

SUPPORTING STATEMENT

**APPLICATION FOR A CERTIFICATE OF LAWFUL EXISTING
DEVELOPMENT FOR THE USE OF LAND AS A CARAVAN SITE
(FOR THE STATIONING OF CARAVANS FOR HUMAN
HABITATION) AND MIXED COMMERCIAL USE OF THE SITE
COMPRISING COMMERCIAL STORAGE INCLUDING ASSOCIATED
VEHICLES AND MACHINERY, THE STORAGE MAINTENANCE
AND TESTING OF FAIRGROUND RIDES, STALLS AND
ASSOCIATED VEHICLES, THE SALE AND REPAIR OF MOTOR
VEHICLES AND SCRAP METAL**

**FAIR GROUND CARAVANS (THE SHOWMANS YARD), SCOURS LANE,
READING, BERKSHIRE RG30 6AX.**

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INTRODUCTION

This report accompanies an application for a lawful development certificate for the use of land as a mixed use as a caravan site, commercial storage including associated vehicles and machinery, the storage maintenance and testing of fairground rides, stalls and associated vehicles, the sale and repair of motor vehicles and the buying and selling of scrap metal.

The land has been used for the stationing of caravans for human habitation and the above commercial uses for a period in excess of ten years.

Section 171B of the Town and Country Planning Act 1990 (as amended) (TCPA) states:

(1)Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2)Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3)In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

The change of use of land to a mixed use as a caravan site and commercial uses falls within Section 171B(3) above. Therefore the relevant period of time is ten years

Section 191 of the TCPA deals with Certificates of Lawfulness and defines uses and operations as lawful if:

- (a) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason) and
- (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

It is well established in case law since *Gabbittas v Secretary of State for the Environment* [1985] JPL 630 that the level of evidence required for the grant of a Lawful Development Certificate is “on the balance of probability” and not the much higher level of “beyond all reasonable doubt”. Furthermore the Courts have held that if the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate “on the balance of probability”.

This report provides precise and unambiguous evidence to show, ‘on the balance of probability’, that the land has been used for the stationing of caravans for human habitation

along with various other storage and general industrial uses. This use constitutes a material change of use which required the benefit of planning permission. The use has been continuous for a period in excess of 10 years and does not contravene any enforcement notice requirements. The use of the land as a caravan site with commercial uses is therefore lawful.

BACKGROUND

Lawful Development Certificate (LDC) 06/00834/CLE/KS1 was granted on 8th September 2006 for the use of the site as a showman's yard and winter quarters. The land had been used for the following:

Storage, maintenance and testing of fairground rides and stalls (14 rides and 9 stalls in total);
Storage and maintenance of fairground associated vehicles (12 tractor units, 2 box lorries, 2 generator trailers, 4 box trailers, 4 large caravans for the Meech family and 7 smaller caravans for employees);
Residential occupation of 4 mobile homes and 2 caravans; and
Repair and sale of motor vehicles by Mr Meech.

Whether or not the above description of uses on the site constituted a showman's yard and winter quarters in 2006 is debatable due to the permanent residential occupation of the site. However that question is now immaterial. The site certainly has not been used as a showman's yard and winter quarters since Mr Meech's retirement in 2007. Since then the site has been used as a caravan site with various commercial storage and businesses operating from the site.

Showpeople are defined by the Department for Communities and Local Government in Planning policy for traveller sites (August 2015) as

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above”.

This application will prove that over the last 10 years none of the occupants of the site have fulfilled the requirements of the above definition of showpeople. Many of the occupants have never travelled with or been involved with the fair. The occupants that used to travel with the fair have either retired or have ceased travelling due to a more localised pattern of trading. A period in excess of 12 years without any material travelling is considered to be permanent residence. Only one resident on the site has travelled and this has only been on a handful of occasions in the last 12 years. The resident's pattern of occupation and lifestyle over the last 12 years are not consistent with the above definition. Most have never travelled and those that have travelled have ceased on a permanent basis. None of the residents could be described as having 'ceased to travel temporarily'.

EVIDENCE

There are currently 11 caravans on site that are being used for human habitation on a permanent basis. This will be evident from the planning officer's site visit. A large number of letters from previous and current residents and commercial occupiers have been submitted as evidence to support this application. It should be noted however that this list is not a completely definitive list as some previous residents cannot be traced and some current occupiers have not provided written evidence. Notwithstanding the above the number of submissions and level of evidence is considered to be more than sufficient to prove 'on the balance of probability' the lawful use of the site.

