

Application under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Existing Use

Site: Waxham Sands Holiday Park, Warren farm,
Waxham NR29 4EJ

Applicant: Waxham Sands Holiday Park Ltd.

The logo for Laister, featuring the word "laister" in a red, serif font. The letter 'i' is stylized with a small red silhouette of a dog's head above it.

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1. Introduction

- 1.1. Laister Planning Limited has been instructed by our client, Waxham Holiday Park Ltd. (the Applicant), to prepare an application under Section 191 of the Town and Country Planning Act 1990 (the TCPA, as amended), for a Certificate of Lawfulness of Existing Use or Development (CLEUD) for '*Use of land for recreation purposes ancillary to Caravan Site*', at Waxham Sands Holiday Park, Warren farm, Waxham NR29 4EJ.
- 1.2. In accordance with national and local validation requirements, the application is supported by the following information:
 - This Supporting Statement;
 - Application Forms, duly completed;
 - Site Location Plan (drawing reference: 8381 P05B);
 - Aerial Photographs (dated 1999 to 2021)
 - Statutory Declarations from:
 - Harry Hopcroft
 - Jayne Austin
 - Site Visit Photographs dated January 2022, and;
 - Planning Application Fee Paid Under a separate Cover (£462).
- 1.3. This application seeks to establish that the fields in question (as defined in red on the Site Location Plan ref: 8381 P05B attached at Appendix 1) have been used for recreational and amenity purposes ancillary to the existing caravan site and have been used solely for such purposes in association with this use for at least 10 years taking into account the provisions of Section 171B(1) of the Town & Country Planning Act (1990).
- 1.4. The Applicant acquired Waxham Sands Holiday Park in early 2022 and since then has noted that there are areas of the park that are operating in conjunction with the caravan site but do not appear to be covered by the site's existing planning permissions granted in 1985 and 1987. Information provided by the previous owner, along with research undertaken by Laister Planning, shows that the fields which form the application site have been use for recreational and amenity purposes for more than 10 years. The applicant therefore sees this application as an opportunity to regularise the use of these fields in line with what has taken place historically.
- 1.5. The applicant's case is set out in detail in the subsequent sections of this Statement.

2. Site Description and Background

- 2.1. The areas of land subject to this application are formed of three fields and outlined red in the site location plan ref: (attached at Appendix 1). Two of the three fields are located to the southeast of the access road when entering the caravan site and the third field is located at the northern corner of the site. All three of these fields are accessed freely from the areas of the site that currently benefit from planning permissions for a caravan site. These existing permissions and the areas of the site they relate to, will be discussed in further detail under the relevant sub-heading.
- 2.2. The existing caravan and camping site is located directly south-east of Waxham and north of Horsey. To the north/north-east is the Horsey Gap beach. The site is accessed via a long access road which stems from Waxham Road.
- 2.3. The field subject to this application lies within an Area of Natural Beauty (AONB) as designated by the Councils adopted proposal map and is located in flood risk zone 3.
- 2.4. The application site comprises ancillary recreation area. As noted above, the application site is split into three fields.
- 2.5. Two of the three fields, located to the southeast of the access road, form open space and bordered by existing hedgerows and tree. These fields are used for informal games, picnics, dog walking, general leisure and other miscellaneous recreational purposes ancillary to the Caravan Site. These fields are freely accessible from the caravan site, by following the well-worn path from the caravan site's entrance, through the adjacent field currently used for ancillary storage and car parking (among other uses) and then through a gap in the tree boundary. There is then a further entrance to the second field (that located nearer the Warren Road) and interconnects both fields. All these access points are clearly visible on the aerial photographs submitted in support of this application (appendix 2) and discussed in detail at Section 4.
- 2.6. The third field, located in the north of the site, is used as a dedicated dog walking field for visitors of the site. Visitors use the field to exercise their dog during their stay on site. Footpaths are regularly mowed in the grass and through the trees, so visitors can navigate their way around the field. Access to this field is gained directly from the caravan site via a gate which is located in the northwest corner of the caravan site.
- 2.7. All three fields remain open to specifically serve occupants of the caravan site.
- 2.8. The application site is not governed by an extant planning permission but evidence (from the Statutory Declarations at Appendix 3 and 4 and the aerial photographs at Appendix 2) demonstrate these have been regularly used for recreational purposes in conjunction with the existing caravan and camping site. This will be discussed further in the subsequent Sections.

