

Appeal Decision

Hearing and site visit held on 28 September 2004

by Michael Aldous BA (Hons), DipMgt, MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Temple Quay House
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Date 18 OCT 2004

Appeal Ref: APP/A2525/A/04/1142470
Fields Farm, Sutton Bridge, Spalding, Lincs PE12 9SN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Rupert Hargreaves against the decision of South Holland District Council.
- The application (Ref H18/0691/03), dated 29 May 2003, was refused by the Council by notice dated 23 December 2003.
- The application sought the variation of conditions attached to a planning permission (Ref. H18/1219/98), dated 2 March 1999, for the use of the site as a site for caravans for seasonal workers and its retention out of season for the storage of caravans.
- The conditions in dispute are Nos 1 and 2 which state that: 1. The caravans shall only be used for accommodation outside the period 1st December to 5th April in the following year and that accommodation shall only be for seasonal workers employed in farming operations on land in the same occupation. 2. Between the minimum period of 1st December each year until the 5th April the following year, the caravans shall only be stood on the land in an unoccupied state.
- The reasons given for the conditions were: 1. In the interests of amenity and highway safety, and to prevent the site being used for permanent residence contrary to planning policy. 2. To define the terms of the permission and in the interests of amenity and highway safety.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions in the terms set out in the Formal Decision below.

Main Issues

1. I consider the main issues in this case to be:

   i) Whether the proposal complies with national and local planning policy guidance concerning the provision of housing associated with agricultural enterprises;

   ii) Whether the site is appropriate for residential occupation given its location within the open countryside, and the need to ensure that development is sustainable; and

   iii) The effect of the proposal on the living conditions of the occupiers of nearby dwellings, with particular regard to noise and general disturbance.

Planning Policy

2. The development plan includes the South Holland District Local Plan, which was adopted in 1998. Policy H3 indicates that new dwellings in the countryside will be permitted where they are considered to be reasonably necessary for the proper functioning of the relevant agricultural enterprise. Policy E1 sets out a range of general environmental criteria that

development proposals must satisfy. These include satisfaction in relation to the impact on the character of the area in which development is proposed, maintaining local residential amenity and the effect on traffic generation and highway safety, among other matters. Policy E12 seeks to restrict development in the countryside to that which is necessary and appropriate to the location. This might include development associated with agricultural activities, providing there is no undue harm to rural character or other interests of acknowledged importance.

3. The local plan is being reviewed, but the process appears to be at a relatively early stage. Policies H4 and NE6 from that document have been cited by the Council. As these emerging policies have considerable similarity to adopted policies H3 and E12, I am able to attach substantial weight to their content.

4. The Council also referred to policies from the emerging Lincolnshire Structure Plan in its decision notice. Policy 13 indicates that new residential development in the countryside will normally only be permitted where essential to house agricultural or forestry workers close to their place of work. Policy 47 is very similar to local plan policy E12. Although I acknowledge the position with regard to the structure plan review, I consider the policies quoted to broadly accord with the adopted local plan and national planning advice. As such I can attach substantial weight to them.

Reasons

Whether the proposal complies with national and local planning policy guidance concerning the provision of housing associated with agricultural enterprises.

5. National and local planning policy allows in principle for the provision of accommodation in the countryside for workers engaged in agricultural activity. In this case, from the information available to me, I consider there to be no doubt that the proposal is related to a well defined agricultural activity.

6. I was informed that the horticultural business of the Appellant has flourished in recent times, and has become specialised in the production of strawberry and raspberry plants. It has prospered to the extent that the need for substantial labour, which is currently and successfully provided under the governments Seasonal Agricultural Workers Scheme (SAWS) has grown, and is now a year round requirement. Indeed the winter period is now just as, if not more important, than the summer period given the growing and harvesting cycle of these plants.

7. I also heard that the labour requirements generated by the business can not be satisfied from within the local workforce. The Council did not contradict this assertion.

8. The Council has previously recognised the needs of the business, and has accepted the principle of accommodating the SAWS workers on a purpose built caravan site. This currently allows for workers to be housed at this location between April and the end of November. The question is therefore whether the relaxation sought by the proposal would undermine national and local planning policy guidance regarding the provision of accommodation within the open countryside.

9. In my judgement it would not. Controls exist and could remain in force which would tie the occupation of the caravans to temporary workers engaged only in agricultural activity related to the same land ownership or occupation, and who would not be present for more

development proposals must satisfy. These include satisfaction in relation to the impact on the character of the area in which development is proposed, maintaining local residential amenity and the effect on traffic generation and highway safety, among other matters. Policy E12 seeks to restrict development in the countryside to that which is necessary and appropriate to the location. This might include development associated with agricultural activities, providing there is no undue harm to rural character or other interests of acknowledged importance.

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6. I was informed that the horticultural business of the Appellant has flourished in recent times, and has become specialised in the production of strawberry and raspberry plants. It has prospered to the extent that the need for substantial labour, which is currently and successfully provided under the governments Seasonal Agricultural Workers Scheme (SAWS) has grown, and is now a year round requirement. Indeed the winter period is now just as, if not more important, than the summer period given the growing and harvesting cycle of these plants.

7. I also heard that the labour requirements generated by the business can not be satisfied from within the local workforce. The Council did not contradict this assertion.

