



## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

**AGENT:** Mr Peter Le Grys - Stanfords  
Stanfords  
The Livestock Market  
Wyncolls Road  
Colchester  
CO4 9HU

**APPLICANT:** Mr & Mrs Booty  
C/O Agent

### CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191**  
(AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991)

**APPLICATION NO:** 18/00680/LUEX

**DATE REGISTERED:** 27th April 2018

### NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Tendring District Council hereby REFUSE the application for a Certificate of Lawful Existing Use in respect of the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto for the following reason(s):

- 1 The applicant has failed to provide sufficient and precise evidence to demonstrate that the application site shown edged red on the plan annexed to this decision notice has been used for the claimed lawful use for a continuous period of ten (10) years prior to the date of this application. The onus is on the applicant to provide the necessary factual information in order to substantiate the application.

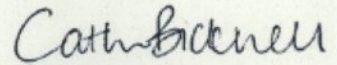
In this case the evidence submitted is inconsistent, imprecise and sparse and does not prove on the balance of probabilities that such use is lawful.

Whilst it acknowledged that the mobile home has been on the land for over 10 years, the evidence submitted does not provide sufficient evidence that it has been continuously lived in as a permanent residential dwelling for more than 10 years. The submitted bills are largely historic and in many cases do not refer specifically to the mobile home or the occupier. As such they do not prove adequately that the unit has been lived in continuously as a separate dwelling for more than 10 years. Moreover the submitted Council Tax records do not support the continued unabated use of the mobile home as a residential unit as they include discounts for the unit being unoccupied or empty at certain periods. In addition there are no Council Tax records for the mobile home in question from the last 5 years.

Taking all these factors into account the Council considers that there is insufficient evidence to demonstrate that, on the balance of probability, the mobile home has been used as a separate and independent dwellinghouse as claimed continuously in excess of 10 years.

DATED: 19th June 2018

SIGNED:



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Catherine Bicknell  
Head of Planning

**FIRST SCHEDULE**

Use of land for stationing of a static mobile home as a permanent residential dwelling unit.

**SECOND SCHEDULE**

Caravan at 63 Tile Barn Lane Lawford Essex CO11 2LT

*Notes*

- Your attention is drawn to the fact that if you are aggrieved by this determination you have a right of appeal against it to the Planning Inspectorate under Section 195 of the Town and Country Planning Act 1990. Notice of the appeal should be made using a **Lawful Use or Development Appeal Form**, which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**

# 18/00680/LUEX

Caravan at 63 Tile Barn Lane, Lawford, Essex, CO11 2LT



**Scale:** 1:1,250

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Organisation	Tendring District Council
Department	Planning Department
Comments	
Date	19/06/2018
MSA Number	100018684