

Planning/Legal Statement

**Copthorne Caravan Park, Rose Green Road,
Bognor Regis, West Sussex PO21 3ER**

**Application by Mr. & Mrs. L.A. Leney
for a Certificate of Lawful Use
confirming that the Lawful Use of the property is
as a Caravan Site without any Condition or Limitation
i.e The unconditional use of the property as a Caravan Site.**

1. This Application is made consequent to Sec.17 of the Caravan Sites and Control of Development Act 1960, a copy of which comprises Appendix A.
2. This Section relates (Sec.17(1)) to any application for a site licence in respect of an existing site, other than a site which had at the date of the application the benefit of a permission for the use of the land as a caravan site..

It requires (Sec.17(2)) the local authority to whom the application was made to transmit the application to the local planning authority which may grant permission for the use of the site as a caravan site and provides (Sec.17(3)) that if within six months of the application being made the local planning authority has not either –

- (a) granted planning permission for the use of the land as a caravan site (Sec.17(3)(a)) or
- (b) served an enforcement notice requiring the use of the land as a caravan site to be discontinued (Sec.17(3)(b))

that permission for the use of the land as a caravan site shall be deemed to have been granted without any condition or limitation i.e. an unconditional planning permission for the use of the land as a caravan site is deemed to have been granted.

3. Copthorne Caravan Park is a Holiday Caravan Park located in an established residential area on the west side of Bognor Regis. It was established during the nineteen fifties and has been developed to accommodate 93 fully serviced static holiday caravans. It is a very pleasant Park with the caravans generally fronting on to open spaces. It now includes an amenity building which was converted from a former factory about 20 years ago on an adjoining parcel of land to the south of the original Park.

The Park although now wholly within the area administered by Arun District Council was previously within the areas administered by two Councils, the Bognor Regis Urban District Council and The Chichester Rural District Council.

This Application relates to approximately 0.6 ha (1.5 acres) of land at the entrance to the Park which in 1960 was administered by the Bognor Regis Urban District Council. The land is shown edged red on Plan No.BUCCP/1 attached (Appendix B) and the remainder of the Park including the amenity building which was purchased at a later date edged blue.

The land was used as a Caravan Site in 1960 and has been used continuously as such since then.

4. An application for a site licence was made by the then owner Mr. L.G. Leach on 1st September 1960 and a licence (No.5) was issued by The Urban District Council of Bognor Regis on 29th March 1961. A copy of the licence, which refers to the application, comprises Appendix C
5. It is reasonable to conclude from this that an application for a site licence was made in accordance with the provisions of the 1960 Act and that the local planning authority neither granted planning permission nor took enforcement action as required by Sec.17(3) of the Act.
6. It follows that planning permission was deemed to have been granted on 2nd March 1961 under Sec.17(3) of the Act for the use of the land as a caravan site without any condition or limitation.

This is confirmed by a letter dated 13th November 1961 (Appendix D) to Mr. Leach, who owned the Park at that time, from his Solicitor Mr. H.R. Underhill of Raper & Co., in Chichester in which he states "that I have had a reply to the letter which I dictated to the Clerk to the Bognor Regis UDC who confirms that it is not the intention to issue a formal planning permission and that control will be exercised under the provisions of the 1960 Act". The 1960 Act, as I am sure the Planning Officer will appreciate, provides for the grant of an unconditional Planning Permission in circumstances such as this.

7. The land has been used continuously as a caravan site since the permission was deemed to have been granted and, with the exception of the section shown hatched on Plan No.BUCCP/1, no planning permission has subsequently been granted which has imposed conditions on the use of the land as a caravan site.
8. Planning permission was granted, it now transpires unnecessarily, on 7th October 1992 for the use of the land hatched black on Plan No.CCP/1 as a Touring Caravan Site for 4 touring caravans and a copy of this permission, which contains a condition restricting the period of use, together with the plan attached thereto comprises Appendix E. This permission was implemented and touring caravans were accommodated on the land between 1993 and 1999. This facility was little used and was discontinued after 1999 on account of the condition of the toilet and shower facilities which the touring caravans used, the refurbishment of which was

economically unviable having regard to the income generated by the facility. The land then reverted to a general storage area for the Caravan Park for which it was previously and is still used. We would submit that this permission for touring caravans has now been abandoned and that the legal use has reverted to the previous legal use which is as a Caravan Site without any condition or limitation.