8. The Council has previously recognised the needs of the business, and has accepted the principle of accommodating the SAWS workers on a purpose built caravan site. This currently allows for workers to be housed at this location between April and the end of November. The question is therefore whether the relaxation sought by the proposal would undermine national and local planning policy guidance regarding the provision of accommodation within the open countryside.

9. In my judgement it would not. Controls exist and could remain in force which would tie the occupation of the caravans to temporary workers engaged only in agricultural activity related to the same land ownership or occupation, and who would not be present for more

than six months in any year. In addition, I am satisfied that a functional need now exists for such personnel to be housed throughout the year if the business is to continue to prosper.

10. Such controls would ensure that permanent residential occupation was not a feature of the site, and would ensure that the appropriate agricultural linkage is confirmed and continued.

11. I am also satisfied that it would be wholly inefficient, less sustainable and economically unrealistic to entertain the notion that the workers could be placed within permanent dwellings dotted around the area, should such premises be available.

12. The relaxation sought would have no implications in terms of impact upon the landscape or the character and appearance of the area. The compound is discreetly positioned, and because of this and the perimeter screening and bunding which has taken place, it is not readily visible from public areas. Indeed the caravans remain on site during the winter months, when they are, under current arrangements, not occupied.

13. Taking all these findings into account, I have identified no contradiction of the development plan on this issue, and I therefore consider the proposal to be in accordance with policies H3 and E12 of the local plan, emerging replacement policies H4 and E12 and emerging policies 13 and 47 of the structure plan review process.

Whether the site is appropriate for residential occupation given its location within the open countryside and the need to ensure that development is sustainable.

14. As indicated above, the site is already capable of being occupied between April and the end of November. It appears to me that it functions largely as a self contained community with a high degree of social cohesion given the management of the operation and the fact that most, if not all workers, are young people from eastern European countries.

15. I was informed that company transport was used for taking the workers to and from work each day, and that the same vehicles were used for purchasing goods and provisions and in helping to satisfy the off-site recreational and other needs of the workers. The ownership of cars by workers is not permitted by the company. Some on site recreational provision is provided by a games room, and occupancy of the individual caravans is deliberately limited in order to provide relatively spacious, comfortable and commodious accommodation for the occupants. As such I have formed the view that the site functions in a fairly sustainable manner

16. It is clear that workers do sometimes walk into Sutton Bridge about a mile away in order to take advantage of the facilities available there. That is understandable and is in itself sustainable, and I noted that apart from the need for caution in crossing the busy but straight A17 road, a convenient and safe route exists for this to be done.

17. The relaxation sought would extend site occupation into the winter months, but I do not anticipate that this would have adverse sustainability implications. Indeed, given the propensity for inclement weather at this time of the year, I consider it probable that workers would be likely to be even more site based than during the summer and autumn months. In addition, the communal arrangements relating to transport, shopping and recreation would continue, and in fact become even more significant.

18. Accordingly, I do not consider that the proposal would make the site any less sustainable than is currently the case under the approved arrangements, and have therefore concluded that resistance to the proposal in these terms cannot be sustained.

The effect of the proposal on the living conditions of the occupants of nearby dwellings, with particular regard to noise and general disturbance.

19. The appeal site has a small number of residential properties close by, but none directly adjoin the site. In addition, the site is bunded and screened to the north and east so that a good level of physical, visual and noise separation exists. Caravans are orientated away from permanent dwellings. Workers are only on the site in the early morning and evening and night-time periods. During the working day the site is likely to be unoccupied. Given the number of persons occupying the caravans traffic movement to and from the site is low, and I do not consider that the proposal has adverse implications in terms of significantly increased vehicular movement or highway safety.

20. It is clear that activity at the site has generated some complaints from residents, but these appear to me to be mostly some time in the past and to largely relate to relatively minor matters. The police were consulted on the current proposal but had no reason to seek to oppose it.

21. In addition, it is clear to me from material submitted, as discussed at the hearing and from my site visit, that the site is orderly and well managed. I was shown the rules and regulations established by the company, with which workers were required to adhere. These seem to me to offer a good base for effective site control, and I was also informed that local residents have been supplied with telephone contacts at the company should any antisocial problems arise. It might be helpful if the management plan for the site had the benefit of the Council's input, given its involvement and experience in environmental health issues including noise related issues.

22. During the winter months it is improbable that much activity outside of the caravans would take place given the increased likelihood of poor weather at that time of the year. A more probable scenario, particularly for workers engaged in outdoor labour, is that a much higher proportion of the non-working day would be spent inside the caravans.

23. In conclusion, given the nature of the compound and the physical relationship between the site and nearby properties, I consider it unlikely that the proposal would generate harm to the amenities of local residents. Indeed, the good and to my mind improving management regime, makes it improbable that sustained harm to the living conditions of the occupiers of nearby dwellings by reason of noise or general disturbance would occur. On this basis I consider the proposal to accord with the requirements of local plan policy E1.

Conditions

24. I have given consideration to whether new conditions need to be applied on the basis that the appeal is successful. In this regard I am mindful of the advice set out in Circular 11/95 and the discussions on this theme that took place at the hearing.

