

ADVOCO — PLANNING

DATE
08.07.2025

TO
Eastleigh Borough Council

via the Planning Portal

SUBJECT

Application for Lawful
Development Certificate (LDC)
for use of land for touring
caravanning and camping
purposes at Sunnysdale Farm,
Grange Road, Netley,
SO31 8GD

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Dear Sir/Madam,

Please find attached an application for a Lawful Development Certificate (LDC) made under s.191 of the Town and Country Planning Act 1990 (as amended) for the use of the identified land for touring caravanning and camping purposes at Sunnysdale Farm, Grange Road, Netley, SO31 8GD.

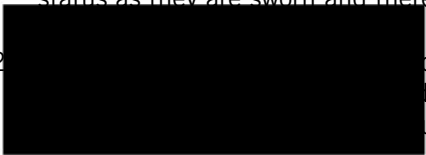
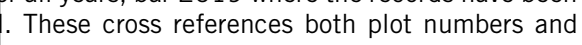
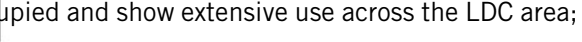
The legal test for this LDC application is the balance of probability and the evidence provided will show that the land has been used for the purposes claimed for a continuous period of more than 10 years and this claim is supported by compelling evidence. The period cited for this LDC is 2014 to 2024 which exceeds 10 years and it is evident from any site inspection that the use claims continues,.

Specifically, under the General Permitted Development Order 2015 (as amended) unenclosed land may be used for the claimed purposes for up to 28 days per calendar year. Assuming the land is considered to be unenclosed, it is incumbent upon the applicant to show that the use has operated for over 10 years and for more than 28 days for each of those ten years. Conversely if the land is deemed to be enclosed land only the 10 year rule would apply. For completeness, this application seeks to demonstrate both 10 years of use and that use exceeding 28 days for each of the ten years claimed.

The land in question is L shaped and is located to the side and rear of the main area used for touring camping and caravanning purposes and consented through planning approval ref. F04/50144 (Z/25933/010/00), which was granted 06/04/2004, with the site becoming operational the following year. There is a further area to the rear of the LDC site which has consent for caravan storage. This was approved under planning reference F/18/82259 and is fully operational.

The area to which this LDC relates is therefore a relatively small parcel of land between the two areas referred to above and is notionally in agricultural use (pending the determination of this LDC). In this respect, it has no agricultural use or function and, given the seasonal nature of the touring camping and caravanning use, during the times when the area is not used for the purposes claimed in this submission, the land is dormant.

The full suite of evidence comprises:-

1. Two Statutory Declarations from the site owners. These have the highest evidential status as they are sworn and therefore legally admissible;
2.  for all years, bar 2019 where the records have been . These cross references both plot numbers and  occupied and show extensive use across the LDC area;
3. Dated photographs with explanatory notes;
4. A plan showing pitch numbers across the whole site. This is the operational plan used by the applicants and is on display in the reception office; and

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5. Inspection notes from the Licensing Officer of EBC 2025 visit.

The use of this land for camping and caravanning use is both a natural and logical extension of the main site, particularly as there is no known or obvious alternative use for this land. It was briefly and initially used as an overflow area but as demand increased the area became an integral part of the overall camping and caravan site.

The evidence submitted is considered to be both comprehensive and compelling, particularly when considered in the context of the balance of probability test. Specifically, the two statutory declarations are of the highest evidential status which are considered to be sufficient to allow an LDC to be issued without any further evidence. Accordingly, items 2. to 5. above are considered to be supplementary evidence, much of which is evidentially enhanced through specific cross referencing within the Statutory Declarations.

This cross referencing addresses the issue of the absence of the 2019 booking information as explained above and the fact that the photographs submitted can only realistically provide a snapshot of the use over the 10-year period claimed. It should also be noted that the Council will hold records of their annual licensing inspections carried out throughout the 10-year period claimed in this LDC should there be any doubt.

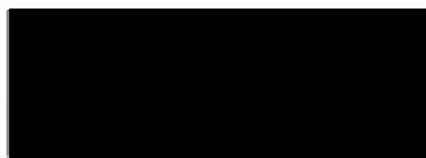
The following Government Guidance in relation to LDC applications should also be noted:-

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

As far as can be established no evidence exists to contradict or otherwise make the applicants' claim less than probable and therefore the LDC as applied for should be issued without delay.

If however, any doubts remain, or clarification is required, please do not hesitate to contact me. Original versions of documents and photographs are available on request should these be required. In the case of the photographs, they can be date verified in their original form as the date taken is embedded within the file.

Yours faithfully



Richard Goodall MRTPI
Director

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