

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2050/0E1	
2.	Proposed Development:	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE - SITING OF A CARAVAN USED AS LIVING ACCOMMODATION FOR PERSON WHO IS THERE TO PROVIDE SECURITY FOR THE BUILDINGS & CONTENTS	
3.	Location:	ULLCOATS INDUSTRIAL ESTATE, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		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 sited within Unit 1 of Ullcoats Industrial Estate, located to the east of Egremont.		
	Relevant Planning History		
	No relevant planning history.		

## **Proposal**

This application seeks a lawful development certificate for the siting of an existing single caravan at this site. The caravan is used as living accommodation for a person who provides security for the building and its contents. The caravan is located to the northwest of the existing industrial units.

## **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.

## **Public Representation**

As part of the application process one letter of objection was received which raised the following concerns:

- The application states that is for the use of a caravan for the purpose of a person to provide security of the site buildings and their contents, this seems unnecessary as the buildings have been vacant for the past 4 years.
- I don't know if there are any plans or tenants arranged to lease the buildings in the near future, but at the moment the buildings are empty.
- The caravan has not been on site for 10 years as stated. It has only been there for 8 years at the most. Ask the property owner to send proof as to when he had the new section of security fencing erected between the main large yard and the access road to 2 other yards, the UU sewerage plant and access to farm land as this fencing was put up before the caravan was placed on site. Photo provided.
- In my attached photos is a wood treatment plant which we bought from Mossbay scrap yard on the trailer behind the tractor, we bought this late 2014 after it was scrapped by Jacksons timber after they purchased Calderbridge sawmills and upgrading the site, where you can see in the background that the caravan is not on site.
- Why would you employ a person to act as security when you have no security cameras on site and only a small part fenced with security fencing where the main yard only has agricultural fencing around the perimeter and said security guard never has a walk around on a regular basis to check all is ok.

## **Planning Legislation**

Town and Country Planning Act 1990 – Section 191 as amended by Section 10 of the

	<p>Planning and Compensation Act 1991</p> <p><b>Assessment</b></p> <p>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 site on this land for residential purposes for more than 10 years.</p> <p>The following evidence has been submitted to support this lawful development certificate:</p> <ul style="list-style-type: none"> <li>- Application form;</li> <li>- Site location plan;</li> <li>- Site plan;</li> <li>- Title deeds;</li> <li>- Photograph of caravan;</li> <li>- Business rates;</li> <li>- Statutory declaration;</li> <li>- Invoice for caravan;</li> <li>- Invoice for calor gas.</li> </ul> <p>Based on a review of the information submitted as part of this application it is not considered that sufficient evidence has been submitted to prove that the caravan has been sited on the land and used for residential purposes for the required continuous period of 10 years.</p> <p>Whilst business rates for the site have been submitted these only cover a period of 5 years and relate to non-domestic uses at the site only. In addition the invoice for the caravan only proves the purchase dates rather than the siting of the caravan on this specific site.</p> <p>Furthermore, whilst the submitted application form and statutory declaration states the caravan has been on site since March 2006, however from the Local Planning Authorities own research evidence has been found to show the caravan was not on site in 2009.</p> <p>On this basis it is appropriate for the lawful development certificate to be refused in this case.</p>
8.	<p><b>Recommendation:</b></p> <p>Refusal of Certificate of Lawfulness</p>

<b>Case Officer:</b> C. Burns	<b>Date :</b> 12.06.2023
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 13.06.2023
<b>Dedicated responses to:-</b>	