

Planning Statement

Application for a Lawful Development Certificate (CLUED) for the stationing and use of three no. mobile homes for holiday accommodation purposes known as “Bluebird”, “Atlas” and “Pen View” and the construction, and use of, an ancillary amenity building at Purcombe Farm, Pilsdon, DT6 5NY

Prepared on behalf of Nicholas and Georgina Bailey
November 2020

Office 1, 14 Seafield Road
Seaton
Devon
EX12 2QS

T: 01297 232 61

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Dalton Aram Planning Ltd on behalf of the applicants, Nicholas and Georgina Bailey, to support an application for a Lawful Development Certificate (CLUED) for the stationing and use of three no. mobile homes for holiday accommodation purposes known as “Bluebird”, “Atlas” and “Pen View” and the construction, and use of, an ancillary amenity building at Purcombe Farm, Pilsdon, DT6 5NY.

2.0 Planning history

- 2.1 There are a number of planning applications associated with this site available on the Dorset Council website.
- 2.2 Planning Applications (10)
- Internal & external alterations (LBC)
Ref. No: [1/D/10/000079](#) Status: [Approved](#)
 - Replace windows & install flue pipe. (LBC)
Ref. No: [1/D/10/001023](#) Status: [Approved](#)
 - Rebuild and alter front and rear walls of agricultural building in front of Purcombe Farmhouse (Full)
Ref. No: [WD/D/14/000756](#) Status: [Approved](#)
 - Unknown (no information present on the website, although listed on the map search and not released by the process team)
Ref. No: [WD/D/14/000262](#) Status: [Unknown](#)
 - Change of use and conversion of outbuilding to form a dwelling
Ref. No: [WD/D/19/002188](#) Status: [Registered](#)

3.0 Site and surrounding area

- 3.1 Pilsdon is a hamlet on the western edges of West Dorset. Broadwindsor is two and a half miles to the north east, Bridport just over five miles to the south east and Lyme Regis six and a half miles to the south west.
- 3.2 Pilsdon and the surrounding area are located within the Dorset Area of Outstanding Natural Beauty (AONB).
- 3.3 The area is characterised by a mix of residential properties, and surrounding farms and agricultural land. The main settlement is compact with a mix of building styles from across the periods, ranging from the Grade II* Pilsdon Manor House from the start of the 17th century to more recent dwellings.
- 3.4 The application site, Purcombe Farm, is located immediately adjacent, on the western side of Batts Lane about a third of a mile south of Pilsdon. Shave Cross is further along Batts Lane to the south.

- 3.5 Purcombe Farm is occupied by a detached residential dwelling, which is a Grade II* listed building, surrounded by a number of outbuildings. The house is constructed of cob and stone rubble walls with a thatched roof. Parts of the original building date to the early 1600s with later modifications, extensions and alterations.
- 3.6 The site is within the AONB and within a remote rural location surrounded by open countryside and farmland.
- 3.7 There are three mobile homes use for holiday accommodation purposes at Purcombe Farm:
1. Bluebird - a vintage caravan which sleeps 4 and has a separate amenity building
 2. Atlas – a static caravan which sleeps 5
 3. Pen View – a vintage Bedford bus which sleeps 4
- 3.8 Bluebird and Atlas are located to the south of the main house with Pen View being to the north on the opposite side of the agricultural buildings.

