

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** CM/31/21/CLP**LOCATION:** Jaybelle Grange Lodge Park
Yapton Road
Climping
BN17 5RU**PROPOSAL:** Lawful development certificate to confirm use of land as a static caravan park for 39 caravans for 12 months a year, except that the caravans shall not be occupied as a persons sole or main place of residence & where the owners/operators shall maintain an up to date register of the names of owners/occupiers of individual caravans on the site & of their main home addresses, & shall make this information available at all reasonable times to the local planning authority; save that one caravan on the site shall be used for warden purposes only in connection with this site only & be inhabited all year round.**DESCRIPTION OF APPLICATION**

This application seeks confirmation that the use of the site as a static caravan site for 39 caravans for 12 months of the year, except that the caravans shall not be occupied as a person's sole or main place of residence and where the owners/operators shall maintain an up to date register of the names of owners/occupiers of individual caravans on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority; save that one caravan on the site which shall be used for warden purposes only in connection with this site only and be inhabited all year round

RELEVANT SITE HISTORY

CM/12/07/	Application for variation of condition 9 imposed on Planning Permission CM/13/04 to extend length of holiday season to 12 months subject to conditions.	App Cond with S106 20-07-07
CM/13/04/	Variation of Condition No 9 imposed on planning permission CM/9/99 to extend the length of holiday season from 1st March to the following 15th January and provide permanent warden's lodge.	App Cond with S106 20-12-04
CM/9/99/	Change of use of vacant land to site for 59 caravan spaces with associated roads, parking facilities and office	App Cond with S106 11-07-01

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning Act 1990 Part 7 Section 192 relating to Certificates of Lawful Development.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

It is considered that the application is considered to fall under Town and Country Planning Act 1990 Part 7 Section 192 relating to Certificates of Lawful Development.

Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether-

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall-

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes

specified in an order under section 55(2)(f), identifying it by reference to that class);

(c)give the reasons for determining the use or operations to be lawful; and

(d)specify the date of the application for the certificate.

(4)The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

The original permission CM/9/99/PL for the use of the land as a caravan site and subsequent application CM/12/07/ for the variation of a condition relating to the length of usage, do not include limiting conditions relating to the numbers of caravans permitted to be sited on the land.

The use of the land will remain as a holiday caravan park and therefore no material change of use has occurred.

It is considered that as there are no limiting conditions to the approvals relating to number of caravan to be sited on the land, and, as no change of use has occurred before the proposed siting of an additional caravan on the land mark with a red outline (the site), then under (4) of Part 7 Section 192 of the Town and Country Planning Act it is considered permitted and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 21st June 2021 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with part (4)

FIRST SCHEDULE

The proposed development is considered to fall under Part 7 Schedule 192 of the Town and Country Planning Act

The development hereby approved shall be carried out in accordance with the following approved plans;

- Location Plan 20_1123_001 KL
- Planning Statement

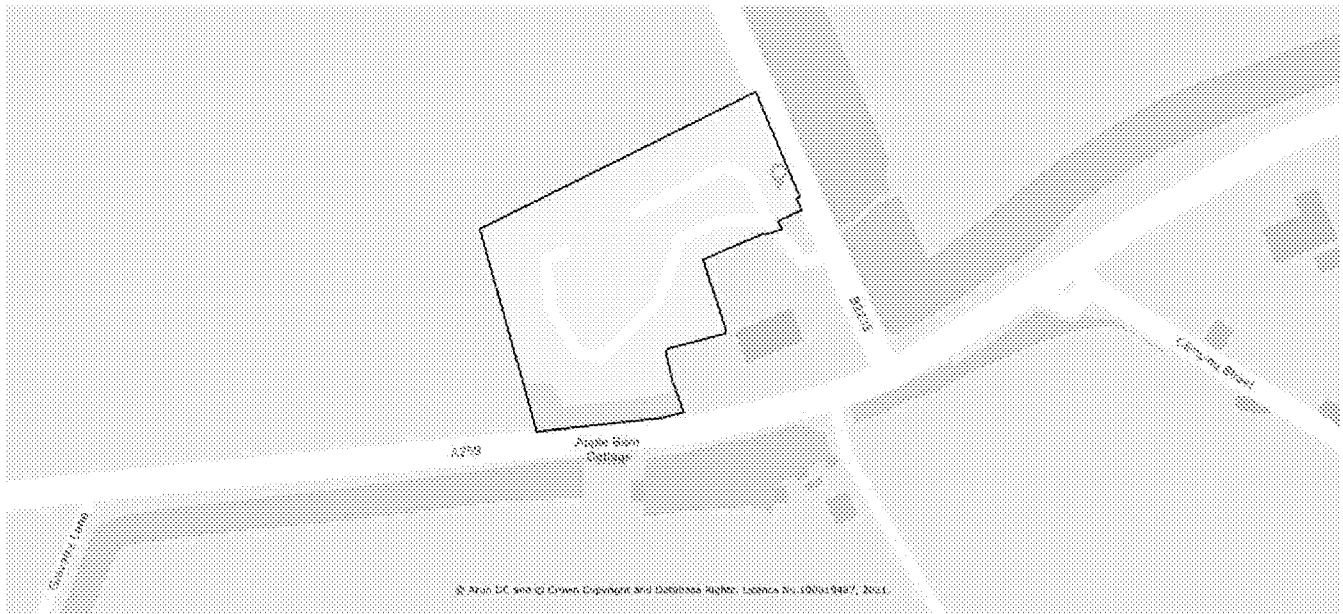
SECOND SCHEDULE

Jaybelle Grange, Yapton Road, Climping

EXTENT OF USE

Use of the site as a static caravan site for 39 caravans for 12 months of the year, except that the caravans shall not be occupied as a person's sole or main place of residence and where the owners/operators shall maintain an up to date register of the names of owners/occupiers of individual caravans on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority; save that one caravan on the site which shall be used for warden purposes only in connection with this site only and be inhabited all year round.

CM/31/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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