Key Planning History

- 2.9. While the application site does not benefit from an extant planning permission, Waxham Sands Holiday Park does benefit from historic consents for a caravan site. We now briefly examine the historic planning permissions which confirm the existing use of the Waxham Sands Holiday Park.
- 2.10. In 1979, planning permission ref: PF/79/0237 was granted for the stationing of self-propelled caravans. Whilst we are not in possession of this permissions decision notice, it is apparent from information taken from an application form of a later application (in 1984), that this permission was a camp site for 200 units (tents) including a 15% proportion of self-propelled vans.
- 2.11. In 1984, planning permission (ref: 01/84/1548/F) was granted to replace 30 tent pitches with touring caravans, extent season and other alterations to site. Attached to this permission were eight conditions, of which two were particularly relevant: 4) this permission provides for a maximum number of 30 touring caravans, 30 self-propelled vans and 140 tents on the site; and 5) the site shall only be used between the Friday immediately before the late Spring Bank Holiday and the 7th September, and outside this period there shall be no tents, caravans or self-propelled vans on the site. No caravan, tent or self-propelled van shall remain for a period longer than 14 consecutive days. The area in which this permission relates is outline in black with the letter 'R' next to it below.



- 2.12. In 1987, planning permission (ref: 01.870109/F) was granted for 200 units including tents, caravans or motor caravans (tourers) for season 1st May-30th September. Attached to this permission were 5 conditions, of which three are relevant: 2) this permission relates solely to a variation of the permission ref: 01/84/1548/F; 3) this

permission provides for a maximum number of 200 touring caravans, self-propelled vans or tents on the application site; and 4) the site shall only be used between the Friday immediately before the late Spring Bank Holiday and the 30th September, and outside this period there shall be no tents, caravans or self-propelled vans on the site. No caravan, tent or self-propelled van shall remain for a period longer than 14 consecutive days. The area of this application is outlined by the thick black line below.



- 2.13. It is noted that the small piece of land to the north of the caravan site and the square field to the west, which formed part of the 1984 permission, were excluded from the red line area of the 1987 permission. Therefore the 1984 permission remains the governing permission for these areas.
- 2.14. It is evident that both the 1984 and 1987 permission remain the governing planning permissions for the caravan site elements, both of which confirm Waxham Sands Holiday Park have extant permissions for a caravan and camping site.
- 2.15. The location plans attached to these permission also demonstrate the ownership boundary marked "BL" and demonstrates the application site falls within the same overall ownership area as the extant planning permissions.

3. Definitions and Guidance

Purpose of an Application Under Section 191 of the Planning Act

- 3.1. Planning Practice Guidance (PPG) on Lawful Development Certificates (published 6th March 2014) explains the process for obtaining a Certificate of Lawfulness of Existing Use or Development (CLEUD). The PPG advises (Paragraph: 001 Reference ID: 17c-001-20140306) that:

'A local planning authority can grant a certificate confirming that: (a) an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990'

- 3.2. The PPG advises (Paragraph: 003 Reference ID: 17c-003-20140306) that:

'lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required'.

Burden of Proof

- 3.3. Paragraph: 006 Reference ID: 17c-006-20140306 of the above PPG advises that the applicant is responsible for providing sufficient information to support an application and states:

'In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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'

- 3.4. Whilst the burden of proof is on the applicant, the courts have held that the relevant test of evidence is on *'the balance of probability'* and not the stricter, criminal burden of proof, of *'beyond reasonable doubt'*. A Local Planning Authority (LPA) should not refuse an LDC application because the applicant has failed to provide proof beyond reasonable doubt.
- 3.5. The Court has held (see *F.w. Gabbitas v SSE and Newham LBC [1985] JPL 630*) that the applicant's own evidence does not need to be corroborated by *'independent'* evidence in order to be accepted.

