

## Thuair, Charles

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**From:** Ben Eiser <ben@ejplanning.co.uk>  
**Sent:** 29 January 2018 14:22  
**To:** Thuair, Charles  
**Subject:** Re: fairground site

Dear Charles

Thank you for your email and the attachment.

The attachment reflects what we all saw and discussed at our meeting and I agree is representative of the positions of the different uses/units on the site.

From the photos I have seen this plan appears to be consistent with the survey undertaken in 2010 and the intervening years.

If you need anything further from me or wish to discuss anything please let me know.

regards

Ben Eiser

[ben@ejplanning.co.uk](mailto:ben@ejplanning.co.uk)

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**From:** "Thuair, Charles" <Charles.Thuair@camden.gov.uk>

**Date:** Thursday, 25 January 2018 at 16:18

**To:** Ben Eiser <ben@ejplanning.co.uk>

**Cc:** "Bakall, Gary" <Gary.Bakall@camden.gov.uk>

**Subject:** RE: fairground site

Ben Eiser-

Thankyou.

As promised, I attach here my survey plan based on our site visit last November 2017 which graphically demonstrates the mix of various uses, items and occupants on this site. Please note that the precise position and size of the items are not absolutely correct or to scale and that the plan is merely a basic record of what is on site now, based on what I saw and what I was told by Charlie Abbott, in order to compare with a previous similar survey I carried out in 2010.

I hope this factual evidence can be agreed between ourselves as a matter of fact. However if there are any discrepancies or queries, please let me know.

thanks

Charles Thuaire  
Senior Planner

Telephone: 020 7974 5867

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**From:** Ben Eiser [mailto:ben@ejplanning.co.uk]  
**Sent:** 23 January 2018 10:08  
**To:** Thuaire, Charles <Charles.Thuaire@camden.gov.uk>  
**Subject:** Re: fairground site

Dear Mr Thuaire

I refer to the above and to our recent discussions regarding this case.

As discussed the definition of a caravan is set out below;

The definition of a caravan and caravan site contained in the Caravan Sites and Control of Development Act 1960 section 29(1) as extended by the Caravan Sites Act 1968 section 13 is given below:

*Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent; and*

*(1968 amendment [amended 2006]);*

*A structure designed or adapted for human habitation which—*

*(a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*

*(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.*

*For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—*

- 1. (a) length (exclusive of any drawbar): 65.616 feet (20 metres);*
- 2. (b) width: 22.309 feet 6.8 metres);*
- 3. (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).*

The act does not distinguish between the different types of caravans and on the site at present there are some small touring caravans and to the rear of the site some much larger units but they all fall within the definition of a caravan.

We appear to be in agreement that the site has a mixed use and that this mixed use has been established for more than ten years. The survey of the uses we discussed at our recent meeting, you were going to send copy of the plan prepared at that meeting, appeared to me to be consistent with that taken from your notes from the previous application in 2010.

We appear to be in disagreement as to whether there would be a material change of use if some elements of the mixed use would cease, this is clearly a point of interpretation and whilst I obviously respect your interpretation I would respectfully suggest that the conclusions of the Counsel's Advice provided by the neighbouring residents is not reliable on this point as this advice appears not to accept our point of agreement that the site is within a mixed use.

I am of course happy to discuss further and clearly it would be within both of our interests to agree as many points as we can so that the issues at appeal would be minimised and if you wish to discuss further please let me know.

regards

Ben Eiser

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