25. If existing conditions 1 and 2 are to go, it remains important in my view, to ensure that the caravans are only occupied by workers involved in agricultural activity related to the site, and that such workers do not occupy the caravans for more than six months in any period of one year. Such controls are necessary to avoid occupation by persons who might not have

the necessary agricultural linkage, and to ensure that the caravans are permanently available for a turnover of approved personnel who satisfy the requirements of the national Seasonal Agricultural Workers scheme, or any successor to that programme.

26. In order to ensure high standards of site management, particularly in relation to controlling its impact on nearby residents, a further condition will be applied requiring the submission to, and agreement by the Council, of a management scheme. Thereafter the site will be required to be managed in compliance with the agreed details.

Conclusions

27. I have given careful consideration to the unusually localised issues raised by this case. I have concluded that with appropriate control the occupation of the caravans throughout the year would not contradict or offend any policy or other matters of acknowledged importance, and would not be prejudicial to the living conditions of nearby residents. The proposal would not establish permanent occupation rights, but would assist in the efficient and economic running of a well established local business, which because of its success and market specialism now has a need for workers at all times of the year. I am content that this need cannot be satisfied from within the local workforce.

28. Overall I have concluded that the proposal is in accordance with the development plan and that there are no material considerations of substance to override my conclusion that the appeal should therefore succeed.

Formal Decision

29. I allow the appeal and grant planning permission for the variation of conditions 1 and 2 of planning permission H18/1219/98 at Fields Farm, Sutton Bridge, Spalding, Lincs PP12 9SN in accordance with the application (ref: H18/0691/03) dated 29 May 2003, without compliance with condition numbers 1 and 2 previously imposed on planning permission (Ref. H18/1219/98) dated 2 March 1999 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:

    1. The caravans shall only be used for accommodation for seasonal workers employed in farming under the Seasonal Agricultural Worker Scheme (SAWS), or any successor scheme, and such persons shall only work on land in the same ownership or occupation.

    2. No person shall occupy any of the caravans for more than six months in any period of one year.

    3. Within one month of the date of this permission, the Appellant shall submit a full site management plan to the local planning authority for its consideration and input. Thereafter the site shall be managed in compliance with the agreed details of the management plan to be confirmed in writing by the local planning authority.

Michael Ardon.

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr L Smith	The Robert Doughty Consultancy Ltd, 32 High Street, Helpringham, Sleaford, Lincolnshire NG34 0RA.
Mr R Hargreaves	Appellant.
Mr G Baxter	Hargreaves Plants Ltd, Cowpers Gate, Long Sutton, Spalding, Lincs.

FOR THE COUNCIL

Mr S Coult	Browne Jacobson, 44 Castle Gate, Nottingham NG1 7BJ.

DOCUMENTS

Document 1	List of persons attending the hearing.
Document 2	Council letter giving notification of hearing arrangements.
Document 3	Bundle of representations submitted in response to the appeal.
Document 4	Appendices to Mr Smith's statement.
Document 5	Appendices to Mr Coult's statement.

PLANS

Plan 1	Application plan.

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H18/0691/03 Received: 02-JUN-03 Type: S73A CONTINUATION

Name: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding, Lincs. PE12 9BS

Agent: Robert Doughty Consultancy
32 High Street
Helpringham
Sleaford
Lincs NG34 0RA

Description: Continuation of permission without complying with Conditions 1 & 2 of H18/1219/98 to allow occupation by seasonal agricultural workers all year round

Location : Fields Farm Sutton Bridge

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

1 This site, in an isolated position in the countryside, is considered an inappropriate and unsustainable location for a permanent caravan site occupied all the year round. As such, the proposal would be contrary to Policy 47 of the emerging Lincolnshire Structure Plan, Policy E12 of the adopted South Holland District Local Plan and Policy NE6 of the South Holland District Local Plan First Deposit Draft.

2 The use of the land as a year round caravan site is considered to be an unacceptable intensification of a use intended to accommodate workers required to meet specific, seasonal needs of the agricultural holding at that time. The living conditions for those occupying nearby dwellings, in separate ownership to the farm holding, would be adversely affected by reason of additional noise and disturbance occurring from the coming and going of agricultural workers at various times of the day and night and general activity on the site. For these reasons the proposal would be contrary to Policy E1 of the adopted South Holland District Local Plan which seeks to safeguard the amenity of adjacent residents.

3 Occupation of the caravans all year round, would be tantamount to new dwellings in the open countryside and would therefore conflict with Policy 13 of the emerging Lincolnshire Structure Plan, Policy H3 of the adopted South Holland District Local Plan and Policy H4 of the South Holland District Local Plan First Deposit Draft. Insufficient evidence has been provided to establish whether these workers, who will occupy the caravans over the winter period, are essential for the proper functioning of the agricultural enterprise.

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Note(s):

The determined plans are:
1:2500 Site location plan (ref. dwg. no. 593/LOC) received 3 July 2003.

