

From: Delwyn Jones
Sent: 13 February 2015 11:27
To: David Easton
Subject: RE: Planning Consultation on: P/94/14/CLP Field View Pagham

David --as discussed today.

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer, Legal Services, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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Save the environment - think before you print.

From: David Easton
Sent: 09 February 2015 10:22
To: Delwyn Jones
Subject: RE: Planning Consultation on: P/94/14/CLP

Hi Delwyn,

I have been looking at this one and hit a bit of a brick wall. In your consultation response you state that there may well be grounds for refusal if the site boundaries as defined on the applications show the red edge only in relation to the caravan rather than the site in its entirety. I would be grateful if you could provide a brief response in relation to the below findings;

P/2/86/ - The site plan is only available in black and white as the file has been microfiched and as such it is impossible to ascertain the extent of the red edge.

P/113/07/ - On the system this location and block plan are also only available in black and white and as such it is not possible to ascertain the extent of the red edge on the approval. The officers report refers to the site area as measuring 0.069 metres squared which would equate to the entire site which on our system is measured at 0.06 metres squared.

P/100/10/ - This application was for the variation of condition 2 of planning application P/113/07/. The site plan submitted with this application shows the entire site edged in blue with the red edge only around the caravan. The officers report also refers to the site area being 0.059 metres squared.

P/70/12/ - This application was made for permission for the addition of a third caravan on the site and therefore is not of considerable value in the determination of this CLP. However, it is worth noting that this application also showed the site edged blue with the proposed caravan edged red.

I would be grateful for your comments in relation to this matter.

Regards,
David

From: Delwyn Jones
Sent: 26 January 2015 17:49
To: Planning.Responses
Cc: David Easton
Subject: RE: Planning Consultation on: P/94/14/CLP

David,

Once you see ,read and , I hope , understand this I trust you will not consider my reply too tentative or too imaginative—please discuss further once you locate plans !

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer , Legal Services, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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Save the environment - think before you print.

From: planning.responses@arun.gov.uk [<mailto:planning.responses@arun.gov.uk>]
Sent: 22 December 2014 15:33
To: Delwyn Jones
Subject: Planning Consultation on: P/94/14/CLP

To: **Planning Solicitor- Delwyn Jones**

NOTIFICATION FROM ARUN DISTRICT COUNCIL
Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended) - Article 35
Lawful Development Certificate for a Proposed Use or Development

APPLICATION P/94/14/CLP
NO:

Registered: 10th December

2014
Site Address: Field View Pagham Road Bognor Regis PO21 3PY
Grid Reference: 489347 99019
Description of Works: Application for a Lawful Development Certificate for a Proposed use of the site for an increase of 2No. caravans to 3No. caravans

The Council have received the above application. I shall be pleased to receive any observations you may wish to make.

[Click here to view the application details](#)

Should you have any comments to make, these should be sent by replying to this email by .

You can also monitor the progress of this application through the Council web site:
www.arun.gov.uk/planning

Please be aware that any comments you may make will be available on our website so please do not insert personal details or signatures on your reply.

In the absence of a reply within the period stated, I shall assume that you have no observations to make.

The application will be determined having regard to the development plan policies (if any are relevant) and other material considerations. The development plan can be accessed via the website as can the leaflet which deals with material planning considerations.

Should the application go to appeal the Planning Inspectorate will publish any comments made to the Council on their website:

www.planningportal.gov.uk/planning/appeals/ but they will protect personal details.

The officer dealing with this application is Mr D Easton who can be contacted on telephone number 01903 737619.

Regards
Planning Officer

consultee_email

FROM:

Delwyn Jones
Planning Solicitor
Resources Department
[REDACTED]
Dated 26 January 2015

TO:

David Easton Planning Officer

REVISED 13 FEBRUARY 2015

REVISED RECOMMENDATION REF:P/94/14//CLP CONSULTATION

ADDRESS : FIELD VIEW PAGHAM

NATURE OF USE : ADDITIONAL GYPSY CARAVAN ON SITE WHERE 2 ALREADY EXIST

EXTRA INFORMATION DATED 9 FEBRUARY

1.ACKNOWLEDGEMENT AND TERMS OF ADVICE

Thanks for your recent email with extra information to the effect that it is impossible to say if the red edge was confined to the caravan or the whole site because the microfiche is black and white .

In full you say :-

I have been looking at this one and hit a bit of a brick wall. In your consultation response you state that there may well be grounds for refusal if the site boundaries as defined on the applications show the red edge only in relation to the caravan rather than the site in its entirety. I would be grateful if you could provide a brief response in relation to the below findings;

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P/70/12/ - This application was made for permission for the addition of a third caravan on the site and therefore is not of considerable value in the determination of this CLP. However, it is worth noting that this application also showed the site edged blue with the proposed caravan edged red.

I would be grateful for your comments in relation to this matter.

2.GENERAL RECOMMENDATION

I recommend you GRANT the CLE to intensify use of the site by adding one extra caravan to the existing two.

Reasons are :-

- 1.The facts and reasons in your email above.
- 2.The several decision letters submitted by the agent which tend to show adding extra caravans – 1-6 or 6-12 is ok.
3. In this case the increase is a much lesser amount ie 2 to 3 with one additional caravan added.
- 4.I Say in my previous memo advice ----“ I suggest if you can show [as appears is the case] that ref P/2/186 and P/113/07 did not cover the whole site then you may argue to the contrary that ----“ use of the site for stationing of caravans is authorised under ref P/2/86 and ref P/113/07” [my underlining]
5. Given what you say it transpires the Council cannot show the previous permissions did not cover the whole site.
- 6.Even if they did [as I also said] it would still be possible for the applicant to seek a planning permission and impossible for the Council to refuse it or enforce against a third caravan placed on site..
- 7.None of the planning permissions show a restriction on where on the site a caravan can be placed so a caravan could always move on site anyway!
- 8 on a balance of probability the applicant is correct here is no change of use by adding a third a caravan and there is no evidence to contradict this ---as I enquired if there might be in pervious advice ---and you confirm there isn't.

