

OUTWELL PARISH

Chairman : Mr. F. Keer

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15th June 2021

Dear Mr Hall

Subject: 21/00986/LDE Application for a Lawful Development Certificate for residential use of an existing mobile home.

This application was discussed by Outwell Parish Council at an extraordinary meeting held on 14th June 2021 at 7.00 p.m. in Outwell village hall. After careful consideration of the relevant information the Council decided unanimously to oppose the said application. The reason for this decision was that the Council was not convinced by the applicant's (Mr. James Vickers) claim that he had continuously resided at the property in question (Robyns Nest, Baldwins Drove, Outwell) for a period in excess of ten years. In reaching this conclusion the Council took account of a number of factors which are detailed below.

Planning applications.

In addition to the application in question Mr. Vickers has made four planning applications relating to the property since 2017

- I. 17/01048/F. This was an application to build a general-purpose agricultural barn which was received by the planning department at the Borough Council of Kings Lynn and West Norfolk on 30th. May 2017. The application was approved on 6th. September 2017 subject to four conditions. The ones that are relevant to the issue in question are
 - 3 The building hereby permitted shall be used for agricultural purposes onlyand it shall at no time be used as an independent unit of residential accommodation.
 - 4 Within one month of the completion of the agricultural barn hereby approved, the mobile home shall be permanently removed from the site.
- II. 18/01548/F. This was an application to construct dog breeding kennels which was received by BCKLWN on 20th August 2018. The application was refused. Mr. Vickers appealed against this decision. His appeal was dismissed by the Planning Inspectorate on 27th June 2019.

- III. 17/01048/NMA_1. This was an application for a non-material amendment to the application for permission to build a general purpose barn referred to earlier. It was received by BCKLWN on 10th June 2019. The application was refused.
- IV. 19/01231/F. This was an application to construct a general purpose barn with a revised design to the earlier application. It was received by BCKLWN on 13th July 2019.

In all of these planning applications Mr Vickers gives his address as 1 Trafford Estate, West Walton, Wisbech, Norfolk, PE14 7DT. This is hardly consistent with his claim in 2021 that he has continuously resided at Robyns Nest for a period in excess of ten years. It is perhaps worth noting that in his latest application for a Lawful Development Certificate dated 24th. April 2021 Mr. Vickers' address has changed to Robyns Nest, Baldwins Drove, Outwell, Norfolk, PE14 8SB.

Written statements by Council officials over the relevant period.

Since 2013 a number of Borough Council officials have had reason to contact Mr. Vickers regarding planning and other matters at Robyns Nest. Following those contacts the officials have made written statements which may be relevant in assessing Mr. Vickers' claim that he has been in continuous residence at Robyns Nest for more than ten years. Some of these are itemised below:

- I. The reason given for the refusal of planning permission to construct dog kennels (18/01548/F) in a letter signed by the Executive Director, Environment and Planning, on behalf of the Council dated 17th October 2018 states "By virtue of the lack of a permanent residential presence on the site....."
- II. This point was reinforced in the rejection of the appeal against the above decision dated 27th June 2019 in which the Inspector, R Sabu, states in reason number 4 "since the site has no overnight accommodation".
- III. In an email to Mrs. Newton, clerk to Outwell Parish Council, dated October 2nd 2019 relating to a visit to the site regarding a possible breach of planning conditions the Enforcement Officer Mr. Michael Bates states "Everyone I have spoken to onsite are able to provide permanent addresses elsewhere...."

Two letters sent to Planning Admin by Mr. Paul Jeffery on 7th June and 13th June 2021 provide further information on case officers reports which further undermine Mr. Vickers assertion that he was in continuous residence at Robyns Nest.

Information provided by the applicant in support of his claim.

In two letters dated 27 April and 11th May 2021 Mr John Stephenson acting as an agent for Mr Vickers provided the Borough Council with evidence in support of his clients claim for a Lawful Development Certificate. Outwell Parish Council would like to place on record it's comments on the evidence provided.

- I. A letter with supporting documents from Fraser Dawbarns, solicitors, regarding Mr. Vickers' ownership of the site. The Parish Council accepts this without reservation. Mr. Vickers' ownership of the property in question is not in dispute.
- II. Copy correspondence from KLWNBC indicating the LPAs knowledge that Mr. Vickers lived on the site in 2016. Outwell Parish Council does not accept this claim. The letter in question dated 29th June 2016 is addressed to The Occupier (s), Caravan off, Baldwins Drove, Outwell, Norfolk. It begins "Dear Sir/Madam". Mr. Vickers is not mentioned by name anywhere in the letter. The claim that it indicates LPAs knowledge that Mr. Vickers lived on the site in 2016 is, quite frankly, nonsense.
- III. Letters from local residents confirming that Mr. Vickers has lived on the site since 2009. Five letters have been submitted. These have been provided by Mr. Harry Gray, Ms. Davina Fisher, Mr. David Sullivan, Mr.

Stephen Gray and Mr. Chris Martyn. None of these persons are close neighbours of Robyns Nest. Mr. Martin lives in Sutton Bridge and Mr. Kay is currently living in Blaydon on Tyne.

Mr. Sullivan's and Ms. Fisher's relationship with Mr. Vickers is based on them using his property to keep horses. It seems likely that most of their contact with Mr. Vickers will be during daylight hours. Mr. Martyn collects household rubbish for Mr. Vickers. Presumably this activity also takes place during the day. All of the persons mentioned above with the exception of Mr. Kay write of visiting Mr. Vickers. Nobody is questioning the fact that Mr. Vickers spends a good deal of time on the site during the day. This issue is whether or not he lives there i.e. stays overnight. None of these letters make this clear. Mr. Kay says that he lived at Robyns Nest from 2016 to 2018 and that he received correspondence from the DWP addressed to him at Robyns Nest. These statements may well be true but they do not support Mr. Vickers' claim that he has been in continuous residence for more than ten years.

Finally none of these documents provides conclusive evidence that Mr. Vickers has lived on the site continuously for more than ten years. Mr. Gray writes of visiting Mr. Vickers. Ms. Fisher says that "as far as she is aware" Mr. Vickers lives on the site. Mr. Sullivan is "aware that Mr. Vickers has been living on the land". Both Mr. Kay and Mr. Martyn "understand" that Mr. Vickers lives there. It may be significant that the claimant does not offer evidence from any of his close neighbours that he is and has been "continuously in residence".

For all of the reasons set out above members of Outwell Parish Council are firmly of the opinion that Mr. Vickers has conclusively failed to prove that he has been in continuous residence at Robyns Nest for more than ten years. They oppose the application and respectfully request that the Borough Council should refuse this application.

Mrs. Debbie Newton
Clerk to Outwell Parish Council

Copies to Stuart Ashworth Deputy Director of planning and the environment.
 Richard Blunt Cabinet member and Portfolio holder for planning.
 Hannah Wood-Handy principal planner for Outwell.
 Stuart Dark Leader of Kings Lynn & West Norfolk Borough Council.
 Keith Wilkinson senior planner
 Matthew Clarey Enforcement officer.
 Clare Harpham
 Chris Crofts Borough Councillor for Outwell
 All members of OPC
 Chris Dawson County Councillor