationed in excess of 10 years.

The caravan that has been stationed on the land and the submitted plans do not indicate which precise facilities the caravan benefits from, such as kitchen etc. The Planning statement shows aerial photographs from in excess of the previous 10 years indicating the caravan in this location.

Council's Evidence

- Consultation response from HDC Electoral department

  Site registered since 2014.

- Consultation Response from HDC Revenue and Benefits

  The premises listed as a Caravan from 2.4.1996, to Mr J Rice.

- Representation Letters

  Three letters of representation received confirming the stationing of the caravan for the previous 10 years. One letter of representation requesting a phone call from officer.

- Google Earth Imagery dated over several time points in excess of the previous 10 years

Section 191(4) of the Town and Country Planning Act 1990 states that:
"*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application…they shall issue a certificate to that effect; and in any other case they shall refuse the application*."

F W Gabbitas v SSE and Newham LBC [1985] JPL 630 held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application; provided the Applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the "balance of probability".

Stationing of the Caravan

The Applicant has submitted a Sworn Statement which outlines that the caravan has been stationed within the land shown on the red edge of the location plan submitted for a period in excess of 10 years. It is understood from this sworn statement that the caravan has solely been used in relation to the maintenance of the farm. The evidence does not suggest or demonstrate that the caravan has been used for residential purposes.

The aerial photography available indicates that there have been no extensions to the caravan, with the photographs confirming that there are no extensions present. On this basis, it is considered that the caravan meets the definition of a caravan. It is therefore necessary to consider whether the caravan has been stationed on the land for a period in excess of 10 years.

The aerial photography available within the Sworn Statement, and accessible through the Council's own GIS system indicates that the caravan has been present on the land, in the same position, for a period in excess of ten years.

Conclusion

The evidence available, in the form of a Sworn Statement, Planning statement, site visit, aerial photographs, confirms on the balance of probability that the caravan has been stationed on the land for a period in excess of 10 years. It is therefore considered that a Lawful Development Certificate can be granted on this basis.

Recommendation: Application Permitted

1 It has been demonstrated on the balance of probability that the caravan (outlined in red on the attached plan) has been sited on the land and used for purposes ancillary to the agricultural use of the site for a period in excess of 10 years from the date of the application.

DELEGATED

Case Officer sign/initial Hannah Darley Date: 17th April 2024

Authorising Officer sign/initial Tamara Dale Date: 22 April 2024

