Supporting Planning Statement

Mr T Kerfoot
Ash Tree Farm
Gosberton Risegate

Use of land for the stationing of a residential mobile home and for the purposes of agriculture – Certificate of Lawfulness of existing development.

The attached application is made by Mr Trevor Kerfoot under Section 191 of the Town and Country Planning Act 1990 (As Amended). The use claimed is a mixed use for the stationing of a residential mobile home and the use of the wider site for the purposes of agriculture. As the use of land for agriculture is one of the operations which are specifically excluded from the definition of development by Section 55 (2) (e) of the Act, minimal evidence is offered for this element and the evidence focusses on the stationing of a single residential caravan/mobile home.

In order to demonstrate his case Mr Kerfoot has to show 'on the balance of probabilities' that the land has been used for the purposes described for at least 10 years beginning with the date of the application.

There is no requirement to provide any particular evidence to substantiate the claim as long as the test is satisfied. It is common for applicants to submit records such as electricity or Council Tax bills in support of their application. In this instance, electricity is provided by the neighbour Mr Guest and there is no separate account. Water is provided by a utility company, but due to the applicants limited income, the bill is addressed to and paid by his parents. There are therefore no utility bills to support the application.

In support of his application he submits an affidavit sworn by himself and separate affidavits sworn by Mr Christopher Whitwell, Mr Brian Burkitt and Mr David Guest, each supported by documentation.

The supporting documentation used is a mixture of contemporary photographs which Mr Kerfoot can swear to and a series of aerial photographs courtesy of Google and Bing.

The evidence submitted is broadly consistent. There are minor differences in the recollection of the individuals, but the evidence clearly shows that Mr Kerfoot has lived on site in a caravan for more than 10 years. There has been a series of caravans in different locations around the farmyard, these locations are within the planning unit and therefore amount to a single use of land. The locations used have always been within the grouping of agricultural buildings and never in open land.

The aerial photographic evidence is similar. The photographic extracts from Bing and Google are all dated, and photos aerial 4, 3 and 2 all show trees in full leaf at a time when they are unlikely to have been in full leaf. The dates are therefore described as 'some time before' and can clearly be given limited weight in decision making. Nevertheless, when taken together with the recollections of the witnesses who have all signed affidavits it is clear, 'on the balance of probabilities' that the use has subsisted for a period in excess of 10 years.

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The current caravan is shown in the photograph below.



It should be noted that there has sometimes been more than one caravan on site at the same time. Only 1 has ever been occupied.

The evidence provided shows that the site has been occupied by a single residential caravan for more than 10 years.

On the basis of the evidence collected the applicant is entitled to a certificate of lawful use for the stationing of a single residential caravan on the site edged red.

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