4.0 History of the site and supporting evidence

4.1 Overview

- 4.1.1 Purcombe Farm has been in the applicants' ownership since they purchased and moved to the site on 18 September 2009.
- 4.1.2 The applicants purchased the farm with three holiday rental units (mobile homes) already on the site. A signed Statutory Declaration was provided by the previous owner of the site, Mr Thomas Gillingham, stating that there were three caravans/mobile homes on the site that had been used since at least 1994 for holiday letting [Appendix 1].
- 4.1.3 The previous owner stated that some of the units had been on the site since 1992, however, he did not identify which of the caravans/mobile homes were which.
- 4.1.4 The applicants have continued to rent out the three mobile homes, now known as Atlas, Bluebird, and Pen View, for holiday accommodation purposes.
- 4.1.5 The applicants rent out their units through their website 'A Place at Pilsdon' <https://aplaceatpilsdon.co.uk/index.html>.
- 4.1.6 All of the mobile homes have been rented out, for holiday purposes every year since the applicants purchased the farm. Due to Covid-19 this year's rentals have been affected as the site was required, by law, to shut for March to July and since reopening cleaning requirements, between clients, have further reduced the total number of bookings the applicants can accommodate. However, given the implications of the Covid-19 pandemic and its restrictions, including two periods of lockdown, this enforced period of non-occupation is considered *de minimis* in context with the continuity of the use claimed under the CLUED.

- 4.1.7 One of the applicants, Georgina Bailey, is disabled and walks with the aid of two sticks. The disability is a result of an illness 22 years ago. Running holiday lets from the farm is one of the few ways that she is able to earn an income with the limits of her health. As such the holiday lettings has been run formerly as a business and accounts submitted annually.
- 4.1.8 A selection of the booking entries for the past eight years (records are kept for seven years to support the financial data – plus the current year) can be found from Appendix 2 to 17.
- 4.1.9 A selection of visitor book entries from when the book was started in 2014 can be found at Appendix 18 to 23.
- 4.1.10 Appendix 24 and 25 show the last seven years of filed accounts from 'Thomas Westcott Chartered Accountants'. This year's financial reports are yet to be filed.

4.2 Google Earth

- 4.2.1 The three mobile homes can clearly be identified, on Google Earth, at the site across the years.
- 4.2.2 Figure 1 is the earliest available image on Google Earth from 1 January 2001 with the final available image from 26 April 2020 at Figure 8.
- 4.2.3 It is noted that in 2013 Mobile Home 1 (Bluebird) was moved inside a barn for a period of three months while it was refurbished.
- 4.2.4 Mobile Home 3; the original static caravan was replaced at the end of the 2019 season for a vintage Bedford bus¹ as can be seen in figure 8.

¹ It is noted that both a static caravan and a motor vehicle 'designed or adapted for human habitation which is capable of being moved from one place to another' would comprise a caravan/mobile home under Section 29 of under the Caravan Sites and Control of Development Act and the Caravan Sites Act 1968 (as amended)