RECOMMENDATION AS REVISED

Grant

One extra caravan

One extra caravan placed on site X as applicant identifies on his site plan

Further conditions to be applied by Licensing under Caravan Sites and Control of Development Act 1960

Original memo 26 January

1.ACKNOWLEDGEMENT AND TERMS OF ADVICE

Thanks for your recent consultation memo now returned together with your file on which alone plus the authorities cited this is based.

2.GENERAL RECOMMENDATION

I recommend you may have reasons to refuse, this application for reasons that follow subject to your finding any contradictory evidence.

My advice is somewhat tentative –until more information emerges on definition of red edged boundaries of the site.

It depends on how you define the site boundary.

For the applicant to succeed the site boundary must be the red edge on application ref P/94/14/CLP c covering the 2 existing caravans plus the proposed site of the third on the north east corner ie the whole site .

The application states at para 7 “ use of the site for stationing of caravans is authorised under ref P/2/86 and ref P/113/07”

I suggest if you can show [as appears is the case] that ref P/2/186 and P/113/07 did not cover the whole site then you may argue to the contrary that ----“ use of the site for stationing of caravans is authorised under ref P/2/86 and ref P/113/07”

The agent does not mention this or site plans.

I add and say --- I suggest these applications nearby may be grounds to support a fresh, third planning application, but doesn't support a CLP.

I rely on you to tell me of any evidence indicating otherwise.

3.DETAILS AND TESTS UNDER SS 191 TCPA 1990 AND NPPG GUIDANCE ON LAWFUL DEVELOPMENT CERTIFICATES[LDCs]

(1) Time: SS171 (1)-(3) and S191 TCPA 1990

(2) Sufficiency of Evidence: NPPG Guidance LDCs Part 3 Application and Determination

The evidence judged on a balance of probability and the above criteria is insufficient and is imprecise and ambiguous.

Para 3 NPPG says that “....if an LPA has no evidence itself ,nor any from others, to contradict or otherwise make the applicant's version less than probable , there is no good reason to refuse provided the applicant's evidence alone is sufficiently precise and unambiguous”.

Para 3 in NPPG cited above and the case of Gabbittass v SSE and Newham LBC 1985 JPL 630 referred to there establishes that corroboration is not needed unless to resolve any ambiguity.

S194 TCPA 1990 states that it is a criminal offence to supply false or misleading information. So the applicants own uncorroborated evidence and unsworn evidence via letters is sufficient for these purposes.

The Agents Claim

The Agent's statement argues that adding a third caravan/mobile home is not "development." So no planning permission is required.

The argument is based on the whole of the site being capable of accommodating three caravans, and there being no "intensification " as a result. This may support a planning application, but not a CLP. [PROVIDED THAT the red edge on the previous applications surrounds the caravans and not the whole site!]

The site History

The site history I have examined or suggest you examine is :-

Ref Number	Item of Evidence	Comment
P/2/86	One caravan for gypsy	I suggest you examine the site plans to see how the red edge defines the site –if the red edge surrounds only the caravan we may have a case to refuse
P/113/07	One caravan for gypsy	I suggest you examine the site plans to see how the red edge defines the site –if the red edge surrounds only the caravan we may have a case to refuse
P/76/10 to amend ref P/2/86	The site is stated in the officers report to <u>measure 0.069 msq</u> ie the dimensions of the caravan not the whole site This has no site plan showing the 1 st caravan but the dimensions suggest the planning permission ref P/2/86 covered only the caravan not the rest of the site	
P/100/10 to amend P/113/07	The site is stated in the officers report to measure <u>0.059msq the dimensions</u> of the caravan not the whole site This has a site plan showing the 2 nd caravan edged red and the rest of the site edged blue	
P/94/14/CLP	Present CLP application	

I have not been able to examine the whole planning history as refs P/2/86 and P/113/07 are not accessible on the website.

If you are able to access the microfiche, and the plans show the caravans [and not the whole site] edged red then you may have a case to refuse a CLP claiming – "use of the

site for stationing of caravans is authorised under ref P/2/86 and ref P/113/07". The reasons being the whole site is not covered by these planning permissions.

I accept that it may follow that a planning application is submitted based on the previous two permissions, but that may be more arguable than a CLP!

I also accept that if the whole site is covered then case law cited by the agent would tend to be in favour of an extra third caravan being no change of use ----unless you can show some adverse consequence of the third caravan.

Please come back to me if your searches of the microfiche reveal the red edging is confined to the caravans and not all the site.

I note from the Decision Letters this is an argument that the agent has tried before and succeeded ----in 2 cases out of 3. As I read these cases they are all based on a single planning permission for one whole site , and not [as appears here subject to further investigation of site plans] to separate caravan plots .

4.FURTHER EVIDENCE

I rely on you to show me any fresh evidence which may alter the tenor of this advice .

Please come back to me if your searches of the microfiche reveal the red edging is confined to the caravans and not all the site.

5.TERMS FOR A TENTATIVE REFUSAL SUBJECT TO YOUR FINDING SITE PLANS FOR REF P/2/86 AND P/113/07

1. REFUSE
2. use of the site for stationing of caravans is NOT authorised under ref P/2/86 and ref P/113/07"
3. under ref P/2/86 and ref P/113/07" are shown by site plans only to cover individual and separate caravan plots

ref/lgdr/lprec/pl/cleudetcmmodelmem

ref