

Appeal against enforcement order to discontinue use when use has been continual for more than 10 years at Copse Meadow Lodge Copse lane Hayling Island PO110QB

Appeal Background

The site has been used for open storage, container storage and continuously occupied residential caravans for well in excess of a ten year period. An application for a certificate of lawfulness containing the evidence has been submitted to Havant Borough council (APP/23/00766) and is currently being considered however the council enforcement officer was not willing to pause enforcement action without an appeal being in place, hence this appeal.

For clarity an HBC officer advised a full plans application (APP/22/01193) should be submitted to regulate the use, this was then withdrawn when the applicant was advised by another HBC Officer that this was the wrong application, and a certificate of lawfulness application should be submitted.

Following withdrawal and despite a certificate of lawfulness application being with the council from 27/9/23 the enforcement notice was issued on 4/10/23. the certificate of lawfulness application was not validated till 25/10/23 (which may explain the enforcement notice) and is currently being considered

Planning history

98/52113/001 Boundary wall gates and new vehicular access
Withdrawn application

04/52113/015 Outdoor storage of construction materials vehicles and machinery
Refused

06/52113/015 C Change of use from barn to storage and distribution with extension
Refused to provide toilet facilities. Use of land for storage & supply of logs.
Boat and Caravan storage

22/01193 Retrospective application for siting of 37 storage containers
Withdrawn and 5 residential caravans.

Site History

Mr Bond purchased the site in September 1989. (see previously submitted CRB1) at which point, as per his previously submitted statement (Appendix 3) two occupied caravans were on the Copse meadow lodge site, he then added a third and these were recorded by a local Architect as shown in CRB 2 previously submitted (appendix 3)

It is clear that the site has been used as a storage yard and premises since at least 2010 as by this point the site had been visited and assessed for commercial rates (see appendix 1) and continues to pay these rates as shown by previously submitted rate bills.

Whilst Caravans have always been on site historically, they have moved about and been updated / replaced in that time.

Evidence of 10 years continual use

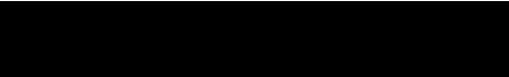
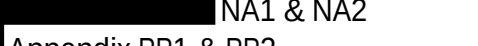
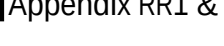
The use of the site for commercial storage for more than 10 years is clearly evidenced by the commercial rate assessment and continued payment of commercial rates throughout the period (see appendix 1 and previously submitted evidence Appendix3) This use can also be clearly seen on google earth images for the whole of the 10 period and many years prior. (see Appendix 2)

The use of the site for residential caravans is also visible on Google earth for the whole of the 10-year period. In addition, signed affidavits (previously submitted evidence appendix 3) have been provided by several tenants



have lived at the site permanently for the whole 10-year period. Others have been some of the shorter-term residents over the 10-year period.

The site has been regularly used and visited by the local business community and as such a number of local business directors and current and previous councillors have also provided affidavits stating that the site has been in continual use for the whole 10-year period or longer for open storage, container storage and continually occupied residential caravans These are

		Appendix JH1 & JH2
		Appendix LC1 & LC2
		Appendix PK1 & PK2
		Appendix DC1 @DC2
		IH1 & IH2
		NA1 & NA2
		Appendix RR1 & RR2

Conclusion

We believe it is clear from the evidence provided that the site has been used for its current purpose for in excess of 10 years and would thus ask the council to grant a certificate of lawfulness for the current use.

List of appendices

Appendix 1 Rates Bill 2010

Appendix 2 Goole earth dated images

Appendix 3 Various Previously submitted historic Bills statements and Affidavits etc

Appendix JH1 & JH2

Appendix LC1 & LC2

Appendix PK1 & PK2

Appendix DC1 @DC2
Appendix IH1 & IH2
Appendix NA1 & NA2
Appendix RR1 & RR2