Head of Planning & Development
23 DEC 2003 H18/0691/03

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

Terry Huggins Chief Executive
Bob Atkins Director of Coporate Services Andrew Petcher Director of Rural Services

Town and Country Planning Act etc

DRAFT REFUSAL

Reference H18/0691/03 Received: 02-JUN-03 Type: S73A CONTINUATION

Name: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding, Lincs. PE12 9BS

Agent: Robert Doughty Consultancy
32 High Street
Helpringham
Sleaford
Lincs NG34 0RA

Description: Continuation of permission without complying with Conditions 1 & 2 of H18/1219/98 to allow occupation by seasonal agricultural workers all year round

Location : Fields Farm Sutton Bridge

South Holland District Council hereby give notice that permission has been refused etc for the following reasons:

1 This site, in an isolated position in the countryside, is considered an inappropriate and unsustainable location for a permanent caravan site occupied all the year round. As such, the proposal would be contrary to Policy 47 of the emerging Lincolnshire Structure Plan, Policy E12 of the adopted South Holland District Local Plan and Policy NE6 of the South Holland District Local Plan First Deposit Draft.

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Note(s):

The determined plans are:

Director of Customer Services
16 DEC 2003

H18/0691/03

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990

Approval required by Condition of Permission

COPY Earlier App

Reference: H18/1446/04 Received: 27-OCT-04 Type: CONDITION COMPLIANCE

Name: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding Lincs

Agent: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding Lincs

Description: Details of site management plan (Condition 3 of H18/0691/03 - allowed on appeal)

Location : Fields Farm Sutton Bridge

South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission, subject to any conditions below:

Note(s):

The determined details are:
Applicant's etter (reference : RH/mf543, dated 26 October 2004) and Accompanying Appendix, received 27 October 2004.

Head of Planning & Development
01-MAR-05

H18/1446/04

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

Terry Huggins Chief Executive
Bob Atkins Director of Corporate Services Andrew Petcher Director of Rural Services

Studio 11 Architecture
The Boathouse
Harbour Square
Nene Parade
Wisbech Cambs
PE13 3BH

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H18-0224-18 **Date of Decision:** 29th May 2019

Applicant: Hargreaves Plants Ltd
C/O Studio 11 Architecture
The Boathouse
Harbour Square
Nene Parade Wisbech Cambs
PE13 3BH

Location: Fields Farm Sutton Bridge Spalding

Description: Use of site as site for caravans for seasonal workers and its retention out of season for storage of caravans H18/1219/98 Appeal Decision: APP/A2525/A/04/1142470 Conditions 1 - Modification of Condition 1 of H18-0691-03 (allowed on appeal) to allow amendments to wording

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan (1:1250)
Application Form

Reason: For the avoidance of doubt and in the interests of proper planning.

2 The caravans shall only be used for accommodation for agricultural and / or horticultural workers employed in farming by Hargreaves Plants, and such persons shall only work on land in the same ownership or occupation.

Reason: In the interests of the character and residential amenity of the surrounding area. This Condition is imposed in accordance with Policies 2 & 3 of the South East Lincolnshire

Local Plan (2019), and Section 2 of the National Planning Policy Framework (2019).

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

The Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/A2525/X/21/3272345
Caravan B2, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Syd Smith against the decision of South Holland District Council.
- The application Ref H18-0919-20, dated 14 October 2020, was refused by notice dated 11 February 2021.
- The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 as amended.
- The matter for which a certificate of lawful use or development is sought is described in the application as "an existing use", namely "permanent residential use of a caravan."

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the matter constituting failure to comply with conditions which is considered to be lawful.

Procedural, background and preliminary matters

2. A site visit was not strictly necessary, as my decision is based on evidence of the history of the use of the site. However, I was visiting the area in connection with another appeal and therefore viewed this site unaccompanied, from the adjoining track. I did not enter the site itself but saw the site context and the caravans on it.

3. Notwithstanding the terms of the application referred to in the heading of this decision, it is apparent from the 'Planning Statement' submitted with it that an LDC is sought to certify that the failure to comply with conditions is lawful. That is the basis upon which the Council determined the application and responded to the appeal.

4. In March 1999, planning permission Ref H18-1219-98 was granted for the use of the overall site as a site for caravans for seasonal workers and its retention out of season for storage of caravans. That permission was subject to:

> Condition 1 - "The caravans shall only be used for accommodation outside the period of 1st December to 5th April in the following year and that accommodation shall only be used for seasonal workers employed in farming operations on land in the same occupation."

5. Following the refusal of application Ref H18-0691-03, made under section 73A of the 1990 Act, an appeal was allowed in October 2004 (the 2004 permission)

to continue the use without complying with condition 1 of permission Ref H18-1219-98, but subject to:

> Condition 1 – "The caravans shall only be used for accommodation for seasonal workers employed in farming under the Seasonal Agricultural Workers Scheme (SAWS), or any successor scheme, and such persons shall only work on land in the same ownership or occupation"; and
>
> Condition 2 – "No person shall occupy any of the caravans for more than six months in any period of one year."

6. When the SAWS scheme ended, a further section 73A application Ref H18-0224-18 was made to regularise the position. This was granted in May 2019 (the 2019 permission), subject to:

> Condition 2 – "The caravans shall only be used for accommodation for agricultural and/or horticultural workers employed in farming by Hargreaves Plants, and such persons shall only work on land in the same ownership or occupation."

That permission did not remove condition 2 of the 2004 permission, which restricted occupation to no more than 6 months in any period of 1 year.

