

Explanatory Notes – Application for Certificate of Lawful Development

The caravans which are the subject of this application for a Certificate of lawful Development have been occupied as main residences in breach of the condition requiring them to be used for holiday purposes, continuously, for a period in excess of 10 years.

Evidence of this occupation is attached in the form of 2 affidavits from residents of the site. In addition it is believed that the Council, as licencing authority, was aware of the situation. Council Tax and its predecessors have been collected on the basis of the caravans being occupied as permanent residences.

It is therefore considered that on the balance of probabilities the condition has been breached for a period in excess of 10 years and cannot be enforced against under the terms of the Town and Country planning Act 1990, therefore the applicant, being the current owner of the site, having recently acquired it, is entitled to the issue of a Certificate of Lawful Development.

The remaining caravan on the site is currently vacant and had been occupied by the late owner of the site in accordance with the regulating condition and therefore is not in breach of the condition and is not the subject of this application.