



## PLANNING COMMITTEE – 13TH FEBRUARY 2013

**SUBJECT: APPEAL BY MR ANDREW CROW AGAINST A DECISION TO REFUSE AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS UNDER 195 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991 IN RESPECT OF THE SITING OF A CARAVAN AND RESIDENTIAL OCCUPATION ON LAND AT PANT GLAS FARM, CEFN ONN FARM LANE, RUDRY, CAERPHILLY CF83 3EJ**

**REPORT BY: CHIEF EXECUTIVE**

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The decision to refuse to issue a Certificate of Lawfulness was made in accordance with the Officer's recommendation at Planning Committee on 5<sup>th</sup> October 2011, on the basis that it had not been demonstrated that the use of the site for the siting of a residential caravan had been carried on continuously for a period of ten years.

The appeal that followed was heard by way of a Planning Inquiry on 3<sup>rd</sup> October 2012, where oral evidence was given on oath. At the Inquiry, an application for costs was made by the appellant against the Council.

The Inspector concludes in his decision notice that on the evidence available at the time the Council made their decision, the issue of whether there had been residential use of caravans on the application site throughout the ten year period was finely balanced.

Further, the Inspector states in his decision notice that the Council had not acted unreasonably in raising concerns about the accuracy of some of the sworn statements. Additional information and evidence given on oath and tested by cross-examination explained many matters, which were not clear prior to the Inquiry opening. In addition to this, the area of land discussed at the Inquiry not only related to the site subject of the application but the whole of the flat field.

The Inspector concluded that on the evidence available, the Council's refusal to grant a Lawful Development Certificate in respect of the siting of a residential caravan was not well founded and that the appeal should succeed. A Certificate of Lawfulness was subsequently issued on 17<sup>th</sup> January 2013 in respect of the land at Pant Glas Farm, known as the 'flat field' for a mixed-use of agriculture and the stationing of one residential caravan.

With regards to award of costs, the Inspector stated that the Council acted in a fair and reasonable manner during the appeal process and having regard to the matters referred to above and to all the evidence, both written and oral, it was found that the Council had not acted unreasonably resulting in unnecessary or wasted expense. An award of costs was refused.