7. The appellant purchased the site from Hargreaves Plants Ltd in June 2020.

8. Section 191(4) of the 1990 Act permits the modification of the matter described in the application. Having regard to all the above, the matter should be described as:

> "The permanent residential occupation of caravan A4, being a caravan sited in the location edged red on the application plan, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18."

9. Whilst the wording of condition 2 of the 2019 permission differed from that of condition 2 of the 2004 permission, the substance of the restriction remained the same, and the appellant's case is that this substantive restriction has been breached for the requisite period.

Main Issue

10. The main issue is whether the Council's refusal of an LDC is well-founded. This will turn on whether the appellant has proved on the balance of probability that the caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for any period of 10 years prior to 14 October 2010[1].

Reasons

11. My assessment of the evidence is made in the context of advice in the Planning Practice Guidance that:

[1] This is the date of the LDC application.

"…if a local planning authority has no evidence itself, nor any 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."

The word "sufficiently" is important. When dealing with events over several years, it may be unrealistic to expect absolute precision and a complete absence of any ambiguity.

12. A Statutory Declaration (SD) dated 23 September 2020 from Mr Aston Rooney has been submitted. The key points in that SD are that:

- he has lived in caravan B2 continuously since 10 August 2010;
- he paid a monthly rent to Hargreaves Plant Ltd and then to the appellant when he purchased the site in 2020;
- throughout his occupation, he has not been employed by either Hargreaves Plant Ltd or the appellant; and
- he knows Mr Leonard and Mr Giles, who were already occupying other caravans on the site when Mr Rooney moved in, and who have remained in continuous occupation since then.

13. SDs from Mr Leonard and Mr Giles, dated 24 and 23 September 2020 respectively, confirm that Mr Rooney moved into caravan B2 in August 2010 and that he remained living in it continuously up to and including the dates of their SDs.

14. Though not exhibited to Mr Rooney's SD, a copy of a short rental agreement has also been submitted. This is for his tenancy of caravan B2 *"commencing on (date) 10th Aug 10 and ending on (date) N/A at a rental of £180 per month."* There is also a single "rent collection form" dated 14 August 2010 recording the collection of one payment of £45 from "Aston" for caravan B2.

15. Finally, there is a written statement from Emma Garner. She says she was the Office Administrator for Hargreaves Plants Ltd from 2001 until 2019, when the company went into administration and throughout her employment, Mr Rooney was never employed by Hargreaves Plants Ltd. The statement begins, *"I…Do solemnly and sincerely declare…"* and ends, *"I hereby…confirm that to the best of my knowledge the above is a true and accurate statement."* However, this statement is not witnessed by a person authorised to administer oaths and it does not therefore carry the weight of a SD. Nevertheless, though Ms Garner's statement does not confirm any details of Mr Rooney's occupation of the caravan, it corroborates one important element of his evidence, and I attach significant weight to it.

16. More extensive and recent records of rental payments was requested by the Council and would have been helpful. I do not know why they were not provided, but the absence of such corroborating details does not render Mr Rooney's own sworn evidence imprecise or ambiguous.

17. Mr Rooney could be subject to prosecution and a serious penalty if his statement were shown to be false in a material particular. In addition, any LDC based on such false evidence could be overturned. Accordingly, I attach

substantial weight to Mr Rooney's SD. Furthermore, his sworn evidence is corroborated by 2 other sworn statements from people equally liable to prosecution.

18. The other documentary evidence referred to above is limited, but it all corroborates Mr Rooney's SD to some extent. Against this, apart from a concern about the absence of greater detail, the Council notes that documents accessed at Companies House relating to the administration of Hargreaves Plants Ltd state that the administrators were exploring selling all the caravans on the site in September 2019 and February 2020, but no reference is made to any persons still occupying the caravans. Without more detail, that is insufficient to displace the sworn and unsworn evidence before me, or to make the appellant's version of events less than probable.

19. I am satisfied that the appellant's evidence is sufficiently precise and unambiguous, and it is not seriously contradicted by other evidence. The appellant has proved on the balance of probability that the caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for a period of more than 10 years prior to 14 October 2010.

Conclusion

20. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development was not well-founded and that the appeal should succeed. This was in respect of the permanent residential occupation of caravan B2, being a caravan sited in the location edged red on the application plan, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18.

21. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

J A Murray

INSPECTOR

The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 October 2020 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for a period of more than 10 years prior to 14 October 2010.

Signed

J A Murray
Inspector

Date 27 August 2021
Reference: APP/A2525/X/21/3272345

First Schedule

The permanent residential occupation of caravan B2, being a caravan sited in the location edged red on the plan attached to this certificate, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18.

Second Schedule

Land at Caravan B2, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the matter described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated:27 August 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Caravan B2, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

Reference: APP/A2525/X/21/3272345

Scale: DO NOT SCALE



The Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/A2525/X/21/3272346
Caravan C1, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Syd Smith against the decision of South Holland District Council.
- The application Ref H18-0920-20, dated 14 October 2020, was refused by notice dated 11 February 2021.
- The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 as amended.
- The matter for which a certificate of lawful use or development is sought is described in the application as "an existing use", namely "permanent residential use of a caravan."

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the matter constituting failure to comply with conditions which is considered to be lawful.