4. Supporting Evidence

- 4.1. For the avoidance of doubt, the question in determining the application for the established use is set out in Section 191 of the Town and Country Planning Act 1990 which states that 'For the purposes of this Act uses and operations are lawful at any time if no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)'
- 4.2. Section 171B of the Act sets out the relevant timeframes after which no enforcement action may be taken. For buildings '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' and for the use of land 'no enforcement action may be taken after the end of the period of ten years beginning with the breach'.
- 4.3. The key questions therefore in the absence of any planning permission is what has the land been used for and has this use occurred for ten years or more.
- 4.4. The evidence submitted with this application demonstrates the application site has been used as a caravan site for a continuous and uninterrupted basis for over ten years

Statutory Declarations

Harry Hopcroft and Jayne Austin

- 4.5. Harry Hopcroft and Jayne Austin are siblings and were a part of the family partnership which purchased the property known as Waxham Sands Holiday Park in 1991. They owned the site until January 2022 until selling it to the current owners.
- 4.6. Since 1995, Harry has resided on the land known as Waxham Sands Holiday Park and lived in one the two existing dwellings on site titled Warren Farm House. Jayne on the other hand processes knowledge gained through her ownership of the park.
- 4.7. The Statutory Declarations of Harry and Jayne are attached at Appendix 3 and 4 respectively. The content of each Statutory Declaration is almost identical so therefore it is deemed appropriate to discuss them both in unison.
- 4.8. Attached to both Statutory Declarations at Exhibit 1, is a colour coded plan which separates the entire site into sections. This plan is regularly referred to, in order to aid their discussions regarding the three fields associated with this application.
- 4.9. Both Harry and Jayne declare, that the field outlined orange on the plan attached at exhibit 1 is used as a dedicated dog walking field for visitors of the site. They explain that visitors use the field to exercise their dog during their stay on site. This field was regularly maintained by themselves throughout their ownership and footpaths were cut so visitors can easily navigate their way around the field. This

field has been used this way throughout the entirety of their ownership (dating back to 1991).

- 4.10. As for the two large fields to the southwest of the caravan and camping fields (outline purple and yellow in the plan attached at Exhibit 1), it is declared that they have been used for ancillary purposes to the caravan and camping site for some 15 to 30 years.
- 4.11. They both explain that the field outlined purple on the plan attached at Exhibit 1 has been mainly used as a recreational and amenity field for visitors of the caravan and camping site to use. The playground on this field has been present for 30 years, which they upgraded over the years. Visitors also used this field for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. They also made this field available for overspill caravan and camping areas and caravan rallies. This field remains open for these purposes throughout the entire period the caravan and camping site is open. To ensure suitable facilities for caravans and tents to occupy this field, they also installed electric hook-ups and water points in the northwest corner. These have been in place for over 10 years.
- 4.12. On the other large field (outlined yellow on the plan attached at Exhibit 1), they both declare that this was also used for ancillary recreational purposes to the caravan and camping site. Visitors could access this field freely and use the land for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. There is also a small area dedicated to a trail for visitors to walk and explore around in the eastern section of this field. They regularly maintain this and cut the tracks to enable the visitors to use the land freely. On rare occasions, they allowed the owners of the chip van on site, who also reside in caravan on site during the season, to place their horse on this field to graze. This was only occasionally and during non-peak times.
- 4.13. Finally, they declare that both of these large fields were regularly maintained by cutting grass and vegetation clearance as and when required. This was the case throughout their ownership and operation of the site.

