

**Town and Country Planning Act 1990 s191**

**Vale of Health Fairground Caravan Site**

**Land to the east of East View  
London NW3 1AU**

**Statement in Support of the Application for the Certificate of Lawfulness**

1. This statement relates to the application for a certificate of lawfulness pursuant to s191 Town and Country Planning Act 1990 in respect of the use of the former Fairground Caravan site as a residential caravan site. The site is also known as Land to the East of East View.
2. **The Site** Fairground Caravan Site is located on the north east side of the Vale of Health. It is shown on the accompanying site plan. It is bounded to the north and east by Hampstead Heath. To the west the site is bounded by the East View block and the flank wall and garden of 6 the Gables, and to the south by the Vale of Health roadway and small site leading down to the 'Leg of Mutton' Pond. It is a flat rectangular site with an area of 2,064 sq m.
3. The site is to be distinguished from the vacant site which adjoins the pond and the Spencer House block of flats, which does not form part of this application.
4. North of the site the land slopes up steeply to Spaniards Road and the plateau adjoining it where in the past a fair on the north part of Hampstead Heath has been held. The land to the east is wooded and slopes away from the site. To the south, beyond the pond, the land is relatively level.
5. **Access** The entry to the site is from East Heath Road down into the Vale of Health, and through its narrow residential streets. Access to the site can only be negotiated by modest-sized vehicles. It is not suitable for heavy vehicles, and in common with the whole of upper Hampstead, the entire area is founded upon sand and gravel subsoil which overlies the London clay. There are a number of tracks over the Heath which have been used for periodic fairs, and under the supervision of the City of London as manager of Hampstead Heath. They have no use as roads and occasional use by vehicles is strictly controlled, they afford no alternative access to this site.
6. **Ownership** The Vale of Health Fairground Caravan site has been owned by the Gray and Abbott family for over 100 years, and for the majority of that time it has been used in connection with their previous vocation as travelling showpeople. The site is now owned by Charles Frederick Denetre Abbott, who is 81 years old, and his cousins, Barbara Cogger, who lives in Gloucestershire and Anne Wooley, who lives in Tasmania who are the applicants.
7. Charles Frederick Denetre Abbott, the main deponent, has not been a travelling showman since he retired and took up residence on the site in 1985. The owners wish to formalise the present occupation of the site.

8. **History** Travelling fairs became mechanised in the late 19<sup>th</sup> century, and depended for the most part, until after the Second World War, upon steam driven traction engines for motive power, both for transport and the powering of rides. Traction engines and rides were kept and maintained on the site, and were, during and after the blitz, the Gray and Abbott family used their engines for demolition purposes in the City. After the war, traction engines were supplanted by lorries. Before and after the war the site was used as a fairground site, and aerial photos from the 1940s show it in use on fair days.
9. As fairground rides became larger and more sophisticated, the vehicles and trailers gradually became too large to negotiate the narrow route down to the Caravan Site. Fairground related use of the site had effectively ceased by the late 1980s, and through the 1990s it became an exclusively residential caravan site. The present level of primary residential use was established prior to 2000.
10. This change away from fairground related use is paralleled by the decline in the use of the northern part of Hampstead Heath for fairground purposes, with access from Spaniards Road. This has diminished significantly over the last 40 years for two principal reasons. First, less people than hitherto visit fairs on the Heath at spring and summer bank holidays. This may partly be as the result of increasing cost, and due partly to the increasing preference of the public for short trips away from London and abroad during those holidays. Second, increased sophistication and innovation in rides has been paralleled by correspondingly increased regulation by the Health and Safety Executive in the form of planned regulatory changes advanced over the past 15 years. The result is that secondary fair locations, such as the north part of the Heath have become less popular and more difficult to sustain, and are no longer operational.
11. **Present Use of the Site** The site is a single planning unit. In the past it has had a number of uses on it, of which residential use has always been important. Fairground uses were intermittent and temporary, and at times the site was used for repairs to machinery. A cafe stall used to operate from a hut on the north east corner of the site on occasional summer weekends, but this was a limited temporary use for less than 28 days in the year.
12. Residential use is not now associated with or dependant upon the travelling fair industry in any way, and it has been the dominant and sole continuously active use for the past ten years. The site is now the site of 21 residential caravans, which are occupied on a permanent basis by residents who are not travelling showpeople. It is not used for fairground purposes. The site has shower and toilet facilities connected to the sewerage system, as do some of the caravans also have.

During the past 40 years or more there have been no formal arrangements with the Council over the site operations or occupation.

13. **The Current Application** The current application seeks to authorise the site as a residential caravan site. It is supported by the following documents:
- (i) statutory declaration of Charles Frederick Denetre Abbott;
  - (ii) statutory declarations of other residents:
    - (a) Pauline Leighton Abbott
    - (b) Charlotte Abbott
    - (c) Charles William Abbott (snr)
    - (d) Robert Dark
    - (e) David Kadwell
    - (f) Henrick Clarke

- (g) Karina Messer
- (h) Peter Whitehead
- (i) Amy Barwick

Also resident but not on a permanent basis:

- (j) Charles William Abbott (jnr)
- (k) Cy Abbott
- (l) Heather Gardner
- (m) Anton Triquet

- (iv) Plan of site showing layout of caravans and occupants
- (v) Aerial photograph 2002
- (vi) Google Maps image (Current)
- (vii) Ordnance survey sheet at 1:1250 showing location of the site.
- (viii) By way of background - aerial photograph of the site in 1945.
- (iv) List of occupants and their status on the Electoral Register

14. It is considered that the information supplied substantiates the case that the site has been used as a residential caravan site for the past 10 years in accordance with the requirements of s191 Town and Country. Accordingly it is made out on the balance of probability that this use has become a lawful use, and the Council is requested to issue a certificate of lawfulness in accordance with the application.