Procedural, background and preliminary matters

2. A site visit was not strictly necessary, as my decision is based on evidence of the history of the use of the site. However, I was visiting the area in connection with another appeal and therefore viewed this site unaccompanied, from the adjoining track. I did not enter the site itself but saw the site context and the caravans on it.

3. Notwithstanding the terms of the application referred to in the heading of this decision, it is apparent from the 'Planning Statement' submitted with it that an LDC is sought to certify that the failure to comply with conditions is lawful. That is the basis upon which the Council determined the application and responded to the appeal.

4. In March 1999, planning permission Ref H18-1219-98 was granted for the use of the overall site as a site for caravans for seasonal workers and its retention out of season for storage of caravans. That permission was subject to:

> Condition 1 - "The caravans shall only be used for accommodation outside the period of 1st December to 5th April in the following year and that accommodation shall only be used for seasonal workers employed in farming operations on land in the same occupation."

5. Following the refusal of application Ref H18-0691-03, made under section 73A of the 1990 Act, an appeal was allowed in October 2004 (the 2004 permission)

to continue the use without complying with condition 1 of permission Ref H18-1219-98, but subject to:

> Condition 1 – "The caravans shall only be used for accommodation for seasonal workers employed in farming under the Seasonal Agricultural Workers Scheme (SAWS), or any successor scheme, and such persons shall only work on land in the same ownership or occupation"; and
>
> Condition 2 – "No person shall occupy any of the caravans for more than six months in any period of one year."

6. When the SAWS scheme ended, a further section 73A application Ref H18-0224-18 was made to regularise the position. This was granted in May 2019 (the 2019 permission), subject to:

> Condition 2 – "The caravans shall only be used for accommodation for agricultural and/or horticultural workers employed in farming by Hargreaves Plants, and such persons shall only work on land in the same ownership or occupation."

That permission did not remove condition 2 of the 2004 permission, which restricted occupation to no more than 6 months in any period of 1 year.

7. The appellant purchased the site from Hargreaves Plants Ltd in June 2020.

8. Section 191(4) of the 1990 Act permits the modification of the matter described in the application. Having regard to all the above, the matter should be described as:

> "The permanent residential occupation of caravan A4, being a caravan sited in the location edged red on the application plan, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18."

9. Whilst the wording of condition 2 of the 2019 permission differed from that of condition 2 of the 2004 permission, the substance of the restriction remained the same, and the appellant's case is that this substantive restriction has been breached for the requisite period.

Main Issue

10. The main issue is whether the Council's refusal of an LDC is well-founded. This will turn on whether the appellant has proved on the balance of probability that the caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for any period of 10 years prior to 14 October 2010[1].

[1] This is the date of the LDC application.

Reasons

11. My assessment of the evidence is made in the context of advice in the Planning Practice Guidance that:

> *"…if a local planning authority has no evidence itself, nor any 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."*

The word "sufficiently" is important. When dealing with events over several years, it may be unrealistic to expect absolute precision and a complete absence of any ambiguity.

12. A Statutory Declaration (SD) from Mr Steven Giles has been submitted. Unfortunately, though it bears the date 23 September, no year is stated. However, it was submitted to the Council with a 'Planning Statement' dated October 2020 and 2 other SD's dated 23 and 24 September 2020. I am satisfied that Mr Giles' SD was sworn on 23 September 2020. The key points in that SD are that:

- he has lived in caravan C1 continuously since 10 October 2009;
- he paid a monthly rent to Hargreaves Plant Ltd and then to the appellant when he purchased the site in 2020;
- throughout his occupation, he has not been employed by either Hargreaves Plant Ltd or the appellant; and
- he knows Mr Leonard, who was already occupying another caravan on the site when Mr Giles moved in, and Mr Rooney, who moved into another caravan on the site in August 2010, both of whom have remained in continuous occupation since then.

13. An SD from Mr Leonard, dated 24 September 2020 confirms Mr Giles moved into caravan C1 in October 2009. Mr Rooney's SD dated 23 September 2020 indicates Mr Giles was already living in caravan C1 when Mr Rooney arrived in August 2010. Both confirm that Mr Giles remained living in caravan C1 continuously up to and including the dates of their SDs.

14. Though not exhibited to Mr Giles' SD, a copy of a short rental agreement has also been submitted. This is for his tenancy of caravan C1 *"commencing on (date) 10-10-09 and ending on (date) N/A at a rental of £180 per month."*

15. There is also a single "rent collection form" dated 5 December 2008 recording the collection of one payment of £45 from "Giles" for caravan C1. The Council makes no comment on this, but that rent collection predates the start of the tenancy. Furthermore, the 'Planning Statement' submitted in support of the LDC application says, *"in this instance the use commenced in August 2008"*, but later that rent has been paid for caravan C1 *"since August 2010."* This introduces an element of ambiguity, but only really serves to suggest that Mr Giles may have occupied at some time prior to the start of his tenancy agreement and continuous occupation in October 2009. In any event, as indicated, Mr Leonard swears that Mr Giles has occupied caravan C1 since October 2009 and Mr Rooney swears that Mr Giles was there when he arrived

in August 2010. None of the evidence suggests less than 10 years' occupation prior to the LDC application.

