



NYMNPA

25/10/2022

North York Moors National Park Authority
The Old Vicarage
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YO62 5BP

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Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Existing caravan site

Applicant Details

Name/Company

Title

Mr

First name

Lisa

Surname

Trotter

Company Name

Address

Address line 1

Highgate Howe Holiday Home Park

Address line 2

Saltwick

Address line 3

Town/City

Whitby

Country

Postcode

YO22 4JY

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- An existing use
 Existing building works
 An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. [View more details on Use Classes.](#)

Other (please specify)

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
 The use, building works or activity in breach of condition began more than 10 years before the date of this application
 The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
 The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
 The use as a single dwelling house began more than four years before the date of this application
 Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- Yes
 No

The use of the subject land to site holiday static caravans has existed for many decades. We refer to the extensive written and photographic evidence provided. We also refer to our supporting statement which sets out full details of the land use, its history and the full grounds for which this CLEUD is sought.

Haggit Howe Caravan Site has been an operating caravan park since the 1960's. It is most likely that the original planning consents were issued by Whitby Rural District Council and that details of these consents have been lost under Local Government reorganisation, or that planning consent was deemed by virtue of the issue of a Site Licence under the Caravan Sites and Control of Development Act 1960.

Haggit Howe has operated under Caravan Park Site Licences issued by Scarborough BC and to accompany this application we have provided Site Licences going back to 1980.

We have provided statements showing the caravan park was used for the siting of 6 holiday static caravans from the 1960's up to 2017. There was never any enforcement action taken against the park and there was never any intention to abandon the use of the land for the siting of caravans.

The Ocado case (Ocado Retail Ltd vs London Borough of Islington - High Court 2021) referred to in our statement clearly establishes that section 171B of the TCPA 1990 lays down the time limits for taking enforcement action in respect of a breach of planning control, after which time if no enforcement action has been commenced no enforcement action may be taken in respect of that breach.

In view of the above the position is either:

- a. Planning permission for 6 pitches for the stationing of holiday static caravans at Haggit Howe was given historically which is extant, hence the issue of Site Licences, or
- b. The holiday static caravans at Haggit Howe were sited in breach of planning control, but as they have been in place for decades and no enforcement action was ever taken within the time limit outlined in the TCPA 1990 then no enforcement action can be taken now.

In either of the above situations the siting of 6 holiday static caravans on the pitches at Haggit Howe is lawful and the LPA should issue a CLEUD.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-04-1960

In the case of an existing use or activity in breach of conditions has there been any interruption?

- Yes
 No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- Yes
 No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- Yes
 No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes

No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

The agent

The applicant

Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes

No

Interest in the Land

Please state the applicant's interest in the land

Owner

Lessee

Occupier

Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

Yes

No

Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

rob barrs

Date

25/10/2022