

CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Mr James Doran against the serving of an Enforcement Notice (Ground A) relating to at The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire for the unauthorised change of use of the land to use as a caravan site currently accommodating one mobile type caravan designed for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of touring caravans and associated domestic paraphernalia.

Local Authority Reference: 20/00419/ENF

Planning Inspectorate Reference: APP/C3105/C/21/3268454

STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

1. Introduction

1.1. This statement is produced in respect of the appeal by Mr James Doran against the enforcement notice being served relating to unauthorised change of use of the land to use as a caravan site currently accommodating, one mobile type caravan designed for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of touring caravans and associated domestic paraphernalia. The location of this change of use is The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire.

1.2. This statement will address the Appellant's Ground D, F and G appeal arguments and is to be read in conjunction with the statement provided by Wayne Campbell which addresses the Appellant's Ground A appeal arguments.

2. Ground D Appeal

- 2.1 The Appellant argues in their Ground D appeal that a mobile home has been sited on the land, "to the right of the gate" since March 2010 and was occupied by the previous owner, Mr Bolton, continuously until the land was sold in June 2010.
- 2.2 The Appellant claims that he has a sworn statement from Mr Bolton to this effect and that this is sufficient evidence to prove that as a result this caravan is now immune from enforcement action due to the passage of time.
- 2.3 The Council have not been provided with this sworn statement nor has any application been made to the Council by way of a Lawful Development Certificate to prove the veracity of this claim one way or another.
- 2.4 The Council do not dispute that a caravan has been sited on the land in this position since 2010. Indeed, the Council undertook an enforcement investigation reference:17/00353/ENFC into the siting of this caravan which resulted in the service of a planning contravention notice (PCN) on the then owner Mr Bolton in 2019. Mr Bolton finally responded to this PCN, a copy of which is attached as Appendix 1, on the 29 January 2020.
- 2.5 Mr Bolton makes the following statements in his response:

- a) In response to question 5 Mr Bolton states that he became the owner of the land in January 2010.
- b) In response to question 6 he confirms his permanent address as 24 Edmunds Road, OX16 0PT
- c) In response to question 7 he states that he has lived at this address for 2 and a half years.
- d) In response to question 11 he states that the mobile home was first situated on the Land in 2011.
- e) In response to question 11 he states that the mobile home is used for toilet facilities, tea making and as a dog kennel.
- f) In response to question 11 he affirms that the mobile home has not changed from its original use
- g) In response to question 13 he confirms that the mobile home is not used for residential purposes.

2.6 It should be noted that returning a PCN containing false information is an offence and liable on summary conviction to a fine and that as such the Council attached weight to Mr Bolton's responses.

2.7 As previously stated, the Council do not dispute that a caravan has been sited on the land for purposes incidental to the lawful use of the land. However, they do dispute the supposed contents of Mr Bolton's sworn statement (of which they have had no sight) when compared to the timelines stated in Mr Bolton's legally binding response to the PCN.

2.8 Mr Bolton's PCN timeline differs in the following ways from that put forward by the Appellant:

a) The mobile home was brought onto the land in 2011 not 2010.

b) Even had residential occupation taken place, this had ceased by the January 2020 when Mr Bolton completed and returned the PCN.

c) Even had residential occupation taken place this had ceased some 2 and a half years prior to the return of the PCN as Mr Bolton was during that period living at his permanent address of 24 Edmunds Road, OX16 0PT.

2.9 In this respect and for the reasons given above the Council respectfully submits that there is evidence which proves that the mobile home referred to by the Appellant in their Ground D appeal has been used for the purposes of residential occupation for a continuous period exceeding 10 years and that as such it cannot be immune from enforcement action as posited by the Appellant.

2.10 This mobile home is not however the mobile home which is the subject of the Enforcement Notice hereby being appealed. The Council accepts the siting of this mobile home for purposes ancillary to the lawful agricultural use of the land.

2.9.2 The Council makes the comments above as a direct response to those raised by the Appellant. However, the Council wish to make it clear that the mobile caravan which is the subject of this appeal and outlined in blue on the enforcement notice plan, is not the caravan referred to by the Appellant in their Ground appeal statement.

- 2.11 The actual caravan referred to in the Enforcement Notice was observed during the visit by officers to the site on 21/10/2020. Photographs are attached as appendix 2. These clearly show the mobile home referred to by the Appellant and the subject of the PCN and the second mobile home which is the subject of this appeal.
- 2.12 Aerial photographs from 2019 clearly show that this second mobile home was not present on the site in 2019. Appendix 3.
- 2.13 The complaint relating to this mobile home was received by the Council on the 11/10/2020.
- 2.14 Therefore, this mobile home must have been brought onto the Land sometime between 2019 and October 2020, meaning that it cannot possibly have been sited on the land and occupied for residential purposes for a continuous period exceeding 10 years and therefore cannot be considered immune from enforcement action.
- 2.15 For the above reasons the Council respectfully submit that a breach of planning control has occurred, and that the inspector dismiss the Ground D appeal and upholds the enforcement notice.

3.0 Ground F Appeal

- 3.1. The Council believes that the steps required by the Notice are reasonable. The Council's only aim is for the site to be returned to its lawful use and for any vehicles, caravans, equipment and other paraphernalia associated with the unlawful residential occupation of the site to be removed.

4.0 Ground G Appeal

- 4.1 The Council believes that the 3 months allowed for compliance is sufficient. However, should the Inspector be minded otherwise the Council would respectfully submit that the 12 months suggested by the Appellant is too generous a period of time and that a period of 6 months be agreed.