



3 August 2021

Planning Services
Charnwood Borough Council
Southfield Road
Loughborough
LE11 2TX

Reference MHP: 2021_0075

Dear Sirs

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED SITING OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT 17 PARK ROAD, BIRSTALL, LE4 3AX

On behalf of Andrew Garbutt and Nicola Wright, I have pleasure in applying for a Lawful Development Certificate in respect of the siting of a caravan for ancillary residential use, on land at 17 Park Road, Birstall.

As the current application falls to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Similarly, as the policies of the Local Development Plan are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact on the character or appearance of the area are not matters that the Council can attach any weight to.

Furthermore, in appeals which raise legal issues where the onus of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is the "balance of probability". As this test will accordingly be applied in any appeal against their decisions, planning authorities should therefore not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof beyond reasonable doubt. Moreover, the applicant's own evidence does not need to

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be corroborated by independent evidence in order to be accepted. If the planning authority has no evidence to contradict or otherwise make the applicant's version of events less than probable, this is not in itself a valid reason to refuse the application.

The application has been submitted electronically through the 'Planning Portal' (reference PP-10098669) and comprises the following:

- The completed application form;
- The required fee of £231.00;
- The following drawings:
 - Site Location Plan (1:1.250 @ A4);
 - Drawings of the proposed caravan;
- A Supporting Statement; and
- The following Supporting Documents:
 - Document 1 – Appeal Decision, Upper Farm, Bluebell Lane;
 - Document 2 – Appeal Decision, 159 Victoria Avenue, Borrowash;
 - Document 3 – Appeal Decision, 28 Lodge Lane, Romford;
 - Document 4 – Appeal Decision, Trotters Plot, Wimborne;
 - Document 5 - Appeal Decision, 27 Elmfield Avenue, Teddington;
 - Document 6 – House of Commons Hansard Debate;
 - Document 7 – Appeal Decision, Homefield, Moss Lane, Ormskirk;
 - Document 8 – Costs Decision, Homefield, Moss Lane, Ormskirk;
 - Document 9 – Appeal Decision, 80 Buckingham Road, Milton Keynes;
 - Document 10 – Appeal Decision, Woodfords, Shipley Road; and
 - Document 11 – Appeal Decision, Heathfield House, Tiptree.

It is submitted on the basis that the unit in question is a caravan (as defined in the Caravan Sites and Control of Development Act 1960 (as amended)), and that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to “development” as per Section 55(1) of the Town and Country Planning Act 1990.

Yours sincerely

Michael Hyde MRTPI
On behalf of Snuggeries