



NYMNP

10/05/2023

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

Telephone: 01439 772700
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Application for a Lawful Development Certificate for a Proposed Use or Development

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

Ms

First name

Lisa

Surname

Trotter

Company Name

Address

Address line 1

Haggit Howe Caravan Site

Address line 2

Saltwick

Address line 3

Town/City

Whitby

County

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

County

Country

Postcode

LS1 4DW

Contact Details

Primary number

Secondary number

Fax number

Email address

robert.barrs@barrsandco.com

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- Yes
 No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

Use of land as existing caravan site for siting of 6 holiday static caravans

Does the proposal consist of, or include, a change of use of the land or building(s)?

- Yes
 No

Has the proposal been started?

- Yes
 No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

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 CLPUD 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 CLPUD.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Site Licences:

- a. Site Licence No 12 dated 1st February 1980
- b. Site Licence No 37 dated 3rd July 2013
- c. Site Licence No 37 dated 8th October 2020

Photographs:

- a. General photographs of Haggit Howe Caravan Site taken 2016.
- b. Photograph of Haggit Howe dated 27 October 2016.
- c. Aerial photograph of Highgate Howe Holiday Home Park taken in 2009 which also shows Haggit Howe Caravan Site with 6 caravans sited.
- d. Photograph of Haggit Howe with Queen Mary 1 Ship dated 21/10/2009
- e. Aerial photograph of Highgate Howe Holiday Home Park taken in May 2002 which also shows Haggit Howe Caravan Site with 6 caravans sited.

Statements:

- a. Statement by Mr D A Trotter, neighbour.
- b. Statement by Ms L Trotter (the applicant), neighbour.
- c. Statement by Mr M Atkinson, employee of previous owner, with photograph.
- d. Statement by Mr D Robinson, holiday maker, with photographs.
- e. Statement by M J Gray, local resident with photograph.
- f. Statement by Mrs A Roe, local resident
- g. Statement by D J Stevenson, former local resident.

Other Evidence

- a. VOA Business Rates List record for the 2010 to 2017 Rating List
- b. Business Rates Bill from Scarborough Borough Council Haggit Howe Caravan Park 2017/18. The 2000 and 2005 Rating Lists are not in the public domain but will also show the site listed.

Select the use class that relates to the existing or last use.

Other

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. See help for more details on Use Classes.

Other (please specify)

Use of land to site caravans

Information about the proposed use(s)

Select the use class that relates to the proposed use.

Other

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. See help for more details on Use Classes.

Other (please specify)

Use of land to site caravans

Is the proposed operation or use

- Permanent
 Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

See above comments and we refer to our supporting statement.

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 S13 of 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 referred to above 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 use of land at Haggit Howe for the stationing of 6 holiday static caravans is lawful and the LPA should now issue a CLPUD.

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

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

Interest in the Land

Please state the applicant's interest in the land

Owner

Lessee

Occupier

Other

Declaration

I / We hereby apply for Lawful development: Proposed 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

10/05/2023