

## North York Moors National Park Authority

### Town and Country Planning Act 1990

**Appeal by:** Ms Lisa Trotter

**Against:** Refusal of planning permission for certificate of lawfulness for the use of land as a holiday park comprising six static caravans in excess of ten years

**Location:** Haggit Howe Farm Saltwick, Hawsker, Whitby YO22 4JY

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### Local Planning Authority Response to Appellant's Statement of Case For Written Representations Appeal

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#### 1.0 Comments on Appellants Statement of Case

- 1.1 The comments below relate to the Appellants Statement of Case received by the Local Planning Authority on 17 July 2023 and should be read in conjunction with the background information sent with the Appeal Questionnaire, which included the Local Planning Authority's Delegated report in relation to the original planning application, and neighbours comments disputing the submitted supporting information.
- 1.2 The Application Background – It is accepted that the site has previously been used as a caravan a site but there is no evidence/no record of planning permission having been granted for this. The Local Planning Authority's Historic Records do not show any previous permissions and the appellant has not produced any such evidence.
- 1.3 The Appellant states that 6 caravans were sited here but historic aerial photos show no more than 5 static caravans with possibly one touring caravan (aerial photos are included on the LPA's Delegated report). Whilst the site may have been used since the 1960's with a March to October occupancy period, the use was permanently ceased in 2017 by the previous landowner. The site was not purchased by the Appellant until 2019, when the use had been ceased for 2 years.
- 1.4 The Appellants Agent states that when the Appellant purchased the site in 2019, they also purchased the adjoining property. This is inaccurate; the adjoining property is Haggit Howe which is approximately 20m to the west of the site, and that is in different ownership. The owners of that property have disputed the evidence put forward. Highgate Howe Holiday Home Park operates from a site approximately 230m to the south of the site.
- 1.5 The Appellant was correctly advised by the Local Planning Authority that as the previous owners has closed the previous caravan site, removed all the caravans, and

let the site revert back to grassland, that planning permission would be required to operate a caravan site on the land.

- 1.6 Suggestion that original permissions have been lost– the Local Planning Authority (LPA) holds planning records for other caravan sites in the locality, such as Saltwick Bay Holiday Camp dating back to March 1949 (Reference 6/4/102), and Highgate Howe Holiday Park dating back to August 1958 (Reference 6/4/1190), both issued by North Riding of Yorkshire County Council, No. 6 Planning Area. There are no such records for the appeal site and the Appellant hasn't been able to produce any, despite ascertaining site licenses from the archives at Scarborough BC.
- 1.7 Period of Non-Use (Abandonment) – it is clear that the use of the site has ceased, and the land reverted back to grassland – arial photographs and site photos clearly demonstrate this. There is no evidence of any caravan pitches onsite. It is accepted that caravans could have been moved and replaced at any time – however in this case all caravans had been removed by 2017 and not replaced.
- 1.8 Any legal use of the caravans ceased when the use ceased in 2017 as there has now not been a continuous on the preceding 10 years.
- 1.9 Change in Planning Unit – the site was previously operated from a different property and those owners decided to cease the use of the site as a caravan site, removed all the caravans and associated fencing and then sold the site as a separate parcel of land.
- 1.10 The Appellants agent states that the LPA has refused to consider the Ocado case. That is incorrect. The LPA has fully considered the Ocado case and believe we have correctly applied it to the particular circumstances of this matter, which, from the available evidence and on the balance of probabilities, involves a change to the 'planning unit' resulting from the partition and sale of the site and a material change of use to grassland. We accept that this involves the slightly circuitous dynamic of looking at the 'planning unit' to establish the 'use' and looking at the 'use' to establish the 'planning unit' but recognise that is often necessary in these circumstances.
- 1.11 Evidence is disputed by the neighbours at Haggit Howe who submitted the following information which has been submitted to the Planning Inspectorate with the Appeal Questionnaire and state the following: -

Historically, Brian Dixon of Brook House Farm who owned the site had permission for 6 caravans at this site, initially these were small tourers of their time which then became statics. Mr Dixon died in July 2009 and his wife did not want to reapply for permission and gradually the site was closed, including the removal of all caravans, fences and gate, returning the site to being a field on which cows grazed. There have not been ANY caravans or visible pitches at the site for 5½ years and even in 2016 there were only 3 caravans. By 2017 the fence around the site and the gate to it were removed allowing cows to graze, in effect returning the site to an agricultural field.