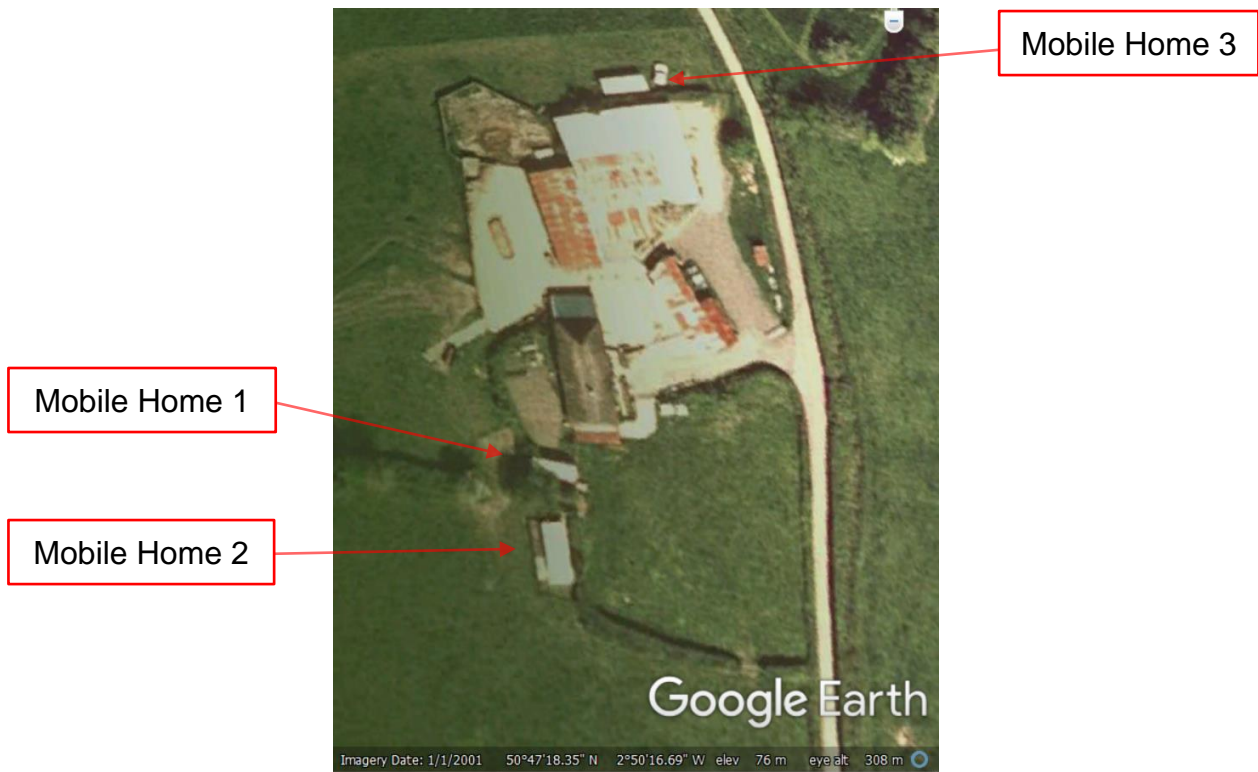


Image 1: Google Earth of the site – 1/01/2001



Image 2: Google Earth of the site – 1/01/2002



Image 3: Google Earth of the site – 1/01/2005

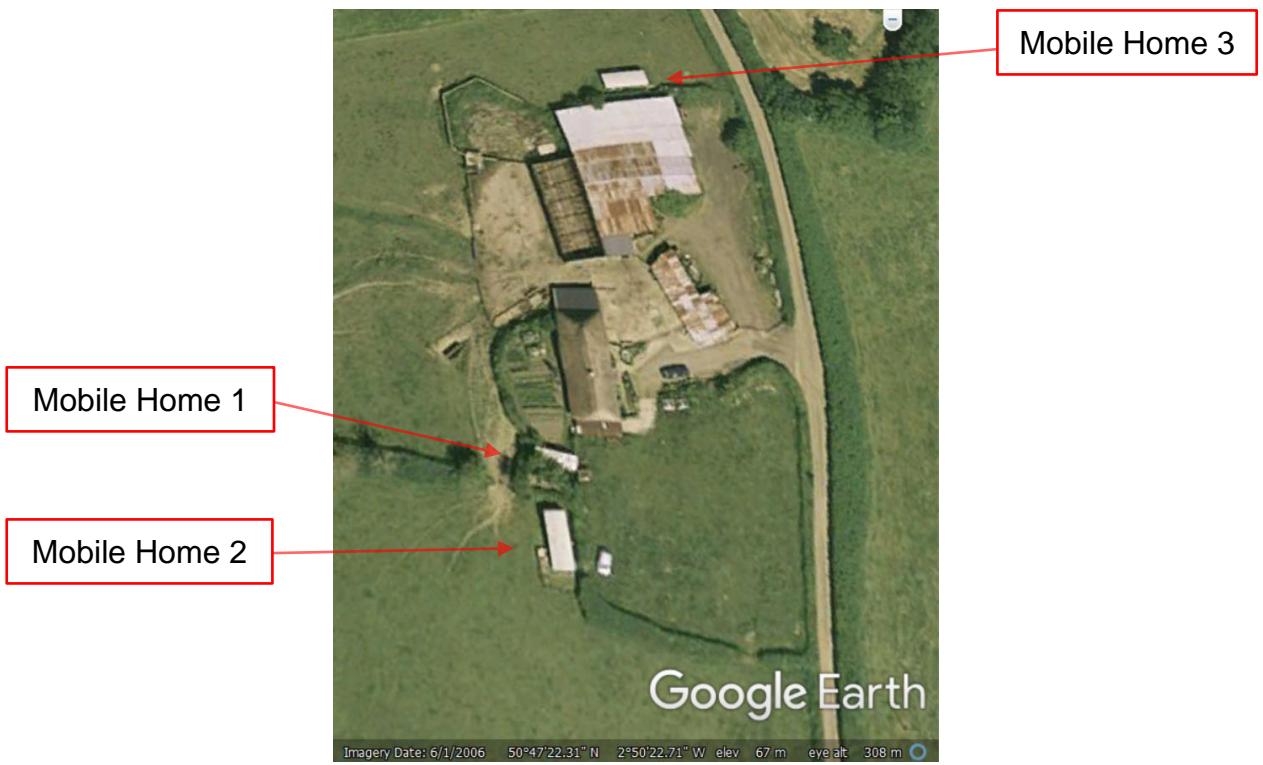


Image 4: Google Earth of the site – 1/06/2006



Image 4: Google Earth of the site – 1/01/2009



