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AL/77/17/CLE
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My name is Darren Searle and I state as follows:

1. I live in Unit 1 at the Paddocks, Northfield Lane, Aldingbourne PO20 3UH .I have lived here since 2004. The wider Paddocks site was granted planning permission for the *"change of use of land to a private Gypsy and Traveller caravan site consisting of 3 no mobile homes (2 of which have extensions) and associated work"* pursuant to AL/67/10. One of the 2 *'mobile homes'* referred to in that application as having *"extensions"* is Unit 1, this being the building which was the subject of the Certificate of Lawful Use or Development [CLUED] application issued pursuant to reference AL/123/16/CLE for the "use of a single dwelling house. On page 4 of the Officer's Report for AL/67/10 we can see that the LPA was already aware by then that Units on the site were no longer in fact a *'mobile homes'*: *"The Council's Solicitor confirms that the two extended mobile homes by virtue of their size can no longer be defined as caravans per the Caravan Sites Act."*

1. The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960. It was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased.

1. Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined a caravan as:

"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted...

1. Section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit

caravans. Section 13 (1) provides that a 'caravan' is:

"A structure designed or adapted for human habitation which:

(A) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and

(B) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".

Amendment of the definition of caravan 2006 (Permissible Additional Purposes) (England) Order 2004 Paragraph 3 of article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (meaning of caravan) shall be amended:

"(a) Length (exclusive of any drawbar) 20m (65.6FT)

(b) Width: 6.8m (22.3ft)

(c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)."

1. When Unit 1 was first moved on the land in February 2004 it was still a mobile home that measured 36ft x 20ft, to which had been added the first extension that measured a further 22ft x 12ft. Both the former mobile home and the first extension are clearly visible in the attached photographs provided with application

AL/123/16/CLE. The larger extension was built in May 2009 and I moved into it in July 2009. The construction process involved creating a concrete base with brick work that was built up to the existing floor level of the former mobile home. Timber framing was used for the walls and floor, then the roof was put on an as integrated into the other existing 2 roofs. My sons in law – Mr Brett Strudwick and Mr Steve Tate - and I did the building work: Brett is a carpenter and I did the brickwork as I am a builder. Brett and I both built the roof along with Steven. The internal plastering work was done by a company Glitheroe and Keet. Mr Harry Talbot was employed as a labourer.

1. The overall structure measures 11.3m by 12.3m which exceeds the dimensions of a 'caravan' in the Act. In addition, the works done to the structure plainly bring it within the scope of s336 of the Town and Country Act 1990. In their email of 16th January 2017 the LPA accept that the structure is a building.

1. I have lived in Unit 1 since it was first erected on the site in 2004 and continue to live in to this day. I attach at Appendix 2 Council Tax Bills for Unit 1 for the years 2014 and 2015. Unit 1 is subject to Council Tax in its own right as a separate residential dwelling. This was accepted in application AL/123/16/CLE that was issued by the Local Planning Authority earlier this year.

1. I turn now to deal with the current CLUED applications, dealing first with Unit A.

1. The Unit A CLUED application also concerns the use of a building as a single dwelling house. In brief, that building was substantially complete by May 2013. Attached to the Statement in Support of the CLUED are 3 Invoices: the first, dated 11th February 2013 from GMS Electrical states that the Invoice is to cover the "*removal of the existing consumer unit and install upgrade. To rewire* ***extension of the property***" ; the second Invoice is dated 25th March 2013 from Glitheroe and Keet Plastering who state that they had been *"plastering walls and*

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ceilings of ***new build extension consisting of 3 bedrooms lounge and hallway***"" ; the third, from Pat Fairhead & Co is dated 24th April 2013 and confirms that the plumbing and heating work was completed by then. The original structure measured 36 ft by 20 prior to the extension being erected in 2013. That extension measures 19.8 ft by 37.7. It is clear that since the new extension was erected in 2013, the structure has not fallen with the Statutory definition of a caravan (discussed above) and that it has since then been a building for the purposes of s 336 of the 1990 Town and Country Planning Act. That building has been used as a dwelling house since that time. The residential use of that dwelling house commended in 2013 and has continued unabated ever since. As the use has continued ever since that time in the absence of enforcement action, it is now immune from enforcement action and is lawful development. Accordingly, the Certificate as applied for should be granted.