Evidence from Local Authority

The local authority will hold a wealth of information to corroborate the evidence provided to support this application. The information held by the local authority is quite rightly confidential and therefore it has not been possible to submit this as part of the application. However records on education, schools attended, benefits received and possibly employment records of some residents who have been employed by the local authority may be available to the planning officer or solicitor dealing with this application. Similarly the site is currently registered for council tax for 7 plots although this number has been higher at various times over the last 10 years. It should be noted that the fact that the site only has 7 plots currently registered does not mean that there are not more caravans being lived in. I understand that there are currently 11 caravans being lived in on a permanent basis. Part of the site (771.86 square metres) is commercially valued for business rates and is under the general classification of storage.

Evidence from Current Owner

The owner James Meech has provided evidence in the form of a Sworn Affidavit. The owner states inter alia that he moved onto the site in the mid-nineties and stopped travelling in 2007 when he retired. He states that since this date there have been between 9 and 11 caravans being lived in on the site and that the occupants have been permanent residents. He refers to various third parties that have worked or stored vehicles and equipment on the site over a period in excess of 10 years.

Evidence from Third Parties

Lee Meech has provided an Affidavit and states inter alia that he moved onto the site as a child and has worked with the fair. He now lives on the site with his wife and three children who have always been permanent residents. He has only travelled with the fair a handful of times since his father retired in 2007. He states that he carries out car repairs, spraying and paints other peoples show equipment. He refers to various third parties who have worked or stored vehicles and equipment on the site over a period in excess of 10 years.

Kelly Meech has provided a letter stating that she moved onto the site in 1997 and lives with Lee and her 3 children. She did initially travel with the fair occasionally, but was employed in local schools until 2003 when her first child was born. She has not travelled with the fair since and went back to work in 2015 when her youngest started school.

Helen Meech has provided a letter stating that she moved onto the site in the mid- nineties with her then husband James Meech. She worked at the Abby School in High Wycombe. She did work on the fair locally at weekends, but never travelled. She separated from her husband in 2005 and Mr Meech moved into a separate caravan on the site. She has not worked on the fair for over 15 years and still lives on the site.

Lorraine Meech has provided a letter stating that she has lived on the site since 1988. She has been in full time employment and has provided past employment from 1995 to present. Her 2 children attended local schools and she lives on the site with her partner who is a window cleaner.

Chris Pointon of U-gauge Limited has provided a letter stating that he has known Lorraine Meech for 15 years and met her in 2004 when she was employed at the River View Care Home. She has worked for U-gauge Limited since February 2018 and he has never known her to travel with the fair.

Melanie Dent has provided a letter stating that she lived on the site from 2003 to 2016 and never travelled with the fair. She was on benefits and was rehoused by the Council on medical grounds in 2016.

Laura Shone has provided a letter stating that she lived on the site between 2014 and 2018. She states that she received benefits including housing benefit.

Garry Sellman has provided a letter stating that he lived on the site between 2008 and 2015. He never travelled with the fair and was on benefits. The housing benefit was paid directly to Diane Jones who then passed it on to Mr Meech.

Patricia Jones has provided a letter stating that she has lived on the site since 1996. She states that she is in her late eighties, has never travelled with the fair and is retired.

Glyn Meech has provided a letter stating that he has lived on the site in his own caravan, rather than his families caravan, since 2008 and has never travelled with the fair.

Robert Dickenson has provided a letter stating that he has lived in a caravan on the site for approximately 20 years. He used to work on the fair at weekends, but has not done so since he retired over 10 years ago.

Craig Hughes has provided a letter stating that he has lived on the site since late 2018. He is in full time employment and has never worked or travelled with the fair.

Keith Meech has provided a letter stating that he has lived on the site since 2015 and works locally. He has worked with the fair locally, but has never travelled.

Andrew Lampkin of Bodytec (UK) Limited states that he rented a vehicle storage area in the yard for 4 years in 2011-2014.

William Hughes has provided a letter stating that he has run a scrap metal business for 15 years together with a house clearance business. He rents an area in the yard where he keeps his commercial vehicles and stores items until they are sold.

Gordon Nibbs has provided a letter stating that he has rented space in the yard to store and repair his fair ground ride. He has done this for approximately 12 years.

Aerial Photograph

The aerial photograph dated 30th May 2009 attached to Mr James Meech's affidavit provides a snap shot of the site over 10 years ago. It shows 9 caravans that were being lived in at that time, although additional caravans are evident on the site, these were not being lived in. It also shows various vehicles, trailers, containers, fair ground paraphernalia and various stored items.

CONCLUSION

The applicant has provided clear and unambiguous supporting evidence in the form of an Affidavit from the owner and his son and numerous letters from third parties to prove that occupancy of the site over the last 10 years has been continuous and permanent and the occupants therefore do not fall within the definition of showpeople. The supporting evidence also proves the business use of part of the site. The Council's education, benefits council tax and business rates records will corroborate evidence provided in support of this application. The level of evidence is significant and proves on the balance of probability that the land has been used for the siting of caravans for human habitation and various commercial uses continuously for a period in excess of 10 years and is therefore lawful. Consequently a certificate of lawful existing use should be **granted**.