9. It follows that the lawful use of the whole of the land is as a caravan site without any condition or limitation (i.e. an unconditional use of the land as a caravan site) and the council is requested to issue a Certificate to this effect.

Bedford & Upton
24 Southgate
Chichester
West Sussex PO19 1ES

7th April 2017

PART I

Existing
caravan sites
not covered
by permission
granted on an
application:
modification
of planning
control.

17.—(1) This section shall apply to any application for a site licence in respect of an existing site which is made within two months of the commencement of this Act, or within such longer period as the local authority to whom the application is made may, having regard to the special circumstances of the case, allow, other than an application in respect of a site which has at the date of the application the benefit of a permission for the use of the land as a caravan site granted under Part III of the Act of 1947 otherwise than by a development order.

(2) On the making of an application to which this section applies, the local authority to whom the application is made shall take any steps required for transmitting the application to the local planning authority and the local planning authority may grant permission for the use of the existing site as a caravan site under Part III of the Act of 1947 as if the application for the site licence were an application for such permission (and as if compliance with sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959 (which impose requirements to be complied with before certain applications for planning permission are entertained), were not required).

(3) Unless—

- (a) before the expiration of a period of six months beginning with the date on which the application is made permission has been granted in pursuance of the last foregoing subsection for the use of the land to which the application relates as a caravan site, or
- (b) before the expiration of the said period, and either before or after the commencement of this Act, the owner and occupier (within the meaning of the Act of 1947) of the land have been served with an enforcement notice under section twenty-three of that Act requiring the use of the land as a caravan site to be discontinued or with notice of an order submitted to the Minister under section twenty-six of that Act and requiring that use to be discontinued,

permission for the use of the land as a caravan site shall be deemed for all purposes to have been granted at the end of that period under the said Part III of the Act of 1947 without any condition or limitation.

(4) If at any time within the said period of six months beginning with the date on which the application to which this section applies is made the land as respects which the application is made is not being used as a caravan site, the local planning authority may serve any such enforcement notice under the said section twenty-three of the Act of 1947, or make any such order under the said section twenty-six of that Act, as they would have had power to serve or make if the land was then being used as a caravan site.

URBAN DISTRICT COUNCIL OF BOGNOR REGISCARAVAN SITES AND CONTROL OF DEVELOPMENT ACT, 1960
LICENCE AUTHORISING LAND TO BE USED AS A CARAVAN SITE

Licence No. 5

To:- Leonard George Leach,
Cophorne Caravan Site,
Rose Green Road,
BOGNOR REGIS

The URBAN DISTRICT COUNCIL OF BOGNOR REGIS being the local authority for the purposes of the above-mentioned Act pursuant to your application dated 1st September, 1960 HEREBY GRANT you a licence from the date hereof ~~until~~ ----- to use the land described in the Schedule hereto as a site for 13 caravans (including 2 Warden's caravan(s)) SUBJECT TO THE CONDITIONS ATTACHED HERETO.

DATED this 29th day of March 19 61.

Town Hall,
Bognor Regis,
Sussex

SCHEDULEDescription of land

Land known as Cophorne Caravan Site, Rose Green Road, Bognor Regis, having an area of 1.5 acres or thereabouts and shown edged and coloured blue on the plan submitted in

----- to use the land described in
the Schedule hereto as a site for 13 caravans (including
2 Warden's caravan(s)) SUBJECT TO THE CONDITIONS ATTACHED
HERETO.

DATED this 29th day of March 19 61.