Aerial Photographs

- 4.14. The Aerial Photographs attached at Appendix 2, span between 1999 to 2021 and provide a particular snapshot of the time and day they were taken. When viewed collectively, these provide evidence that demonstrate the fields subject to this application have been used for recreational purposes ancillary to the caravan and camping site for a period of over 10 years.
- 4.15. The aerial photographs from 1999 shows mowed tracks in the dedicated dog walking field (outlined orange on the plan at Exhibit 1 of Harry and Jayne's Statutory Declarations). This suggests this field was being used by customers of the caravan and camping site and the tracks very much provided to help them navigate their way through the field. In terms of the fields to the south of the site (outlined purple and yellow of Harry and Jayne's Statutory Declarations), the

purple field shows the existence of a children play area, as referred to by Harry and Jayne in their Statutory Declaration. The rest of the field is very much maintained in keeping with the caravan and camping site, which suggests this is due to customers utilising this field for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. In comparison the field outlined yellow is not as well maintained as the adjacent field which suggest the recreational use of this field at this stage was not as extensive.

- 4.16. The next aerial photograph from July 2006, shows the tracks in the dedicated dog walking field a lot clearer and in fact have increased in number since 1999. This suggests the field is used much more intensively. The access to this field from the caravan and camping site is also visible in the southeast corner of the field, by the worn path from the caravan and camping site to the dog walking field. As for the field outlined purple, the playground continues to remain present and the wider field continues to remain regularly maintained. Access to this field from the caravan and camping site is also a lot clearer from the well-worn path entering the field's north-eastern corner. In terms of the field outlined yellow, part of this field now appears to be regularly maintained in accordance with the caravan and camping site and is accessible from the caravan and camping site via the field outlined purple.
- 4.17. In 2007, the aerial photograph portrays largely the same image as that in 2006. The only material difference is the field outlined yellow appears to continue the wider maintenance of the field and looks like the start of the creation of the trail in the eastern part of the field, which becomes much more noticeable in the subsequent years.
- 4.18. In June 2010, the mowed tracks in the dedicated dog walking field remain present and the entrance to this field from the caravan and camping site (southeast corner) is now much more noticeable. In terms of the fields outlined purple and yellow, these continued to be regularly maintained in line with the wider caravan and camping site. The playground remains present in the purple field, and you will note the presence of the ancillary storage area in the western corner, which is used as a general storage area for the caravan and camping site mainly for bins that collect the site's general waste. In the field outlined in yellow, the presence of the trail is now very prominent and readily available for customers of the park to use and enjoy.
- 4.19. In aerial photograph from March 2014, portrays a similar situation as occurred in previous years. There is however evidence of 1 or 2 horses grazing in the field outlined yellow. This corresponds with the Statutory Declarations of Harry Hopcroft and Jayne Austin, who declared that on occasions, they allowed the owners of the chip van on site, to place their horse on this field to graze. This was only occasionally and during non-peak times (i.e. March).
- 4.20. In August 2017, the dedicated dog walking field very much portrays the same image as has done in previous years. In terms of the fields outlined purple and yellow, this image shows the presence of caravans across both fields. Given the photographs was taken in August, peak summer season, this is in line with the

statements of Harry and Jayne in their Statutory Declaration which declared these field were available for overspill caravan and camping areas and caravan rallies during the peak seasons.

- 4.21. In April 2020, this image was taken during the first National Covid-19 lockdown. Despite this, all fields remain mowed and maintained as they have done in previous years. A further aerial image, taken in August 2020, shows the site open again. This time there appears to be an informal hardstanding track leading into the field outlined purple, which improved the access to this field from the caravan and camping site.
- 4.22. In April 2021, there is no material differences to note and the fields portray a very similar image as there have done in the previous years before it.

