

## GROUNDS OF APPEAL

### Appeal under ground (d)

There is clearly a lawful agricultural use of the appellant's land holding but, the front part of the site has been used for a mixed use comprising the keeping of livestock (mainly chickens, ducks and geese when I visited the site earlier this year) and, as a caravan site: defined as land used for the stationing of a caravan for residential purposes. There is a clear division between the front part of the holding containing buildings, residential caravan, hardstanding and duck pond, and the rear part of the holding comprising grazing land which, at the time of my site visit, was being used for the grazing of horses.

The appellant is in possession of a Statutory Declaration from the former owner of The Stables, Mr Michael Bolton, who confirms that he purchased the property on 5 December 2008 and, that he resided in a caravan on the land from March 2010 until June 2020, when he sold the land to the appellant, Mr James Doran.

Google Earth Street View corroborates Mr Bolton's statutory declaration by showing that in June 2011 there was a touring caravan stationed on the land, just to the right of the site access. The only aerial photograph available of the application site on Google Earth is dated August 2017 and, further corroborates Mr Bolton's statement that there was a static caravan/mobile home stationed on the land at that time, together with a motor home.

Conclusive and unambiguous evidence has been provided by Mr Michael Bolton, in a statement sworn in front of a Solicitor, of his residence in a caravan stationed on the application site for a continuous period, from March 2010 until June 2020: a period in excess of 10 years. There is no evidence which calls Mr Bolton's evidence into doubt.

Mr Bolton's statement can be accepted as sufficient evidence, on its own, to demonstrate that, on a balance of probabilities, use of the site for the mixed purposes of agriculture and as a residential caravan site has subsisted for a continuous period in excess of 10 years. Such use is, therefore, immune from enforcement action and, is lawful.

Appeal under ground (a)