

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2496/OE1	
2.	Proposed Development:	APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR THE SITING OF A SINGLE CARAVAN	
3.	Location:	THE COTTAGE CARAVAN, BLACK HOW, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a static caravan, known as The Cottage Caravan, located within the area known as Black How to the south east of Seascale.	

Relevant Planning History

No relevant planning history.

Proposal

This application seeks a lawful development certificate for the siting a single caravan at this site. The caravan is located to the south of the existing residential properties.

Consultation Responses

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Parish Council

4th January 2023

The parish council strongly objects to this application for a certificate of lawfulness for a caravan site. At present there is only one caravan, which has been at this location for approximately 20 years and therefore does not constitute the requirement of 'site' status. Additional caravans here are not welcomed or required.

1st February 2023

The consultation paper was viewed and could not find any changes to the original application.

Therefore SPC reiterates its earlier comment:

The parish council strongly objects to this application for a certificate of lawfulness for a caravan site. At present there is only one caravan, which has been at this location for approximately 20 years and therefore does not constitute the requirement of 'site' status. Additional caravans here are not welcomed or required.

3rd February 2023

Regardless of whether the application has been changed to the siting of a single caravan rather than a caravan site, there has still been a failure to comply with at least one of the two previous temporary planning permissions (in that the caravan should have been removed after 5 years). From my point of

view, this should not be supported on that basis.

I don't think this should change the Councils original objections, this is still in breach of planning regulation.

Public Representation

As part of the original consultation for this application two letters of support were received which state the following:

- I have lived at black how farm and owned the cottage guesthouse since 2006 and the caravan has been in its current location and been occupied on and off during the whole duration.
- I owned No1 How End from 1989 to September 2021 a property close to the caravans location. I can confirm the caravan has been in its current location for 25+ years. In fact I helped my father relocate it in the late 90's. My Mother let the caravan on a weekly basis, until a potential buyer Mr B Bryze occupied from April 2021, to June 2022. Since he vacated it has provided a welfare facility for family members visiting the site.

As part of the reconsultation on the description for this application two letters of support were received which state the following:

- I serviced the caravan at Black How for 20 years.
- I believe the title has changed, this is representative of the sites use throughout my ownership of No 1 How End.

One letter of objection was also received which raised the following concerns:

- In the past 7 years there have been numerous attempts for the landowners to develop Black How
- The reason that developments have always been opposed and voted against has always been because of the dangerous mix of pedestrians and vehicles who are required to use the 150m long narrow access lane to the properties.
- In the most recent planning, an independent report was commissioned by residents which highlighted the inadequacies of the lane and the danger to residents and their children from the shared use. This led to advice from Cumbria county council Lead Development Officer Pieter Barnard in 2020 "We too will resist any intensification of this access."
- The lack of any evidence that can be provided by the applicant of usage clearly shows that the site has not been used. "gaps in records" from the accountant seem to be conveniently placed.
- The applicant is at pains to point out the long history of usage of the caravan. All of this is false. In the past 8 years the caravan has not been used by any contractors and it would be

reasonable to say that for all intents and purposes, it has been abandoned. Any talk of occupation or someone “moving in” to the caravan in 2021 is grossly inaccurate.

- While the planning statement clearly states that the caravan has been on the site since at least 1997, and provides photographic proof from 2004, the aerial photographs clearly show that whatever structure is there is not in the same place between 2003 and 2008. The applicants vague wording on this clearly shows that they are aware of this fundamental flaw in the argument.
- This application for lawful use would add vehicles to the lane and as such it should be rejected based upon the previous advice received from Cumbria county council Lead Development Officer Pieter Barnard.

Planning Legislation

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

Assessment

A lawful development certificate enables applicants to establish whether a proposed or existing development is lawful for planning purposes. In this instance it is claimed that the caravan subject to this application has been sited on this land for residential purposes for more than 10 years.

The following evidence has been submitted to support this lawful development certificate:

- Location Plan;
- Planning Statement;
- Statutory Declaration;
- JM1 – Title Plan;
- JM2 – Photograph of caravan;
- JM3 – Aerial photograph;
- JM4 – Photograph of caravan from 2021;
- JM5 – Ariel photograph of caravan in its current location;
- JM6 – Copy of final account statement from 2015 – 2020 (confidential);
- JM7 – Copy of HMRC business taxation rating (confidential);

	<p>- JM8 – Email from accountant confirming income from caravan (confidential).</p> <p>Based on the evidence submitted, it is reasonable to conclude that, on the balance of probability and based on the facts of the case and the relevant planning law it is reasonable to conclude that the siting and use of the caravan is lawful.</p> <p>Although an objection has been received from the Parish Council in relation to this Lawful Development Certificate, their objections however are based on none compliance with previous planning permissions for the site. The purpose of this Lawful Development Certificate however is to establish that the use is now lawful given the time since implementation and the site is now immune from enforcement action. The Parish Council's original comments on the application also state that the single caravan has been at this location for approximately 20 years, providing further evidence that the use is lawful.</p> <p>On this basis it is appropriate for a lawful development certificate to be granted in this case.</p>	
8.	<p>Recommendation:</p> <p>Approval of Certificate of Lawfulness</p>	
Case Officer: C. Burns		Date : 09.02.2023
Authorising Officer: N.J. Hayhurst		Date : 14.02.2023
Dedicated responses to:-		