

DELEGATED DECISION REPORT

HPK/2023/0458
Valid 26/10/2023

LIME TREE PARK DUKES
DRIVE
BUXTON

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR EXISTING USE -
CAMPSITE (EXTENSION TO
EXISTING CARAVAN AND
CAMPING SITE)
THE USE BEGAN MORE THAN
10 YEARS BEFORE THE DATE
OF THIS APPLICATION

(CERTIFICATE OF
LAWFULNESS - EXISTING)

MAIN ISSUES

- Whether the application can demonstrate 10 years continuous use as a seasonal campsite on the land edged red.

DESCRIPTION OF SITE

The application relates to a rectangular parcel of land that spans a length of approximately 100 metres and a width of 65 metres (0.65ha) of maintained grassland that is sandwiched between the main area of Lime Tree Caravan Site located to the west and a secondary extended area of the site located to the east, approved under HPK/2018/0501 in January 2019 (both areas edged blue).

An existing single track provides access between the main part of the Caravan site, the application site and the extended area.

The site lies outside of the built-up area boundary for Buxton and is therefore in open countryside.

PROPOSAL

The application seeks a Lawful Development Certificate to establish that the existing use of the land is a seasonal campsite.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2022/0543	Erection of toilet block and change of use for extension to existing camping and caravan site	pending determination
HPK/2021/0497	Erection of Toilet Block	Approved 8.11.21

HPK/2020/0174	Retention of 4 no. camping pods	Approved 15.07.20
HPK/2019/0450	Variation of conditions 2 (plans) & 8 (bat & bird boxes) relating to HPK/2018/0501	Approved 03.01.20
HPK/2018/0501	Proposed Change of use of land for extension to existing camp site to include the siting of 21 static caravans	Approved 15.01.19

CONSULTATIONS

Publicity

Site Notice expiry date: 07.12.23

Public Comments

None received.

Environmental Health

No observations

Derbyshire County Council Highways

Noted that the Highway Authority cannot control vehicle movements as this a CLEUD application than a planning application for a proposed new use.

OFFICER COMMENTS

It is noted that there is a current planning application pending reference: HPK/2022/0543 for erection of toilet block and change of use for extension to existing camping and caravan site. This lawful development certificate application relates solely for the use of land and does not relate to any structures or engineering operations.

Background and Relevant Legislation

This certificate has been submitted under s.191 of The Town and Country Planning Act to determine whether an existing use of land 0.65 ha field, as a campsite, is lawful. S.191(2) states that uses and operations are lawful at any time if no enforcement action may be taken in respect of them. S.171B sets out the time limits for where no enforcement action may be taken and confirms, that no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. In this instance, therefore, it needs to be established whether the use has endured continuously for a period of more than 10 years from the date that the application was submitted to the LPA. The relevant date is therefore 25 October 2013, from which a continuous use must be demonstrated.

S.191(4) states that if the LPA are provided with information satisfying them of the lawfulness at the time of the application of the use then they shall issue a certificate to that effect. Planning Practice Guidance also confirms that the applicant is responsible for providing sufficient information to support an application and, in the case of

applications for existing use, of a LPA has no evidence itself, nor any from others, to contradict or make the applicants version of events less than probable there is no good reason to refuse the application, provided that the evidence alone is sufficiently precise and unambiguous to grant on the balance of probability.

Evidence Submitted

The application has been supported by a planning statement setting out the circumstances surrounding the land and its history which was also supplemented by 6 exhibits:

Exhibit 1 – Drawing 6387.99 – land edged red

Exhibit 2 – Booking references –signed 14.09.23

Exhibit 3 - aerial 1999, 2006, 2017, 2019

Exhibit 4 – Stat Dec – Trip Advisor reviews 2014-2023 23 pages – signed 14.09.23

Exhibit 5 – Stat Dec - Trip Advisor/Pitch Up Photographs – signed 14.09.23

Exhibit 6 – Masterplan

The planning statement states that the land has been used a seasonal campsite since 1996 but generally draws on more recent evidence to establish its use for the last 10 years.

