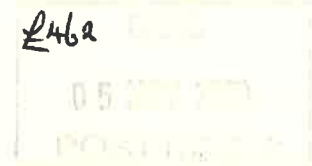


Philip Brown
ASSOCIATES LTD

CHARTERED TOWN PLANNERS
& DEVELOPMENT CONSULTANTS



Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

30 October 2020

Dear Sir/Madam,

**RE: CERTIFICATE OF LAWFUL USE – STATIONING OF CARAVAN FOR
RESIDENTIAL PURPOSES – THE STABLES, MAIN STREET, CROPREDY,
OX17 1UU**

Please find enclosed completed application forms, plans, supporting information and requisite fee in respect of the above-mentioned matter.

PLANNING STATEMENT

Preliminary Matters

Section 191(1) of the 1990 Planning Act 1990, as amended by the Planning and Compensation Act 1991, provides that if a person wishes to ascertain whether, inter alia, any existing use of buildings or other land is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use in question.

Section 191(2) requires that if, on an application under this section, the local planning authority are provided with information satisfying them that the use described in the application is lawful at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

The onus of proof in this case is on the applicant and, the relevant test of that proof is the "balance of probability". Section 193 contains supplementary provisions relating to certificates under sections 191 and 192, and section 193(4) provides that a certificate under either of these sections may be issued for the whole or part of the land specified in the application.

Planning History

Planning permission was granted on 31 March 2005, under application No. 05/00198/F, for the erection of stables. Although constructed, these stables were apparently never used for the stabling of horses.

Planning permission was granted on 18 May 2006, under application No. 06/00593/F, for the erection of one multi-use livestock and hay store building.

A Certificate of Lawful Use was granted on 23 May 2013, under application No. 13/00431/CLUE, for an area of rolled gravel hardstanding, lean-to pig pen and small soakaway/duck pond. This certificate confirms that the development, subject of the application, was completed by 01 January 2009.

Evidence of Use for Mixed Purposes for Agriculture and as a Caravan Site

There is clearly a lawful agricultural use of the applicant'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.

I enclose 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 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.

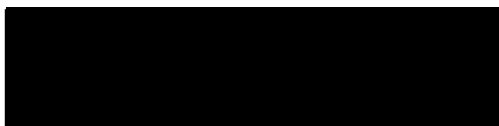
Lawful Use

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.

In my opinion, 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.

I trust that you will support my client's application but, if I can be of any further assistance, please do not hesitate to contact me.

Yours faithfully,

A solid black rectangular box redacting the signature of Philip Brown.

PHILIP BROWN BA (Hons) MRTPI