

**acorus**<sup>®</sup>

**Certificate of lawful use  
existing to regularise  
the use of a static  
caravan for residential  
use**

Prepared For:

**Mr and Mrs Scott Robinson  
Windbush View, Preston Bissett Road, Gawcott, MK18 4HF**

**February 2024**

**PREPARED BY:**

**Olivia Hazell**  
**BSc (Hons) MRTPI**  
**Planning Consultant**

**VERIFIED BY:**

**James Whilding**  
**MRICS FBIAC**  
**Managing Director**

**ADDRESS:**

**Acorus**  
**Addlepool Business Centre**  
**Woodbury Road**  
**Clyst St George**  
**Exeter**  
**Devon**  
**EX3 0NR**

**DIRECT LINE:**

**01392 873900**

**EMAIL:**

**[planning@acorus.co.uk](mailto:planning@acorus.co.uk)**

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## **1. INTRODUCTION**

1.1 Mr and Mrs Scott Robinson the proprietor of Windbush View, Preston Bissett Road, Gawcott, MK18 4HF, have instructed Acorus to submit a Certificate of Lawful Use Existing, for regularisation of the residential use of a static caravan, amenity land and parking at the aforementioned property continuously, for over ten years.

1.2 Planning permission was originally granted in 2004 for the erection of stables and a menage, reference number 04/02231/APP.

Planning permission was then sought in 2006 for the change of use from agricultural land for the stationing of a caravan for security and amenities, which was refused, reference number 06/01367/APP.

Within the officer report, site description chapter which relates to the above application number the planning officer confirms the static caravan exists onsite signed and dated, 11<sup>th</sup> August 2006.

Upon receiving refusal of application reference 06/01367/APP Mr and Mrs Scott receiving no formal enforcement notices or correspondence from the council's enforcement team to seek removal of the static caravan onsite and so the caravan has remained onsite and used continuously for residential purposes, along with amenity land and a parking area by the Robinsons for over ten years.

1.3 FIRST SCHEDULE The dwelling has been occupied as residential use for a continuous period of 10 years before the date of this submitted application.

1.4 SECOND SCHEDULE to this Certificate and outlined in red on the plan attached to this Certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) as per address, Windbush View, Preston Bissett Road, Gawcott, MK18 4HF.

## **2. EVIDENCE**

### **2.1 National Planning Policy**

#### **2.1.1 The Section 191(4) of the Town and Country Planning Act 1990 (As amended) requires:**

*“If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.”*

The following documents have been submitted as evidence in support to provide certainty beyond reasonable doubt that the dwelling has been used for general residential purposes, for over ten years;

- 1.** Planning History of Windbush View, Preston Bissett Road, Gawcott, MK18 4HF.  
Upon receiving refusal of application reference 06/01367/APP, Mr and Mrs Scott have received no formal Enforcement Notices or correspondence from the council’s enforcement team to seek removal of the static caravan onsite and so the caravan has remained on the land at the aforementioned address and used continuously for residential purposes by the Robinsons for over ten years.
- 2.** A Statutory Declaration signed by Mr and Mrs Scott Robinson (the proprietor) and signed by solicitor Mr Tom Ansell of Heald Solicitors under oath. The statement confirms that the Static caravan has been on the land for over ten years and used by the Robinsons for residential purposes, continuously, for over ten years.
- 3.** An email from BT showing confirmation of a landline and WIFI for the static caravan confirmed onsite from the period of 19<sup>th</sup> October 2005 to 27<sup>th</sup> October 2023, providing evidence beyond reasonable doubt that the caravan has been used for residential purposes for over ten years by having WIFI and a landline.
- 4.** Photographs of the static caravan showing living, sleeping and washing areas and evidence of

these being used beyond reasonable doubt for residential purposes.

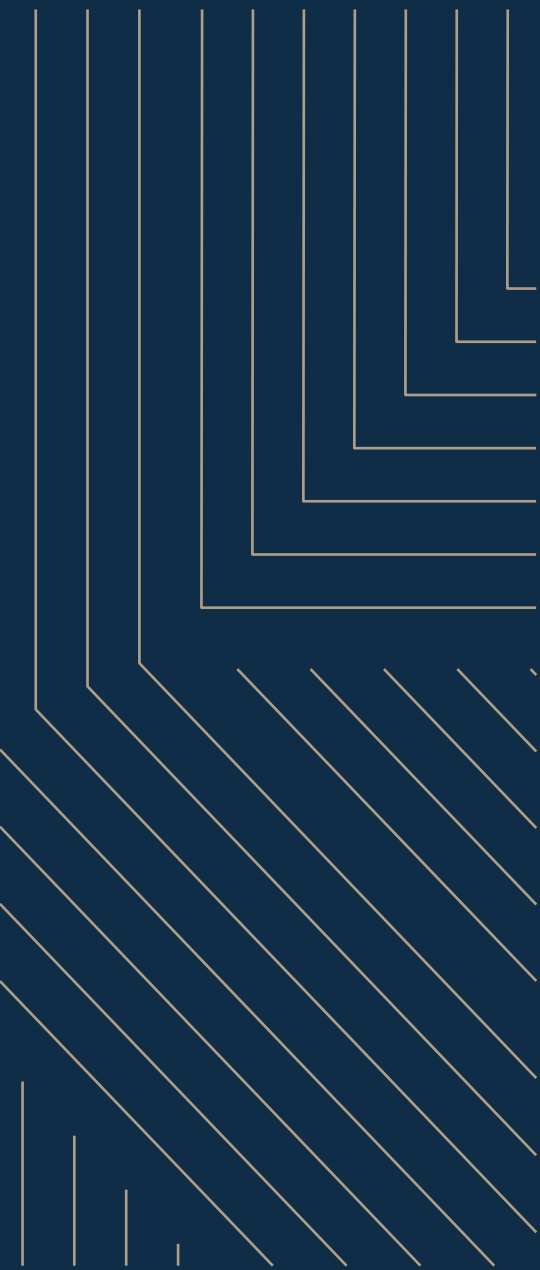
5. Aerial photographs on google earth proving the static has been there for over ten years.

### **3. CONCLUSION**

- 3.1 In considering the evidence, it is our opinion, on the balance of probabilities, that the land edged in red and the static caravan as shown on the submitted Location Plan has been used as for residential purposes for a period in excess of 10 years without interruption.
- 3.2 As such, the proposal is considered immune to enforcement action and lawful, therefore the certificate should be issued.

**DISCLAIMER**

**This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.**



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