Image 4: Google Earth of the site – 30/04/2013

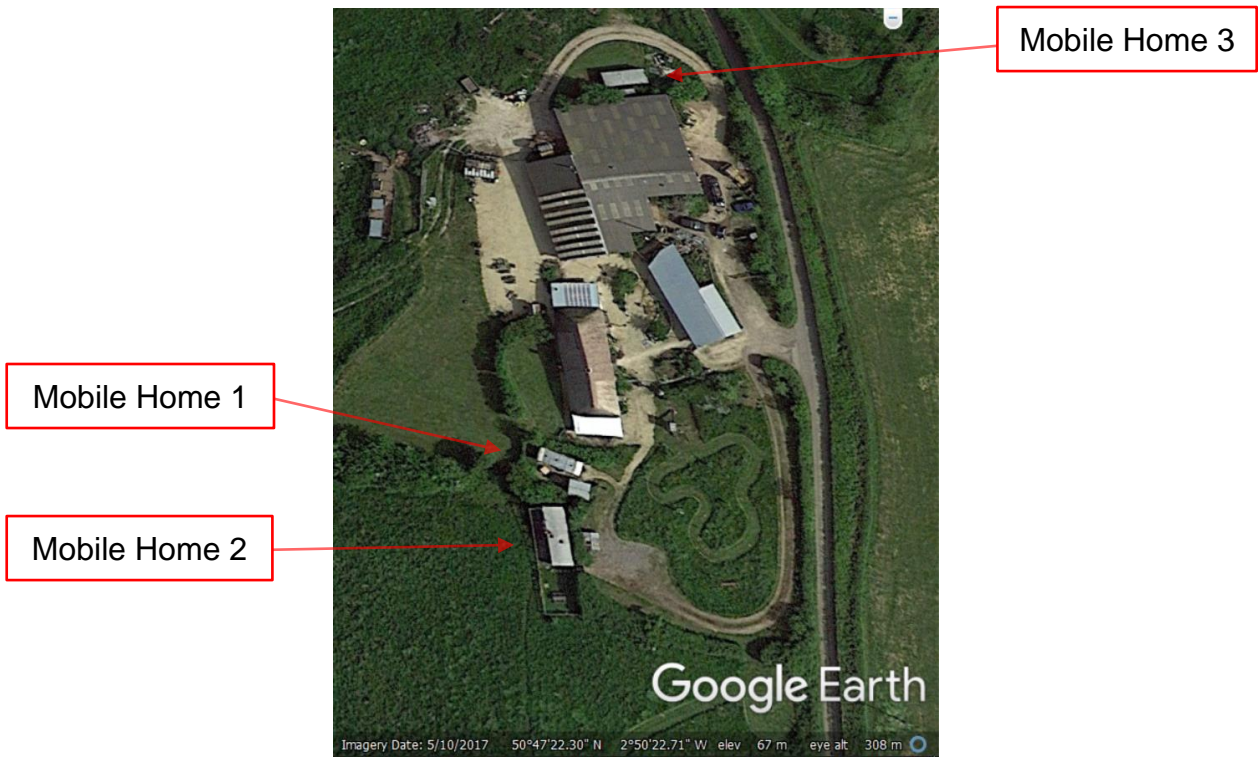


Image 6: Google Earth of the site – 10/05/2017

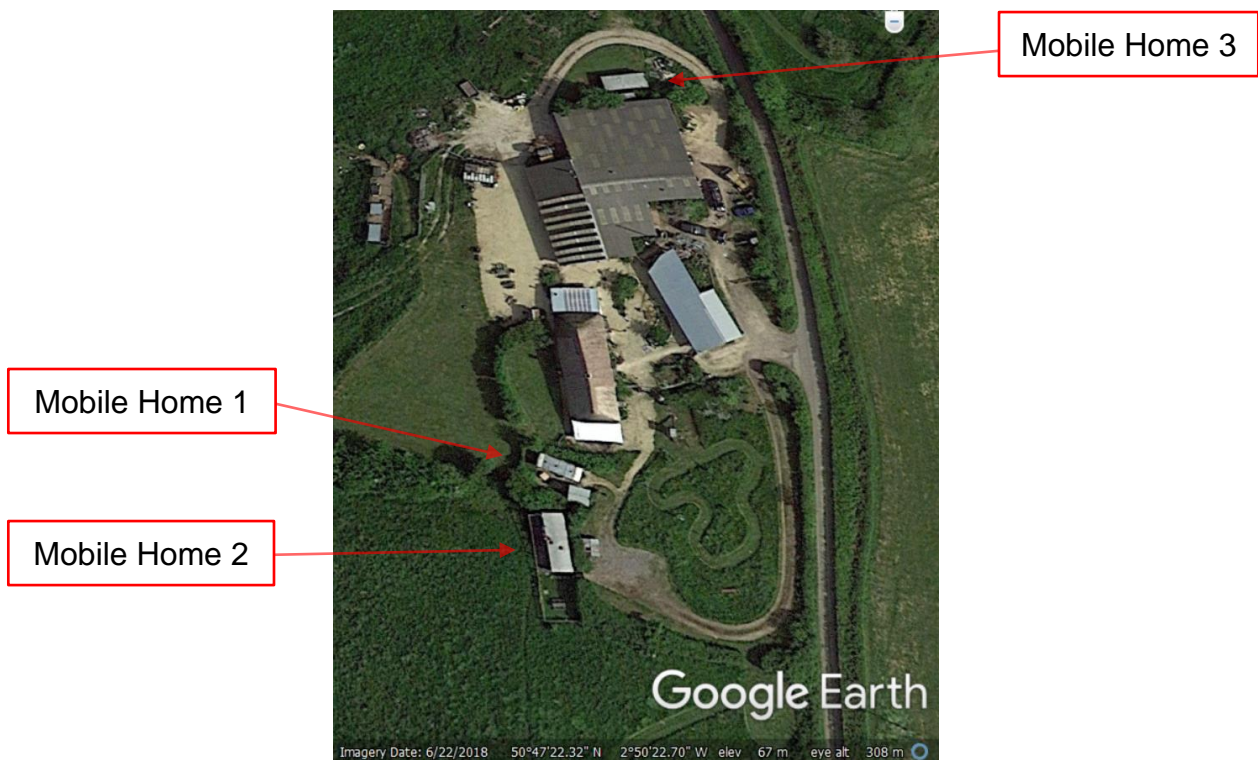


Image 7: Google Earth of the site – 22/06/2018



Image 8: Google Earth of the site – 26/04/2020

4.3 Bluebird – Mobile Home 1

4.3.1 Bluebird is a vintage caravan which is located to the south of the main farmhouse – shown on the images above.

4.3.2 There has been a mobile home, used for holiday purposes at this location since at least 1994 but is considered that this was actually the first caravan/mobile home the previous owner installed in 1992.

