

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

COUNCIL'S FINAL COMMENTS ON APPELLANT'S STATEMENT OF CASE

Concerning appeals by Mr Drew Price and Mr James Ball against a refusal by South Cambridgeshire District Council of an application for a Certificate of Lawfulness under s192 TCPA 1990 for the use of land for the stationing of 2 mobile homes for residential purposes

("Appeal 1")

Concerning appeals by Mr Drew Price and Mr James Ball against a refusal by South Cambridgeshire District Council of a planning application for the Material Change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use

("Appeal 2")

Land at Chear Fen Boat Club, Twentypence Road, Cottenham, Cambridgeshire CB6 8PX

Appeal Refs. APP/W0530/X/22/3308443 (Appeal 1)
APP/W0530/W/22/3308444 (Appeal 2)

1. These final comments are prepared by South Cambridgeshire District Council ("the Council") in defence of Appeals 1 & 2 brought by Mr Drew Price and Mr James Ball.
2. As a preliminary issue, note that after the submission of the Statement of Case the Council issued a further Enforcement Notice (on 23 December 2022). It is anticipated that this Enforcement Notice will be appealed and the Council considers that any such appeals should be co-joined with the current appeals.
3. The Council's case in defence of the appeals will be amplified in the Proof of Evidence to be prepared in anticipation of the Public Inquiry.
4. These final comments should be read in conjunction with the Council's delegated reports submitted as the Council's Statement of Case in these appeals.
5. The Certificate of Lawful Development with reference S/1346/16/LD ("the 2016 Certificate") pertains to land outlined in the plan referenced in that decision outlining only the footprint of the mobile home, and not to the planning unit as it is at present. Any discrepancy between the area applied for and the area granted in the Certificate is irrelevant because the 2016 Certificate is conclusive as to lawfulness.
6. It is correct that the current planning unit is the larger site the subject of the current appeals, but the lawful use of this larger site in 2016 (or indeed any other time) cannot be conclusively presumed from the 2016 Certificate because the 2016 Certificate only relates to a small part of the larger land.
7. In addition, the 2016 Certificate is very specific as to the use it declares lawful, i.e. the siting of a (single) mobile home for residential use. The Council is aware that the remainder of the land within the planning unit as it is today, was used for mixed purposes prior to the commencement of the current use.
8. Moreover, it appears that the lawful use the subject of the 2016 Certificate, i.e. the siting of a mobile home for residential use was abandoned or changed as the mobile home became dilapidated and

derelict. The introduction of the present use was a new chapter in the planning history representing a material change of use in the land.

9. In the event it is determined that the use the subject of the 2016 Certificate was not abandoned nor subsumed as part of the new chapter in the planning history, it is the Council's view that the use had intensified such as to constitute a material change in use of the land. The law permits intensification of a lawful use provided this does not amount to a material change of use. In this case there has been a material change of use of the site as a whole.
10. The use the subject of the 2016 Certificate was not as a caravan site, it was for the use of a (singular) mobile home for residential use.
11. In par 17 of the appellant's Statement of Case they describe the site as having 'planning permission for 1 mobile home' which is factually inaccurate. A part of the site can lawfully be used for the siting of a single mobile home for residential use; the 2016 Certificate is not planning permission.
12. The Council has no comments to make on the appellants' submissions on the s78 appeal at this stage and will set out its case fully in its Proof of Evidence in due course.