

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3rd June 2015

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APPLICATION REF. NO: 14/01302/LU

STATUTORY DECISION DATE: 12th March 2015

WARD/PARISH: MIDDLETON ST GEORGE

LOCATION: Oaklands Farm

DESCRIPTION: Application for a Lawful Development Certificate for an existing use of a caravan for residential purposes.

APPLICANT: Mr J King.

APPLICATION AND SITE DESCRIPTION

The site comprises an isolated group of three dwellings/farmhouse about half a kilometre south of the village. Set back off the road, the application site is closer to the road than the dwellings and consists of a caravan surrounded by fencing and hedges with a small garden nearby.

This application is simply to determine the lawfulness of the use of the site i.e. whether it has been carried on for a sufficient length of time to be considered lawful. It must be shown that on the balance of probability the use in question commenced more than 10 years before the date of the application. It is outside the scope of this application to consider the planning merits of the use.

PLANNING HISTORY

A previous certificate of lawfulness application for the same was refused by the Council and later dismissed at appeal in 2014. It was considered at that time that insufficient evidence had been presented to demonstrate that the use had commenced more than 10 years beforehand.

RESULTS OF CONSULTATION AND PUBLICITY

Middleton St George Parish Council has objected to the application for the following reasons:

- Applicant lives on the Virginia Estate MSG
- There is a vicious dog near the site
- Local police say the caravan is uninhabitable

- Electricity bills do not show any regular usage

No other responses from consultees.

PLANNING APPRAISAL

Government guidance states that the applicant is required to provide sufficient information to satisfy the Local Planning Authority of the lawfulness of the existing use. In this instance it is maintained by the applicant that he has continuously lived on the application site in the building currently on site for a period of over ten years, in this case since late 1997.

Evidence has been submitted in support of the proposal and has been considered by officers. Below are details of the evidence submitted and officers comments thereon.

A statutory declaration has been submitted by the applicant confirming that he has owned the property since 1997. Six further statutory declarations supporting the application have been submitted by the applicant's partner and friends, work colleagues and neighbours.

No other supporting evidence has been submitted.

In cases where residential usage is claimed, evidence of Council Tax liability is often a sound means of confirming that the property is a dwelling and the occupiers are liable to pay the required money on a regular basis. No such evidence has been produced by the applicant in this instance, however Council Tax Officers have confirmed that the applicant is paying Council Tax.

Since the previous application further statutory declarations have been submitted and these must be taken into account in weighing up the available evidence.

Referring to the appeal Inspector's deliberations last time around, he was not convinced that the Statutory Declarations were of sufficient detail to enable a clear picture of occupancy to be ascertained. In this instance however it is considered that the additional declarations offer more detailed information about the relationship of the individuals with the applicant including their knowledge of the site which enables more certainty of the occupation history of the caravan.

Officers are now satisfied that the balance of probability is that the caravan has been occupied for more than ten years since the submission of this application and that a certificate of lawful use can be granted.

RECOMMENDATION

That a Certificate of Lawful Use be granted for the use of the land as a dwelling (Use Class C3) by residing in a residential caravan.