4.3.3 By the end of the 2012 season the caravan was looking very tired and needed some care and attention. Bluebird was moved into one of the barns briefly, for 3 months, in 2013 to be refurbished. It is considered that the period of time the caravan was absent from the site would be *de minimis* in context with the claim made under this CLUED with regard to the continuity of the mobile home's stationing and use.

4.3.4 When Bluebird returned in 2013 the small outside WC, to the south east, was upgraded with a small amenity building installed to house a modern wet room including a shower, toilet and basin. The amenities building was erected on the same footprint as the original WC.

4.4 Atlas – Mobile Home 2

4.4.1 Atlas is a static caravan which is located to the south of the main farmhouse and to the south of Bluebird (Mobile Home 1) – shown in the figures above.

4.4.2 There has been a caravan/mobile home, used for holiday purposes at this location since at least 1994 and it is considered that this was the second caravan/mobile home the previous owner installed in 1993.

4.4.3 Not long after the applicants purchased the farm they realised that the mobile home was looking a little dated so they renovated it in situ. At the same time a raised decking area was added to the west and the area around the caravan made more secluded and separate from the rest of the farm by the construction of a fence.

4.4.4 Atlas is the most popular mobile home that the applicants rent out and it has been rented out, for holiday purposes every year since they purchased the farm in 2009.

4.5 Pen View – Mobile Home 3

4.5.1 Pen View is a vintage Bedford bus which replaced the previous mobile home at the end of the 2019 season.

4.5.2 There has been a caravan/mobile home, used for holiday purposes at this location since 1994 and it is considered that this was the third and final caravan the previous owner installed.

4.5.3 The original Pen View mobile home was the least used of the three caravans but had been rented out for holiday purposes, mostly to family, every year since the applicants purchased the farm in 2009.

4.5.4 The applicants made the decision to change the static caravan to a Bedford bus as the original static caravan was past its usable best for holiday lettings. The applicants chose a vintage bus as they have received great feedback on the vintage caravan so thought they would use a vintage bus and offer something unique and not currently available in the locality.

5.0 Lawful development certificate legislation

5.1 Section 191 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) (the “Town and Country Planning Act”) allows a person to apply to a Local Planning Authority (LPA) seeking a lawful development certificate to determine the lawfulness for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition.

5.2 The Town and Country Planning Act sets out that lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force.

5.3 Section 191(1)(a) of the T &CP Act allows any person to apply for a CLUED to ascertain, among other things, whether an existing use of land is lawful.

5.4 Section 191(2)(a) and (b) highlight that a use may be lawful at any time if no enforcement action may be taken because the time for enforcement action has expired and the use does not contravene the requirements of any enforcement notice then in force.

5.5 No enforcement notices have ever been served in relation to the siting of the mobile homes or their use for holiday accommodation purposes. There are no enforcement notices in place that would prevent the granting of a Certificate of Lawfulness.

- 5.6 Section 171B of the Town and Country Planning Act sets out the time limits under which local planning authorities are able to take planning enforcement action:
- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
 - (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
 - (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- 5.7 The usual material planning considerations relating to matters such as local and national planning policy and other guidance, including the principle of development, sustainability, design, landscape, neighbour amenity, highways and access are not matters for consideration under an application for a Certificate of Lawfulness of existing use or development.
- 5.8 The Planning Practice Guidance highlights that the onus of proof is firmly on the applicant where the applicant is responsible for providing sufficient information to support an application. Further, case law under *F W Gabbitas v SSE and Newham LBC [1985] JPL 630* held that the applicant's own evidence does not need to be corroborated by 'independent' evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate 'on the balance of probability'.
- 5.9 The Certificate of Lawfulness sought by this application is for the stationing of the mobile homes and their use for holiday accommodation purposes.