Site Photographs taken January 2022

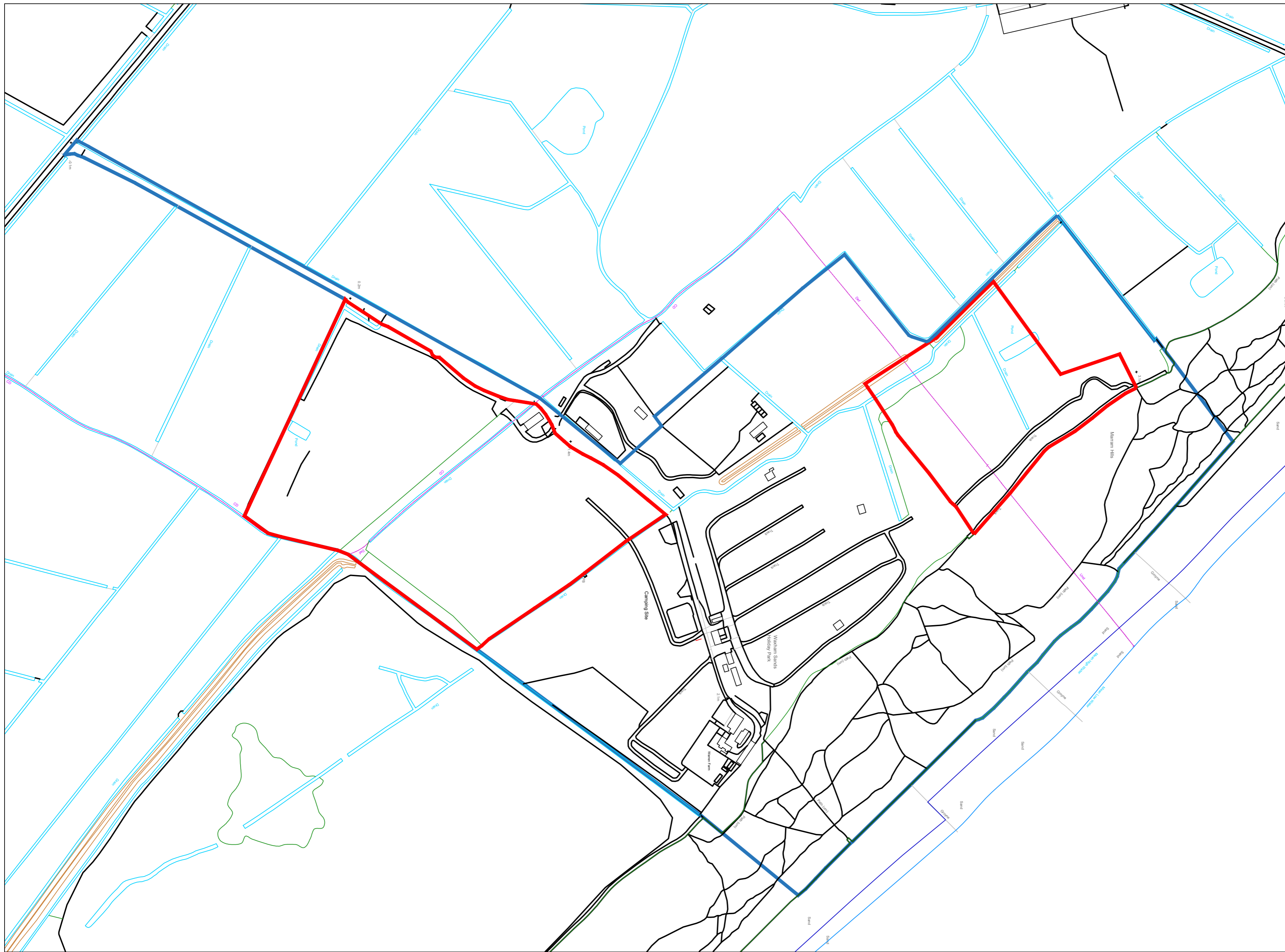
- 4.23. The site photographs included at Appendix 5 were taken in January 2022. These shows evidence of the tracks and dog bins in the dedicated dog walking area and also the electric hook up points and water supply in the field outlined purple as refer to in the Statutory Declarations of Harry Hopcroft and Jayne Austin.

