

APPLICATION DETAILS

1. SITE

- 1.1 The application site forms part of Willows Farm located off Goodshaw Lane, Crawshawbooth. There are several buildings on the farm including a farmhouse and large group of portal frame agricultural buildings. Two of these buildings (large portal frame buildings) are currently being used as an indoor arena, cattery and kennels. Currently access to the site is gained via Gib Hill Lane off Goodshaw Lane.

2. RELEVANT PLANNING HISTORY

1991/512 - Erection of Farmhouse – Refused

1999/454 - Erection of Farm Managers Dwelling – Refused

2006/038 - Change of use of agricultural buildings to Business (B1),
General Industrial (B2) and Storage or Distribution (B8)
- Refused

2006/676 - Change of use of agricultural buildings to livery, indoor arena,
cattery and kennels and construction of external runs - Refused

2007/283 - Change of use of agricultural buildings to livery, indoor arena,
cattery and kennels and construction of external run- Approved on appeal.

2008/0436 – Retention of decking adjacent to mobile home - Withdrawn

3. THE PROPOSAL

- 3.1 The application is for a Certificate of Lawfulness for an existing use of a caravan for residential purposes. The application is made on the grounds that the caravan has been used as a mobile home for at least ten or more years prior to the submission of the application on 18 September 2008.
- 3.2 The caravan is located at the north-westerly corner of the farm in front of the portal frame building. An L-shaped timber decking has been erected around the caravan.
- 3.3 In support of the application, the applicant points out:
- The caravan is being used for residential purposes by his family.
 - The use of the land for the stationing of a caravan has been accepted by the Council.
 - The caravan has been on the site for more than 22 years and that it has been used continuously for living during this period.
 - The existing caravan replaces the previous caravan sited in the same position.

4. CONSULTATIONS

LCC (Highways) – No comments

5. NOTIFICATION RESPONSES

A site notice was posted on 24 October 2008 and the relevant neighbours were notified by letter on 22 October 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

Seven letters raising objection to the proposal have been received from the residents of the area. The comments made are:

- Would approval of this application lead to permission likely to be granted for the building of a permanent habitable property.
- Would this not set a precedent for further residential development in the area.
- The caravan has not been lived in for ten years as claimed by the applicant.
- If the application is approved, this will result in the submission of another application for a house in the Green Belt.
- Traffic on Goodshaw Lane has increased as a consequence of the kennels business at the farm.

6. PLANNING ISSUES

6.1 This application has been made under Section 191 of the Town and Country Planning Act 1990 and seeks to establish the lawfulness, for planning purposes, of the existing use of the caravan as a mobile home. The burden of proof under this section lies firmly with the applicant. The relevant test is the “balance of probability” and the Local Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant’s version of events, there is no reason to refuse the application. There are no other issues involved in respect of this application.

6.2 To support the claim for the Certificate of lawfulness, the applicant has submitted:

- Copies of letters supporting the siting of the caravan.
- Copies of invoices for the purchase and delivery of the old caravan.
- Detail of the residential facilities including gas, electricity and water supply available within the caravan.

6.3 From the submitted evidence, it appears that the original static caravan sited on the site in 1985 was replaced with a new caravan in 1986. Due to its condition, this caravan was also replaced with the present one in 2007. These caravans were equipped with residential facilities such as a bed room, lounge, kitchen;

toilet etc and that they had been used for living purposes by different farm workers.

- 6.4. In view of the submitted evidence including affidavits, sale invoices and additional enquiries to assess the validity of the submitted evidence, it is considered that on the balance of probabilities, the caravans have been sited at the site and used as a primary residence for a period in excess of 10 years.