16. Finally, there is a written statement from Emma Garner. She says she was the Office Administrator for Hargreaves Plants Ltd from 2001 until 2019, when the company went into administration and throughout her employment, Mr Giles was never employed by Hargreaves Plants Ltd. The statement begins, *"I…Do solemnly and sincerely declare…"* and ends, *"I hereby…confirm that to the best of my knowledge the above is a true and accurate statement."* However, this statement is not witnessed by a person authorised to administer oaths and it does not therefore carry the weight of a SD. Nevertheless, though Ms Garner's statement does not confirm any details of Mr Giles' occupation of the caravan, it corroborates one important element of his evidence, and I attach significant weight to it.

17. More extensive and recent records of rental payments was requested by the Council and would have been helpful. I do not know why they were not provided, but the absence of such corroborating details does not render the sworn evidence insufficiently precise or unambiguous.

18. Mr Giles could be subject to prosecution and a serious penalty if his statement were shown to be false in a material particular. In addition, any LDC based on such false evidence could be overturned. Accordingly, I attach substantial weight to Mr Giles' SD. Furthermore, his sworn evidence is corroborated by 2 other sworn statements from people equally liable to prosecution.

19. The other documentary evidence referred to above is limited, but it generally corroborates Mr Giles' SD, aside from the anomalous date in the rent collection form, and even that just adds to the potential period of occupation in breach of the conditions. Against this, apart from a concern about the absence of greater detail, the Council notes that documents accessed at Companies House relating to the administration of Hargreaves Plants Ltd state that the administrators were exploring selling all the caravans on the site in September 2019 and February 2020, but no reference is made to any persons still occupying the caravans. Without more detail, that is insufficient to displace the sworn and unsworn evidence before me, or to make the appellant's version of events less than probable.

20. I am satisfied that the appellant's evidence is sufficiently precise and unambiguous, and it is not seriously contradicted by other evidence. The appellant has proved on the balance of probability that the caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for a period of more than 10 years prior to 14 October 2010.

Conclusion

21. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development was not well-founded and that the appeal should succeed. This was in respect of the permanent residential occupation of caravan C1, being a caravan sited in the location edged red on the application plan, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under

Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18.

22. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

J A Murray

INSPECTOR

The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 October 2020 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for a period of more than 10 years prior to 14 October 2010.

Signed

J A Murray
Inspector

Date 27 August 2021
Reference: APP/A2525/X/21/3272346

First Schedule

The permanent residential occupation of caravan C1, being a caravan sited in the location edged red on the plan attached to this certificate, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18.

Second Schedule

Land at Caravan C1, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the matter described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated:27 August 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Caravan C1, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

Reference: APP/A2525/X/21/3272346

Scale: DO NOT SCALE



The Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/A2525/X/21/3272344
Caravan A4, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Syd Smith against the decision of South Holland District Council.
- The application Ref H18-0918-20, dated 14 October 2020, was refused by notice dated 11 February 2021.
- The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 as amended.
- The matter for which a certificate of lawful use or development is sought is described in the application as "an existing use", namely "permanent residential use of a caravan."

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the matter constituting failure to comply with conditions which is considered to be lawful.

Procedural, background and preliminary matters

2. A site visit was not strictly necessary, as my decision is based on evidence of the history of the use of the site. However, I was visiting the area in connection with another appeal and therefore viewed this site unaccompanied, from the adjoining track. I did not enter the site itself but saw the site context and the caravans on it.

3. Notwithstanding the terms of the application referred to in the heading of this decision, it is apparent from the 'Planning Statement' submitted with it that an LDC is sought to certify that the failure to comply with conditions is lawful. That is the basis upon which the Council determined the application and responded to the appeal.

4. In March 1999, planning permission Ref H18-1219-98 was granted for the use of the overall site as a site for caravans for seasonal workers and its retention out of season for storage of caravans. That permission was subject to:

> Condition 1 - "The caravans shall only be used for accommodation outside the period of 1st December to 5th April in the following year and that accommodation shall only be used for seasonal workers employed in farming operations on land in the same occupation."

5. Following the refusal of application Ref H18-0691-03, made under section 73A of the 1990 Act, an appeal was allowed in October 2004 (the 2004 permission)

to continue the use without complying with condition 1 of permission Ref H18-1219-98, but subject to:

> Condition 1 – "The caravans shall only be used for accommodation for seasonal workers employed in farming under the Seasonal Agricultural Workers Scheme (SAWS), or any successor scheme, and such persons shall only work on land in the same ownership or occupation"; and
>
> Condition 2 – "No person shall occupy any of the caravans for more than six months in any period of one year."

6. When the SAWS scheme ended, a further section 73A application Ref H18-0224-18 was made to regularise the position. This was granted in May 2019 (the 2019 permission), subject to:

> Condition 2 – "The caravans shall only be used for accommodation for agricultural and/or horticultural workers employed in farming by Hargreaves Plants, and such persons shall only work on land in the same ownership or occupation."

That permission did not remove condition 2 of the 2004 permission, which restricted occupation to no more than 6 months in any period of 1 year.

7. The appellant purchased the site from Hargreaves Plants Ltd in June 2020.

8. Section 191(4) of the 1990 Act permits the modification of the matter described in the application. Having regard to all the above, the matter should be described as:

> "The permanent residential occupation of caravan A4, being a caravan sited in the location edged red on the application plan, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18."

