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AMBER VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 192

TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE) ORDER 2015: ARTICLE 39

NOTICE OF REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

AVA/2019/0268

Lawful Development Certificate for the siting of 30 static caravans for permanent residential occupation and 30 static caravans for 12 month holiday occupation

Haytop Farm Caravan Park, Alderwasley Park, Whatstandwell, Matlock Derbyshire, DE4 5HP

Amber Valley Borough Council hereby notify you that on **29 April 2019** the use described in the First Schedule to this Notice in respect of the land specified in the Second Schedule to this Notice and edged red on the plan attached to this Notice, was not lawful within the meaning of section 192 of the Town and Country Planning Act 1990 for the following reason(s):

10 September 2019

1. The lawful permissions for the site, namely the 1952 (BER/352/12) and 1966 (BER/064/39) permissions, do not allow for the stationing of twin-unit static caravans so far as material they relate only to touring type caravans and as such the twin-unit static caravans referred by the Applicant would not be lawful.

The permissions for the site do not allow for the engineering operations as undertaken/proposed and the nature of the operational development (including re-profiling of land to create terraces, other engineering and hard landscaping such as gabion retaining walls, brick skirtings, driveways, decking, metalled access roads, street lighting and other widespread exterior lighting and the establishment of gardens and these works) fall outside of the remit of Part 5 Class B of The Town and Country (General Permitted Development) (England) Order 2015 (development required by a caravan site licence).

2. The change from transient and seasonal use by touring type caravans to permanent use by static twin unit caravans would amount to a significant material change of use arising from the intensification of use, the engineering operations, establishment of domestic curtilages and paraphernalia and creation of light pollution and consequently this appearance of permanence and domestication would have a materially different impact on the site compared to touring units resulting in a significant change in the character and appearance of the site.



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Date

First Schedule

Lawful Development Certificate for the siting of 30 static caravans for permanent residential occupation and 30 static caravans for 12-month holiday occupation

Second Schedule

Haytop Farm Caravan Park, Alderwasley Park, Whatstandwell, Derbyshire

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse to issue a Certificate of Existing Lawful Use or Development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 192 of the Town and Country Planning Act 1990.

10 September 2019

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).

This decision is based on the following submitted plans/documents:

Document Type	Reference
Covering Letter	15 March 2019
Application Form	
Site Location Plan	10489-0016-01
Illustrative Masterplan	10489-00030008
Planning Supporting Statement	PPS1053 15 March 2019
Counsel's Opinion from from Richard Harwood QC	6 March 2019