5. Conclusions

- 5.1. Laister Planning Limited has been instructed by Waxham Farm Holiday Park Ltd. (the Applicant) to hereby submit an application under section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Existing Use or Development (CLEUD) for 'Use of land for recreation purposes ancillary to Caravan Site'. The site provides an ancillary recreation area to Waxham Sands Holiday Park, Warren farm, Waxham NR29 4EJ.
- 5.2. In this statement we have reviewed the purpose an application under Section 191 of the Planning Act. Within such an application, the applicant should provide evidence that, on the balance of probability, the use has taken place for a period exceeding 10 years.
- 5.3. The application site is split into three fields and outlined red in the site location plan ref: 8381 P05B (attached at Appendix 1). Two of the three fields are located to the southeast of the access road when entering the caravan site and the third field is located at the northern corner of the site. All three of these fields are accessed freely from the areas of the site that currently benefit from planning permissions for a caravan site.
- 5.4. A search of the planning history of the site reveals that the application area does not benefit from any extent planning permission. The existing caravan and camping site benefits from historic planning permission from 1984 and 1987 confirming its use as a caravan site. The whole site is part of the same single ownership. No record of planning permission for the use taking place on the application site, or any other use, has been found.
- 5.5. The applicant has provided evidence accompanying this application which demonstrates on the balance of probability, the existing ancillary use has taken place since as far back as 1991 as evidenced by the Statutory Declarations of the previous owners and supplemented by the aerial photographs dating back to 1999.
- 5.6. From this evidence it is clear that, on the balance of probabilities, the application site has been used for more than 10 years for the purposes described ancillary to the caravan site. The current Government guidance states that if a local planning authority has no evidence itself, nor any from others to contradict or otherwise make the applicant's version of events less than probable, then there is no good reason to refuse the application. Sound evidence is provided with this application and therefore, a Lawful Development Certificate can be issued for the use of land, namely for purposes ancillary to the caravan site, thus rendering the current use immune from enforcement action.

Appendices

Appendix 1 – Location Plan



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Warren Farm, Horsey NR29 4EJ**
title:
Site Location Plan

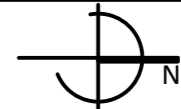
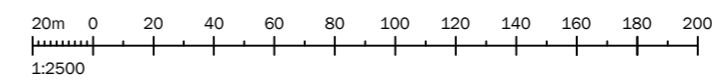
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date:
June 2022

project no:
8381

drawn by:
SWS
approved:
SWS

dwg no:
P05

revision:
B



Planning

Appendix 2 – Aerial Photographs 1999 to 2021

Date: 1999

Source: Google Earth





Image Landsat / Copernicus
© 2022 Infoterra Ltd & Bluesky

Date: July 2006

Source: Google Earth





Date: 2007

Source: Google Earth





Image Landsat / Copernicus
Image © 2022 Getmapping plc
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Date: June 2010

Source: Getmapping



Date: March 2014

Source: Ordnance Survey



Date: August 2017

Source: Getmapping



Date: April 2020

Source: Ordnance Survey



Date: August 2020

Source: Google Earth





Date: April 2021

Source: Google Earth





Appendix 3 – Harry Hopcroft Statutory Declaration

(2)
Statutory Declaration
Of
Harry Hopcroft
At
Waxham Sands Holiday Park, Warren Farm, Waxham, NR29 4EJ

I, Harry Hopcroft, of Waxham Sands Holiday Park, Warren Farm, Waxham, NR29 4EJ, do solemnly and sincerely declare as follows:

1. The family partnership purchased the property known as Waxham Sands Holiday Park in 1991, until selling the site in January 2022.
2. Since 1995 I have resided on the land known as Waxham Sands Holiday Park and therefore have a very good knowledge of the site and how it operates. I lived in one of the two existing dwellings on site titled Warren Farmhouse. Throughout my time on the site, the original dwelling has been demolished and the erection of a replacement dwelling was granted in 2015 (ref: PF/15/1733). This was the dwelling that I occupied on site until the day I sold the site.
3. The second dwelling on site (to the east of the farmhouse) was occupied by a family friend, Rita, and has been so for 25 years.
4. To my knowledge, the main caravan and camping field (as highlighted in red on the plan attached at Exhibit 1) benefits from planning permission ref: 01.870109/F ("the 1987 planning permission") which dates to 1987. This grants use of the land for the stationing of 200 units including tents, caravans or motor caravans (tourers).
5. The small piece of land to the north of the caravan and camping site covered by the 1987 planning permission (as outlined in white on the plan attached at Exhibit 1) has also been used for the stationing of caravans and tents throughout my ownership. I believe this area to be covered by planning permission ref: PF_84_1548 ("the 1984 planning permission") for the replacement of 30 tent pitches with touring caravans, extend season and other alterations to site.
6. The additional field also outline in white on the plan attached at Exhibit 1 (to the west of the caravan and camping site covered by the 1987 planning permission) is also covered by the 1984 planning permission.
7. The field outlined in orange on the plan attached at Exhibit 1 is used as a dedicated dog walking field for visitors of the site. Visitors use the field to exercise their dog during their stay on site. We regularly maintained this field and cut footpaths so visitors can easily navigate their way around the field. This area has been used this way throughout the entirety of our ownership.