7. RECOMMENDATION

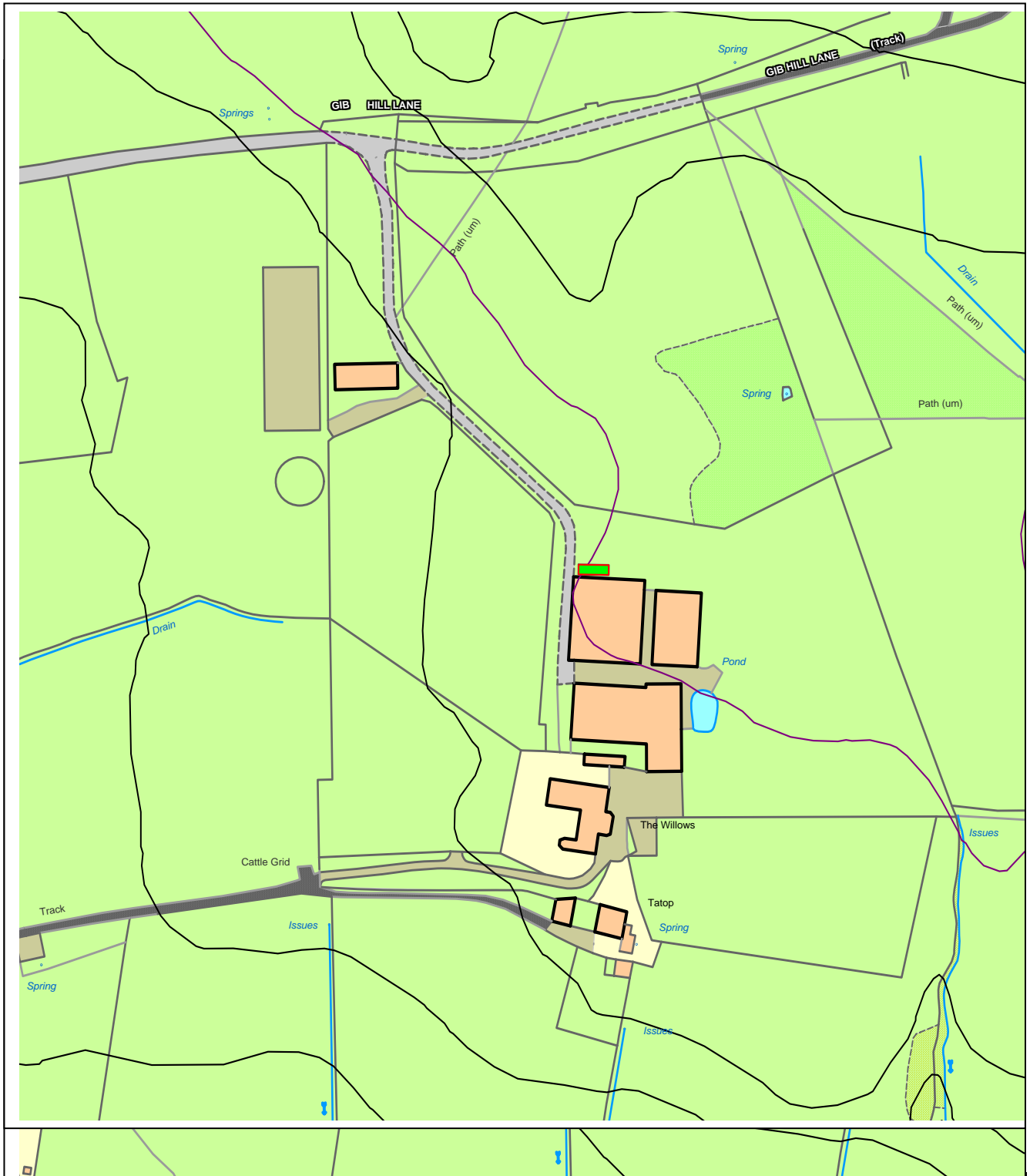
- 7.1 It is recommended that a Certificate of Lawfulness is granted for the following reason:

After consideration of all the evidence put forward by the applicant including affidavits, sale invoices and additional enquiries undertaken by the Council to assess the validity of the submitted evidence, comprising statements for the availability of residential facilities including gas, electricity and water supply, the Council consider on the balance of probabilities that the caravan has been sited on the land shown edged red on the application plan numbered 2008/643 received on 17 October 2008 and used as a primary residence for a period in excess of 10 years.

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Committee Report dated 1 st January 2007	Appendix A
Etc	

Location Plan 2008/0443



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