

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES) RULES 2000**

Charles Thuaire

SUMMARY OF PROOF OF EVIDENCE

FOR PUBLIC INQUIRY COMMENCING ON 12th February 2019

**APPEAL
SITE**

North Fairground Site, Vale of Health, London NW3 1AU

APPELLANT

Knightsbridge Parks LLP

**SUBJECT OF
APPEAL**

Appeal against non-determination by London Borough of Camden of a Certificate of Lawfulness for Proposed Use or Development for 'Use as a site for seven static caravans for residential occupation'.

COUNCIL REFERENCE:

2017/4346/P

PLANNING INSPECTORATE REFERENCE:

APP/X5210/X/18/3198526

SUMMARY OF PROOF OF EVIDENCE

1. The 2 issues for this appeal are to establish: (i) what the current and lawful use of the site is, based on the last 10 years of usage; and (ii) whether the proposed use for 7 residential static caravans is materially different from that.
2. The site had an existing lawful use as 'showpersons site' in 1997 and this was accepted by an appeal Inspector in his decision of 1998 who agreed that the lawful use was probably as winter quarters as described in the Circular 22/91 on travelling showpeople, which was a 'Sui Generis' use. Subsequent Council landuse surveys and investigations in 2006, 2010 and 2017 have shown that the site has continued to operate as a 'showpersons site' with wintering quarters for showmen, their dependants and fairground workers, equipment storage and repair, plus fluctuating numbers of some other residents in caravans, some of whom were related to fairground work. Since 2010, Council officers have considered that the unrelated residential caravan occupation was significant enough to be not merely ancillary to the showpersons site but rather an integral element of the overall mixed use of the site. Nevertheless these residential caravans never formed a continuously occupied self-contained and separate part of the site. It is thus considered that the current lawful use of the site, based on the balance of probability of usage over the last 10 years since 2007, is a mixed use (defined as 'Sui Generis') on a site that is one planning unit and that comprises a 'showpersons site' and other residential caravans.
3. The proposed use of the site for 7 static residential caravans over the whole site will be for permanent residential occupation by unrelated residents who will have 36 different jobs and lifestyles, not necessarily showpeople or fairground workers. As indicated on the appellants' submitted illustrative layout, the caravans could be large permanently fixed mobile homes and there would be no space available for extensive equipment storage and repair. The nature and character of this use would resemble that of a residential caravan park. In terms of its physical appearance, intensity and type of occupation and the side effects such as traffic generation, this use would be materially different from the current mixed use involving a predominantly 'travelling showpersons site' which is occupied by

fluctuating and mobile numbers and areas of different items throughout the year. The proposed loss of equipment storage, which is an integral and important part of a true 'showpersons site' with a mix of activities, would result in a change in the overall nature and usage of this site. It is considered that the proposed use of the site for permanent residential caravans would be materially different from this Sui Generis use. Furthermore the indicative operational works in creating permanent residential plots would require planning permission.

4. Accordingly this material change of use would constitute 'development' requiring planning permission and thus a Certificate of Lawfulness for a Proposed Use cannot be granted.