Analysis of Evidence

The applicants have submitted a range of evidence to demonstrate that the site has been used for camping purposes for over a 10 year period.

Exhibit 1 - Drawing 6387.99 – land edged red

This is the site location plan identifying the land is red and other land in the same ownership in blue.

Exhibit 2 – Booking references

This document details over 44 pages the booking history for non electric grass pitch booking between July 2013 and August 2023. The earliest booking is recorded as 12th July 2013. The bookings are within the camping season between March and late September. There are no records of any bookings in October for any of the year, albeit it is accepted that camping is weather dependent and grass pitches may be less favourable to hard pitches in the Autumn season.

Exhibit 2 is convincing evidence demonstrating continued used for over 10 years.

Exhibit 3 - aerial 1999, 2006, 2017, 2019

The four aerial photographs show the land with tents and vehicles on the site in four different years (1999, 2006, 2017 and 2019). The images show different levels of occupancy, notably the 2017 photo shows only a couple of tents/vehicles whereas the

2019 photo the site appears fully occupied. The months are noted on the images but are presumed to be between April and October for each year.

The Councils own aerial photographs show limited use of this field being used for camping but these images are also not dated by month, just year, so they may have been taken outside of the camping season.

Exhibit 4 – Stat Dec – Trip Advisor reviews

This document details over 23 pages, 38 reviews that have been submitted to the Trip Advisor website by customers reviewing their campsite experience. It contains 38 reviews, the oldest dating from August 2014. Some reviews include photographs which show tents or campervans on grass pitches.

All the reviews are taken at face value and are considered to be genuine with some express negative as well as positive feedback on the campsite and its amenities. The Trip Advisor reviews do not cover the full 10 years period but taken together with Exhibit 2 (booking references) this provides more conclusive evidence of its use as a camping site.

Exhibit 5 – Stat Dec - Trip Advisor/Pitch Up Photographs – signed 14.09.23

This document provides 25 photographs which are available on the Trip Advisor and Pitch Up websites. The photographs have been taken and posted by managed and customers. The oldest management photograph is dated 12 September 2013 and the oldest customer photograph is dated August 2015.

Similarly to Exhibit 4, this exhibit alone does not conclusively demonstrate a 10 year period of use but helps build the picture of its use when read with the other evidence.

Exhibit 6 – Masterplan

The Planning Statement makes refers to the Exhibit 6 Masterplan (dwg no. 253/REV-3 dated 20/10/2016) as having been included in the previous planning application for the adjacent site, meaning planning permission HPK/2018/0501. The masterplan relates to the adjacent site and has an annotation 'existing camping field' to the west, outside of the red line. However, the masterplan which was approved and listed on the decision notice of HPK/2018/0501 is 'Rev O Masterplan' which is dwg no. 253.2 Rev O and is dated 23.04.2018.

Exhibit 6 alone is not conclusive evidence of its continued use as a seasonal camping site for 10 years.

Collectively the 6 exhibits illustrate that the site has been used in excess of the 10 year period.

Therefore, in the absence of any evidence to the contrary to the version of events presented, on the balance of probabilities it is concluded that the land at Lime Tree Park been in continuous use as seasonal campsite in excess of 10 years from the date the application was validated i.e. between 25 October 2013 and 25 October 2023.

CONCLUSIONS

There is sufficient evidence, on the balance of probabilities, that the land at Lime Tree Park, has been in continuous use as seasonal campsite in excess of 10 years and is lawful.

To reiterate the lawful development certificate application relates solely for the use of land and does not relate to any structures or engineering operations. There is currently a separate planning application pending for HPK/2022/0543 - erection of toilet block and change of use for extension to existing camping and caravan site.

OFFICER RECOMMENDATION : Approve Certificate

Case Officer: Rosie Dinnen

Recommendation Date: 03.01.24

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council