

Our Ref: 22/01574/CL2PD
Your Ref: 21_1161A Chear Fen Boat Club

5 September 2022



Mr Graham Clark
Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Shrewsbury
SY4 4TT

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

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Dear Mr Clark

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
Application for Certificate of Lawful Use or Development

Reference: 22/01574/CL2PD

Proposal: Certificate of lawfulness under S192 for the stationing of 2 mobile homes for residential purposes.

Site address: Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham
Cambridgeshire

Your client: Mr Drew Price and James Ball

Please find attached the formal decision notice refusing to issue a certificate of lawfulness under section 192 of the Town & Country Planning Act 1990 for the above development and giving the Local Planning Authority's reasons for doing so.

Appealing against this decision

You should also be aware that the applicant has the right to appeal against this decision, please see <https://www.gov.uk/government/organisations/planning-inspectorate> for details.

Yours sincerely

SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

South Cambridgeshire District Council
Town & Country Planning Act 1990
Section 192 (as amended)
Town & Country Planning
(Development Management Procedure) Order 2015



REFUSAL of Certificate of Lawful Use or Development

Reference 22/01574/CL2PD
Date of Decision 5 September 2022
Mr Graham Clark
Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Shrewsbury
SY4 4TT

In pursuant of their powers under the above-mentioned Act and Order, The South Cambridgeshire District Council ("the Council") as local planning authority HEREBY REFUSE your application, dated the 29 March 2022, for a Certificate of Lawful Use or Development under Section 192 of the Act for the development described in the First Schedule in respect of the land specified in the Second Schedule hereto and outlined in RED on the plan attached to this certificate.

The reason(s) for the Council's decision are as follows:

Reason(s)

- 1 The previous lawful development certificate S/1346/16/LD (2016 Certificate) did not identify a wider planning unit operating only as a caravan site. The wider use of the land was likely to have been in mixed use as part of an agricultural feed business and not solely a caravan site. The scope and effect of the 2016 Certificate was therefore limited to its terms and geographical remit. With the boundaries of the 2016 Certificate drawn as they are, the change of use of the land from being partly used for a single mobile home to the entire land being used for 2 mobile homes would constitute a material change of use of the land at the very least because the planning unit is different and because the Council is aware that the previous lawful use of the land was in all likelihood a mixed use. That notwithstanding, the lawful use as defined in the 2016 Certificate was subsequently, and in all likelihood, abandoned based on the information available to the Council; the mobile home being first abandoned and then dilapidated and derelict.

Even if the applicant is correct that the 2016 Certificate pertained to the entire portion of land the subject of the current application and the residential use had not been abandoned, the proposed use would still not be lawful because it would amount to intensification of the use as a matter of fact and degree and taking account of the planning impacts of the more intensive use.

First Schedule

The stationing of 2 mobile homes for residential purposes.

Second Schedule

Land to the South of Chear Fen Boat Club, Twentypence Road, Cottenham

Plans and drawings

This decision notice relates to the following drawings:

Reference/Document/Drawing Title	Date Received
21_1161A_001	29.03.2022

Authorisation

Authorised by:



SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Date the decision was made: 5 September 2022

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Council to refuse an application for a certificate under S192 of the Town & Country Planning Act 1990 (as amended) or to refuse it in part you may appeal to the Secretary of State under S195 of the Act (as amended).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).