9. Whilst the wording of condition 2 of the 2019 permission differed from that of condition 2 of the 2004 permission, the substance of the restriction remained the same, and the appellant's case is that this substantive restriction has been breached for the requisite period.

Main Issue

10. The main issue is whether the Council's refusal of an LDC is well-founded. This will turn on whether the appellant has proved on the balance of probability that the caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for any period of 10 years prior to 14 October 2010[1].

Reasons

11. My assessment of the evidence is made in the context of advice in the Planning Practice Guidance that:

[1] This is the date of the LDC application.

"…if a local planning authority has no evidence itself, nor any 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."

The word "sufficiently" is important. When dealing with events over several years, it may be unrealistic to expect absolute precision and a complete absence of any ambiguity.

12. A Statutory Declaration (SD) dated 24 September 2020 from Mr Charles Leonard has been submitted. The key points in that SD are that:

- he has lived in caravan A4 continuously since 8 August 2008;
- he paid a monthly rent to Hargreaves Plant Ltd and then to the appellant when he purchased the site in 2020;
- throughout his occupation, he has not been employed by either Hargreaves Plant Ltd or the appellant; and
- he knows Mr Giles and Mr Rooney, who have occupied other caravans on the site continuously since October 2009 and August 2020 respectively.

13. SDs from Mr Giles and Mr Rooney, dated 23 September 2020, confirm that Mr Leonard was already living in caravan A4 when they moved in, and that he remained living in it continuously up to and including the date of their SDs.

14. Though not exhibited to Mr Leonard's SD, a copy of a short rental agreement has also been submitted. This is for his tenancy of caravan A4 *"commencing on (date) 8-8-08 and ending on (date) N/A at a rental of £180 per month."* There is also a single "rent collection form" dated 6 September 2008 recording the collection of one payment of £45 from "Charlie" for caravan A4, along with a rent book extract covering the period 7 February 2009 to 20 February 2010.

15. In addition, there is a separate form signed by Mr Leonard on 8 August 2008 confirming he had read and understood Hargreaves Plants Ltd's rules and regulations for the caravan camp site, and that the fire safety procedures had been explained and understood.

16. Finally, there is a written statement from Emma Garner. She says she was the Office Administrator for Hargreaves Plants Ltd from 2001 until 2019, when the company went into administration and throughout her employment, Mr Leonard was never employed by Hargreaves Plants Ltd. The statement begins, *"I…Do solemnly and sincerely declare…"* and ends, *"I hereby…confirm that to the best of my knowledge the above is a true and accurate statement."* However, this statement is not witnessed by a person authorised to administer oaths and it does not therefore carry the weight of a SD. Nevertheless, though Ms Garner's statement does not confirm any details of Mr Leonard's occupation of the caravan, it corroborates one important element of his evidence, and I attach significant weight to it.

17. More extensive and recent records of rental payments was requested by the Council and would have been helpful. I do not know why they were not provided, but the absence of such corroborating details does not render Mr Leonard's own sworn evidence imprecise or ambiguous.

18. Mr Leonard could be subject to prosecution and a serious penalty if his statement were shown to be false in a material particular. In addition, any LDC based on such false evidence could be overturned. Accordingly, I attach substantial weight to Mr Leonard's SD. Furthermore, his sworn evidence is corroborated by 2 other sworn statements from people equally liable to prosecution.

19. The other documentary evidence referred to above is limited, but it all corroborates Mr Leonard's SD to some extent. Against this, apart from a concern about the absence of greater detail, the Council notes that documents accessed at Companies House relating to the administration of Hargreaves Plants Ltd state that the administrators were exploring selling all the caravans on the site in September 2019 and February 2020, but no reference is made to any persons still occupying the caravans. Without more detail, that is insufficient to displace the sworn and unsworn evidence before me, or to make the appellant's version of events less than probable.

20. I am satisfied that the appellant's evidence is sufficiently precise and unambiguous, and it is not seriously contradicted by other evidence. The appellant has proved on the balance of probability that the caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for a period of more than 10 years prior to 14 October 2010.

Conclusion

21. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development was not well-founded and that the appeal should succeed. This was in respect of the permanent residential occupation of caravan A4, being a caravan sited in the location edged red on the application plan, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18.

22. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

J A Murray

INSPECTOR

The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 October 2020 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The caravan has been in permanent residential occupation by a person other than an agricultural worker employed in farming by the owners or occupiers of the land without significant interruption, for a period of more than 10 years prior to 14 October 2010.

Signed

J A Murray
Inspector

Date 27 August 2021
Reference: APP/A2525/X/21/3272344

First Schedule

The permanent residential occupation of caravan A4, being a caravan sited in the location edged red on the plan attached to this certificate, by a person other than an agricultural worker employed in farming by the owners or occupiers of the land in breach of conditions 1 and 2 of the planning permission granted under Ref H18-0691-03 and condition 2 of the planning permission granted under Ref H18-0224-18.

Second Schedule

Land at Caravan A4, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the matter described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated:27 August 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Caravan A4, Fields Farm, Bridge Road, Sutton Bridge, Spalding, PE12 9SN

Reference: APP/A2525/X/21/3272344

Scale: DO NOT SCALE