6.0 Matters for consideration

6.1 Definition of a mobile home

- 6.1.1 A mobile home which is designed for human habitation would ordinarily fall under the statutory definition of a caravan under the Caravan Sites and Control of Development Act and the Caravan Sites Act 1968 (as amended) subject to the specified size, mobility and method of construction considerations.
- 6.1.2 Section 29 of Caravan Sites and Control of Development Act 1960 defines a 'caravan' as:

“...any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent”*

6.1.3 Section 13 of The Caravan Sites Act 1968, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides a definition of twin unit caravans:

- “(1) 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 or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.*
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—*
 - (a) length (exclusive of any drawbar): 65.616 feet (20 metres);*
 - (b) width: 22.309 feet (6.8 metres);*
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).*
- (3) The [Secretary of State] may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order”*

6.2 Use of mobile homes for holiday accommodation purposes

6.2.1 Case law in *Thurrock BC v SSETR & Holding*² highlights the requirement to demonstrate that a breach of planning control has been continuous and without significant interruption.

6.2.2 In *Thurrock BC v SSETR & Holding* it was held that a use could only become lawful if it continued throughout the requisite period, to the extent that if the use ceased during that period, the time could not count towards immunity.

² Swale BC v FSS & Lee [2005] EWCA Civ 1568, [2006] JPL 886

6.2.3 In this case, the evidence submitted in support of this application which include the statutory declarations of Mr and Mrs Bailey, along with booking records and logbook details highlight that the three mobile homes have been stationed on the respective sites for in excess of 10 years and have been continuously used for holiday accommodation purposes.

6.3 Has the use been abandoned?

6.3.1 For an application under Section 191 of the Town and Country Planning Act the claimed use must be existing at the time of the application.

6.3.2 In *Panton and Farmer*³ it was held that lawful use rights could only be lost by evidence of abandonment by the formation of a new planning unit or being superseded by a further change of use. A use that has merely been dormant or inactive would still be 'existing' so long as it had already become lawful and had not been extinguished by the above-mentioned ways.

6.3.3 *Trustee of Castell-y-Mynach Estate v SSW*⁴ sets out the four tests relating to the matter of abandonment, these being physical condition, period of non-uses, any other use and the owners' intentions. In *Hughes v SSETR and South Holland DC*⁵ the test was taken to be the view of a reasonable man with knowledge of all the relevant circumstances and that the owners' intentions were not more significant than other factors and should be objectively assessed.

6.3.4 The evidence accompanying the application, including the statutory declarations of Mr and Mrs Bailey, demonstrate that, on the balance of probability, the mobile homes have existed at the site for in excess of the requisite 10 year period and have during this time been used for holiday accommodation purposes, with only short *de minimis* periods of non-occupation.

6.3.5 It is, therefore, considered that the siting of the mobile homes and their use for holiday accommodation purposes is exempt from enforcement action under Section 171B(3) of the Town and Country Planning Act 1990 (as amended). Consequently, the applicant is entitled to a Lawful Development Certificate that certifies that the stationing of the mobile homes and their use for holiday accommodation purposes, as identified in the locations edged red on the Location Plan accompanying the application for the is lawful.

7.0 Summary

7.1 Evidence is provided in support of this CLUED application confirming that the siting of the mobile homes and their use for holiday accommodation purposes would be exempt from enforcement action under Section 171B(3) of the Town and Country Planning Act as they have been sited and in continuous use for the same purposes for in excess of the requisite 10 year period, with only short *de minimis* periods of non-occupation.

³ *Panton and Farmer v. SSETR* [1999] JPL 46

⁴ *Trustees of Castell-y-Mynach Estate v SSW* [1985] JPL 40

⁵ *Hughes v SSETR & South Holland DC* [2000] JPL 826

- 7.2 Further, the use of the mobile homes for holiday accommodation purposes has not been abandoned.
- 7.3 It is, therefore, considered that a Lawful Development Certificate should be granted to certify that the siting of the mobile homes and their use for holiday accommodation purposes, along with the construction of the ancillary amenity building, has become lawful.