Town Hall,
Bognor Regis,
Sussex

SCHEDULE

Description of land

Land known as Copthorne Caravan Site, Rose
Green Road, Bognor Regis, having an area
of 1.5 acres or thereabouts and shown edged
and coloured blue on the plan submitted in
connection with your application.
Planning Application No. BR/307/49 "1".

RAPER & CO.

SOLICITORS
AND
COMMISSIONERS FOR OATHS.

G. STANDFIELD, NOTARY PUBLIC.
H. R. UNDERHILL, LL.B.
J. THOMPSON.
C. W. ANDERSON.
H. J. CORNISH.

TELEPHONES:
CHICHESTER 3831 (4 LINES)
PORTSMOUTH 20747 (2 LINES)
BOGNOR REGIS 1508.
SELSEY 2832.

*55, West Street,
Chichester.*

AND AT
15, KING'S TERRACE, PORTSMOUTH,
SUDLEY CHAMBERS, SUDLEY ROAD,
BOGNOR REGIS.
AND
HIGH STREET, SELSEY.

PLEASE QUOTE:

U/J. 13th November 1961.

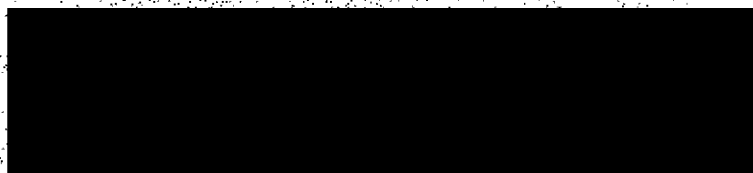
L.G. Leach Esq.,
Copthorne Caravan Site,
Rose Green Road,
Bognor Regis.

Dear Mr. Leach,

Copthorne Caravan Site.

I am writing to let you know that I have had a reply to the letter which I dictated to the Clerk to the Bognor Regis U.D.C. who confirms that it is not the intention to issue a formal planning permission, and that control will be exercised under the provisions of the 1960 Act. This is, of course, entirely satisfactory to you so far as relates to the land comprised in his authority's area.

Yours sincerely,



ARUN DISTRICT COUNCIL

Appendix E

THE ARUN CIVIC CENTRE
MALTRAVERS ROAD
LITTLEHAMPTON

W. SUSSEX BN17 5LF

Tel: Littlehampton 716133

STD Code 0903

DX: 57406 Littlehampton

Fax: 0903 730442

TOWN AND COUNTRY PLANNING ACT 1990

AW/103/92

Use as touring caravan site
for 4 touring caravans

Land at Copthorne Caravan Park
Rose Green Road
Aldwick

In pursuance of their powers under this Act and related Orders and Regulations the Council Permit this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

TO: Bedford & Upton
24 Southgate
Chichester
West Sussex

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

7th October 1992

C.H.T. Rogers, BA DMS FIEH

Director of Planning & Housing

CONDITION 1 : The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON : To comply with Section 91 of the Town and Country Planning Act 1990.

CONDITION 2 : No more than 4 touring caravans shall be stationed on the application site at any one time & caravans shall only be sited within the area designated as plots 1-4 (inclusive) on the approved Plan No. BU-CCP-TC-2/1.

REASON : In the interests of residential amenity.

CONDITION 3 : No touring caravans shall be stationed on the application site before 1st March or after 31st October in each year.

REASON : In order that the site is only used at the same time as the adjoining site in the interests of residential amenity.

CONDITION 4 : Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 as amended no electric service lines shall be erected or placed on the application site above ground level without the prior permission in writing of the Local Planning Authority.

REASON : To enable the Local Planning Authority to exercise control in the interests of visual amenity.

CONDITION 5 : Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 as amended no works constituting development required by the condition of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 shall be commenced without the prior approval in writing of the Local Planning Authority of detailed plans and specifications.

REASON : To enable the Local Planning Authority to retain control and secure a satisfactory development of the site.

Continued