

Vale of Health North Fairground site

Certificate of Lawfulness application for residential caravan site- 2010/2845/P

History and evidence

Fairground site since before war, declined in use since and more recently since 1980's. Currently no fairs on site and only 2 fulltime showmen living there. Charlie Abbott (CA) (now deceased, one of 3 joint applicants) lived and ran it as a showpersons'/ caravan site from 1980 to 2011, with no restrictions on who actually lived there.

1997- public inquiry on residential redevelopment application by Abbott - Lawful use designated as 'showpersons site' as defined by Circular 22/91 (since replaced by Circular 04/07) with CA stating that it was used for mixed residential/storage and 'winter quarters'. Such sites are Sui Generis with mix of winter caravan and equipment storage, summer fairground use and some older members, dependents and children living there all year. Inspector agrees it is used as winter quarters.

Application submitted May 2010. Need evidence of usage since May 2000.

Meetings held with agents on 22.10.10, 7.3.11, 17.6.11.

Revised plans and additional declarations produced on 3/11- only 2 active showpeople live there and store fairground equipment; rest are permanent residents, either retired members of family or people unconnected to fairs.

Site visit interview with CA and son- discovered some discrepancies in his evidence which is not entirely reliable; he was not aware that he had seen or signed an affidavit in his name; had fair at Easter each year except in 2011; they considered it to be a primarily showpersons' site with other residents living there who either were employed at fairs or who had other jobs but also helped out at fairs; it is not just a residential caravan site.

Local evidence following consultation –

28 objections, petition of 16 signatures, 3 stat declarations
objections from City Corporation, Heath & Hamp Society, Vale of Health Soc.
Concern at longterm future use of site on MOL if Cert granted which may result in permanent dwellings or intensified caravan park.

2002- significant part of site used as fairground until then.

2003- intensification in use with spaces rented out to travellers and other caravan owners which prompted complaints; enforcement investigation (see below) where CA assured everyone that they were family members or fairground workers;

2005- unrelated residents moved out but others moved in, generally less caravans than before

More mixed use over years with more equipment in winter months.

Some stalls still here until 2010; repairs in 2009/10.

Photos of equipment stored here from 2000 to 2010;
equipment moved out in July 2010 at Barbara Coggar's (2nd applicant) request
day before my site visit!

Only 3-4 caravans permanently occupied over 10 years.

Planning Aid for London in advising CA concludes that, although diminished
since heyday in 1980's, it is still active showman's quarters and little evidence to
support claim as residential site for last 10 years.

Enforcement investigation started in 2003 after res complaints about new age
travellers moving in caravans, temporary as most moved out in 2005, site visit
shows many vehicles being used as wintering quarters by showpeople and many
lorries etc due to being offseason.

Case closed in 2006, conclusion that it was showpersons' site with fluctuating
numbers of travelling showpeople or related to fairgrounds or part-time workers
(eg. mechanic). No breach in planning control.

UDP Inquiry- Inspector comment, in relation to objection to site being designated
as MOL, that lawful use was showpersons' winter quarters and retained open
character.

Note that new LDF policy CS12 specifies site as only showpeoples' site in
borough and seeks to protect it.

Surveys- only clear evidence available is from plans with plots and names given-
Oct 2005 following enf case, Jul 2010 for site visit.

Oct 2005- 6 Abbott caravans, 11 others

Plus- 2 kiosks, 2 lorry generators, 3 lorries, 1 maintenance shed

Jul 2010- 21 caravans; 16 occupied (10 since 2000), 5 empty, 4 gone to fair:

9 Abbotts- 4 for showpeople (2 grandsons), 5 for retired 5 dependents (1 empty),
5 fairworkers/stallholders/helpers (3 since 2000),

7 unrelated/unknown (3 empty)

Plus- 4 areas of equipment storage plus smaller ones, 1 lorry workshop-

equipment includes funhouse, kiddy ride, shooting gallery, lorry and stall.

Ratio of uses (see coloured site plan):

16 residents (before CA death): 7 showpeople or related to them; 5 people work
in fairs or help out; 4 have other jobs; plus 5 empty caravans.

30 mobile items (on plan) used by: 7 retired dependent Abbotts; 4 active
showpeople, 5 fairground equipment/stores (9) = 16;

5 fairworkers/helpers; 4 unrelated people, 3 unrelated empty caravans (7) = 12.

Conclusion – balance of probability test as to how it has been used over last 10
years. How do we measure use - by nos of residents? nos of caravans or units?

area occupied by showpeople/storage? It can be either a mixed use of (a) showpersons' site with numerous dependents and some fair workers (total 12) and (b) of other unrelated residents or empty uses (total 7); or a predominantly residential caravan site with ancillary showpersons' site as winter quarters and storage.
I favour the former mix of uses which is not a residential caravan site.

CT 8.12.11