8. As for the two large fields to the southwest of the caravan and camping fields (outline purple and yellow in the plan attached at Exhibit 1), these have been used for ancillary purposes to the caravan and camping site for some 15 to 30 years.


9. The field outlined purple on the plan attached at Exhibit 1 has been mainly used as a recreational and amenity field for visitors of the caravan and camping site to use. The playground on this field has been present for 30 years, which we have upgraded over the years. Visitors also use this field for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. We have also made this field available for overspill caravan and camping areas and caravan rallies. This field remains open for these purposes throughout the entire period the caravan and camping site is open. In order to provide suitable facilities for caravans and tents to occupy this field on occasions, we have also installed electric hook-ups and water points in the northwest corner. These have been in place for over 10 years.

10. The other large field (outlined yellow on the plan attached at Exhibit 1) is used for ancillary recreational purposes to the caravan and camping site. Visitors can access this field freely and use for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. There is also a small area dedicated to a trail for visitors to walk and explore around. We regularly maintain this and cut the tracks to enable the visitors to use freely. On rare occasions, we have allowed the owners of the chip van on site, who also reside in caravan number 1 during the season, to place their horse on this field to graze. This has only been occasionally and during non-peak times.

11. We regularly maintain both of these large fields by cutting grass and vegetation clearance as and when required. We have done so through our ownership and operation of the site.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provision of the Statutory Declarations Act 1835

Declared by Harry Hopcroft

Signature.....

This ^{18th} Day of ^{MAY} 2022

BEFORE ME

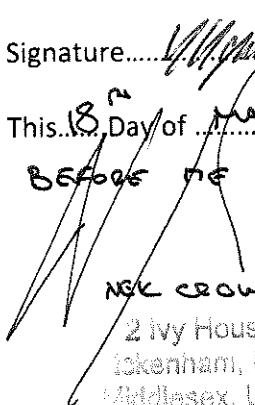

NGK CROWTHER
2 Ivy House Road
Iskenham, Uxbridge
Middlesex, UB10 8NE
Solicitor

Exhibit 1



Appendix 4 – Jayne Austin Statutory Declaration

(2)
Statutory Declaration
Of
Jayne Austin
At
Waxham Sands Holiday Park, Warren Farm, Waxham, NR29 4EJ

I, Jayne Austin, of Waxham Sands Holiday Park, Warren Farm, Waxham, NR29 4EJ, do solemnly and sincerely declare as follows:

1. The family partnership purchased the property known as Waxham Sands Holiday Park in 1991, until selling the site in January 2022.
2. Therefore, I have a very good knowledge of the site and how it operates. I have stayed in one of the two existing dwellings on site titled Warren Farmhouse. Throughout my ownership on the site, the original dwelling has been demolished and the erection of a replacement dwelling was granted in 2015 (ref: PF/15/1733). This was the dwelling that I occupied from time to time on site until the day we sold the site
3. The second dwelling on site (to the east of the farmhouse) was occupied by a family friend, Rita, and has been so for 25 years.
4. To my knowledge, the main caravan and camping field (as highlighted in red on the plan attached at Exhibit 1) benefits from planning permission ref: 01.870109/F ("the 1987 planning permission") which dates to 1987. This grants use of the land for the stationing of 200 units including tents, caravans or motor caravans (tourers).
5. The small piece of land to the north of the caravan and camping site covered by the 1987 planning permission (as outlined in white on the plan attached at Exhibit 1) has also been used for the stationing of caravans and tents throughout my ownership. I believe this area to be covered by planning permission ref: PF_84_1548 ("the 1984 planning permission") for the replacement of 30 tent pitches with touring caravans, extend season and other alterations to site.
6. The additional field also outline in white on the plan attached at Exhibit 1 (to the west of the caravan and camping site covered by the 1987 planning permission) is also covered by the 1984 planning permission.
7. The field outlined in orange on the plan attached at Exhibit 1 is used as a dedicated dog walking field for visitors of the site. Visitors use the field to exercise their dog during their stay on site. We regularly maintained this field and cut footpaths so visitors can easily navigate their way around the field. This area has been used this way throughout the entirety of our ownership.
8. As for the two large fields to the southwest of the caravan and camping fields (outline purple and yellow in the plan attached at Exhibit 1), these have been used for ancillary purposes to the caravan and camping site for some 15 to 30 years.

9. The field outlined purple on the plan attached at Exhibit 1 has been mainly used as a recreational and amenity field for visitors of the caravan and camping site to use. The playground on this field has been present for 30 years, which we have upgraded over the years. Visitors also use this field for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. We have also made this field available for overspill caravan and camping areas and caravan rallies. This field remains open for these purposes throughout the entire period the caravan and camping site is open. In order to provide suitable facilities for caravans and tents to occupy this field on occasions, we have also installed electric hook-ups and water points in the northwest corner. These have been in place for over 10 years.

10. The other large field (outlined yellow on the plan attached at Exhibit 1) is used for ancillary recreational purposes to the caravan and camping site. Visitors can access this field freely and use for recreational activities such as playing ball games, kite flying or picnics or even walking/exercising their dog. There is also a small area dedicated to a trail for visitors to walk and explore around. We regularly maintain this and cut the tracks to enable the visitors to use freely. On rare occasions, we have allowed the owners of the chip van on site, who also reside in caravan number 1 during the season, to place their horse on this field to graze. This has only been occasionally and during non-peak times.

11. We regularly maintain both of these large fields by cutting grass and vegetation clearance as and when required. We have done so through our ownership and operation of the site.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provision of the Statutory Declarations Act 1835

Declared by Jayne Austin

Signature.....

This ^{18th} Day of MAY, 2022

BEFORE ME
NEIL CROWDER

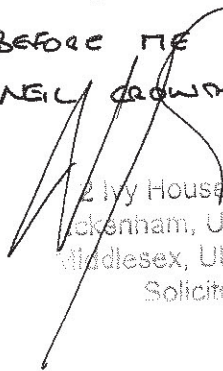

2 Ivy House Road
Uxbridge, Uxbridge
Middlesex, UB1C 8NE
Solicitor

Exhibit 1



[Handwritten signature]

Appendix 5 – Site Photographs dated: January 2022

Site Visit Photographs dated: January 2022



Picture 1 – Dog walking field entrance from caravan and camping site



Picture 2 – mown tracks in dog walking field



Picture 3 – mown tracks in dog walking field



Picture 4 – entrance into recreational field outline purple in Exhibit 1 of Statutory Declarations



Picture 5 – Caravan and/or Camping Electric Hook-up point in recreational field outlined purple in Exhibit 1 of Statutory Declarations



Picture 6 – Further evidence of a caravan and/or camping electric hook-up point in recreational field outlined purple in Exhibit 1 of Statutory Declarations



Picture 7 – Playground equipment in recreational field outlined purple in Exhibit 1 of Statutory Declarations which has been present for over 30 years and improved over the years.



Picture 8 – ancillary storage area in the western corner of recreational field outline purple in Exhibit 1 of Statutory Declaration.



Picture 9 – water point in recreational field outlined purple in Exhibit 1 of Statutory Declarations