1. In addition it is clear that Un it A is on all-fours with the CLUED permitted by your authority pursuant to application reference AL/98/13/CLE from which:

"Do you agree with me that the mobile home is now a dwelling or does the existence of the S.106 mean that it is still a mobile home?

REPLY - Crucially I have seen the photos, you showed me. They show a building with solid appearance with stucco and brick and pitched roof, unlike a traditional caravan/mobile home. I think these several background facts are more determinative than is one item namely the planning obligation. I have copied you some Inspector cases which cover whether a mobile home is now a "building" due to bricks and mortar and solid structural additions. I conclude this is a building due to all the above, and 4 years would apply. But, it appears the application should be refused because the applicant cannot prove a breach of condition due to dependants being in residence. And secondly (01/04/14): "I believe that S193 TCPA 1990 and Guidance [both NPPG and previous 10/97] says that CLEs can be

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"negotiated" and descriptions changed. So it appears they have altered or clarified their claim. I agree, that if they now say they are seeking a CLE based on 4 years use of the mobile home, as permanent, fixed dwelling, they will need evidence of siting, plus building works, fixtures, and "annexation" to the land, if it isn't there already.

Comments on Consultation responses:

The Council's solicitor has revised his original comments and agrees that the relevant period is 4 years based on the fact that the property is no longer a mobile home"

1. Unit A has all – and more - of the features that made the structure above a building for planning purposes in terms of size, permanence and attachment to the ground, as well as also exceeding the dimensions of a 'caravan'. Since the building has been completed my daughter and son-in- law, Mr and Mrs Gibbs, have been residing in the dwelling house which is the subject of the Unit A CLUED application.

1. I turn now to deal with Unit C.

1. This CLUED also concerns the use of a building as a single dwelling house. In brief, that building was a stable building when my wife and I first occupied the wider application site in 2004. The change of use from stable to a residential dwelling took place initially in March 2010 when I *"had a central heating system fitted in March 2010 and electrics for residential use in November 2010. The building was converted in November 2012. Kitchen was fitted and bathroom installed. I then let the building from January 2013 to the present day."* (letter dated 5th June 2017 attached to the Statement in Support of the CLUED). Therefore the dwelling house was substantially completed by the end of December 2012. More than 4 years has passed since that time and no enforcement action has been taken against that development. It follows that the development is immune from planning control, is lawful development and a Certificate should be issued in the terms applied for.

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1. That the change of use of the stable building was substantially completed by December 2012 is evidenced by the fact that the first Tenancy Agreement between my wife and I and our first Tenants, Annie Aurada and Henry Gallant (attached to the Statement in Support of the CLUED) was dated 8th January 2013.

1. Also attached were photographs of the structure which show that the building has had UPV doors and windows installed, has had a bedroom, living room and bathroom installed, with timber flooring laid. The plumbing work was undertaken by Mr Pat Fairhead and Co from whom a gas safety check form dated 2010 is also attached to the Statement.

1. Finally I now address Unit D2.

1. This CLUED application also concerns the use of a building as a single dwelling house. In brief, Boxhill Caravan haulage delivered the original structure in 4 sections in September 2010. Once sited my son-in-law Brett Strudwick and I fitted a kitchen and bathroom. In September 2010 GMS Electrical *"connected main electric cable to the property and tested for any faults."* (Invoice dated 13th September 2010 attached to the Statement). Once the electrical work was completed, Glitheroe and Keet Plastering "*plastered the ceilings in lounge, hallway and bedrooms of the property*" (Invoice dated 18th October 2010 also attached to the Statement).

1. Therefore the building work was substantially complete by October 2010. The residential use of that dwelling house has continued unabated ever since. As the use has continued ever since that time in the absence of enforcement action, it is now immune from enforcement action and is lawful development. Accordingly, the Certificate as applied for should be granted.

AND I make this solemn declaration contentiously believing the same to be true and by virtue of the Statutory Declarations Act of 1835.

DECLARED at 40 SUDLEY ROAD
In the County of WEST SUSSEX

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This 25 day of SEPTEMBER 2017

Before me [redacted]

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