Development Management - Delegated Officer Report

Application Number: AWDM/1067/24 Recommendation – Approve

Site: Eastern Sands Caravan Park, 100 Brighton Road, Lancing

Proposal: Application for a Lawful Development Certificate for the existing use of caravan pitch nos. 1, 34, 37 and 38 as a caravan site for 12 months of the year in breach of condition 1 of planning permission reference L/6/81/TP

Date of site visit: Not visited

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the Eastern Sands caravan park which fronts the beach at Lancing. The caravan park comprises 40 single-unit caravans, sited in linear rows and accessed south of the A259.

The application seeks a Certificate of Existing Lawful Use for the use of caravan pitch nos. 1, 34, 37 and 38 as a caravan site for 12 months of the year in breach of condition 1 of planning permission reference L/6/81.

Condition 1 reads as follows:

No caravan stationed on the site shall be occupied before 1st March or after 31st October in each year; except that during the months of November to February (inclusive) occupation of a caravan is permitted for an aggregate of not more than 30 days for purposes of maintenance and repair.

This permission (L/6/81/TP) was granted for the wider site known as Golden Sands Caravan Site which was then divided into two separate sites that operate as independent entities: Beach Park Caravan Park and Eastern Sands Caravan Park.

The supporting Planning Statement advises that:

"*Mr Thomas Cooper purchased Eastern Sands Caravan Park from the then owners, Adur District Council on 14th October 2008. Until 2005, the Council also owned the park to the west of the site, however this was sold and subsequently renamed to Beach Park. It is understood that the parks were being used by the Council for both holiday accommodation (west part, now known as Beach Park) and to house social housing tenants (east part, now known as Eastern Sands Caravan Park) and they were considered as one site, known as Golden Sands Caravan site. Since the split and sale of the western part (Beach Park), the two caravan parks remain distinctly independent from one another*."

It has become apparent that a number of caravans are being occupied all year round and this application has identified those 4no. individual units that have been used all year round for at least the last ten years in breach of condition 1 L/6/81.

Relevant Planning History

L/6/81 - Permanent Use Of Land For The Standing Of Static Holiday Caravans (For Occupation Between 1/3 & 31/10, & For Maintenance Only Between 1/11 & 28/2) - approved

L/66/89 - Application For Permission To Continue Use Of Part Of Land As A Caravan Site Without Complying With Condition 1 Of L/6/81/TP. (Regulation 4 Application) - this allowed the Council to continue using part of Golden Sands as a caravan site without complying with condition 1 of L/6/81/TP. This was to enable 40 units to be occupied residentially throughout the year. The part of the site this application referred to is the land that now comprises this application site. Condition 1 of this permission required the residential use to cease by 31 May 1999.

L/5/01 - Continued Use Of East Part Of Site For Residential Occupation Of Up To 40 Mobile Homes (Renewal Of L/66/89)(Reg.3) - This permission was granted for the land subject to this application, but this was also exclusive to Adur Council and condition 1 required the use to be discontinued on 31st January 2007.

In December 2008, a Site Licence no. ADC/1/2008 was issued for the use of the land Golden Sands Holiday Park (East), currently known as Eastern Sands Caravan Park, as a caravan site. The Site Licence does not include any restrictions on the season the park can operate, or the number of caravans that can be sited on the park. Therefore, the caravans at the park have not been used in breach of the site licence.

AWDM/0994/21 - Application for a Lawful Development Certificate for Existing use of land for the all year use of the site as a caravan park – withdrawn

AWDM/0264/22 - Application for a Lawful Development Certificate for the existing use of caravan pitch nos. 2,4,10,17 and 35 as a caravan site for 12 months of the year in breach of condition 1 of planning permission reference L/6/81 – granted

Planning Assessment

The Evidence

Evidence has been submitted for each caravan which, according to the Planning Statement, provides month-by-month evidence (for the winter months in question) such as bank slips and statements and letting agreements, to demonstrate that each of the specified caravans have been occupied in breach of condition 1 of permission L/6/81/TP.

The application seeks to show that the caravans have been occupied as follows:

Caravan 1: has been used during the months in question continuously since **December 2013** to present. A subsequent statutory declaration has been submitted from the occupiers of Caravan 1 which confirms that they have continuously tenanted and occupied it since September 2013, including during the winter months.

Caravan 34: has been used during the months in question continuously since **November 2012** to present. A Statutory Declaration confirms that it has been continuously rented since that time.

Caravan 37: has been used during the months in question continuously since **February 2012** to present. A Statutory Declaration confirms that it has been continuously rented since October 2013.

Caravan 38: has been used during the months in question continuously since **November 2012** to present. A Statutory Declaration confirms continuous occupation since November 2013.

It appears that most of the caravans at the Park are in residential use. Condition 1 of permission L/6/81/TP does not differentiate between occupation for holiday purposes or for residential purposes so that occupation for either during winter months would amount to a breach. There is no condition preventing residential use, only a condition to prevent the use of the caravans between November and February (inclusive) and subject to being allowed to visit and stay for up to 30 days during this period. The submitted application therefore seeks only to demonstrate for which caravans there is currently clear evidence that confirms they have been used in breach of condition 1 for more than ten years and are therefore immune from enforcement.

The applicant's agent concludes that:

"In its entirety, the evidence submitted clearly shows that on the balance of probabilities the specified caravans at the park have been in occupation for more than 30 days during the winter months of November, December, January and February, each year, for at least ten years. This breaches condition 1 of extant permission L/6/81/TP. Combined with the fact that the entire caravan park can lawfully operate the rest of the months (March to October) under the extant permission, the submitted evidence for the periods November to February confirms the use of the specified caravans in breach of condition 1 for more than ten years. The evidence is sufficiently precise and unambiguous, therefore warranting the grant of a Certificate of Lawfulness."

Council's Assessment

The evidence submitted in support of this application is thorough and includes statutory declarations. It would appear that, on the balance of probability, those caravans specified in the application have been occupied during the winter months for a period of at least the last ten years and a Certificate can therefore be granted. The Council's lawyer has checked the application and agrees with the recommendation.

Recommendation

Certificate of Lawfulness be granted for the following reason:

The existing use of caravan pitch nos. 1, 34, 37 and 38 as a caravan site for 12 months of the year has, on the balance of probability, taken place for at least the last 10 years

Case Officer: Peter Barnett Date: 15 January 2025

Authorised by: Jo Morin Date: 16.01.2025