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## Appeal Decision

Site visit made on 18 September 2023

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

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**Appeal Ref: APP/P1045/X/22/3311062**

**Ashbourne Touring and Camping Park, Hulland Ward, Derbyshire DE6 3HF**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Avon Estates Ltd against the decision of Derbyshire Dales District Council.
  - The application ref 22/00986/CLPUD, dated 19 August 2022, was refused by notice dated 19 October 2022.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which an LDC is sought is 'use of the land for the stationing of caravans without limit on number or period of stationing or use'.
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### Decision

1. The appeal is dismissed.

### Reasons

2. Planning permission 09/00613/FUL was granted on 26 November 2009 for 'change of use of land to camping and caravanning site' at Ashbourne Touring and Camping Park. The planning permission states that the permitted change of use is "...as described on the application form and shown on the accompanying documents and subject to the following conditions". Condition 6 states that "...temporary camping shall not take place within the fields so indicated within the application site boundary as indicated on the submitted site location plan drawing number 001 – drawing reference 536". Drawing ref. 536 identifies the application site, with a red line, to be three fields but within two of the fields a note states "Field NOT to be used for temporary camping (secured by planning condition)". Condition 6 is that condition and does prevent the use of the two fields for temporary camping.

3. Drawing ref. 536 is also referred to in condition 2 and is clearly a document that accompanies the application and which is incorporated into the planning permission. A note on the drawing states that "Change of use permission is sought for the western most field **only**. The central two fields are included within the red line site area for the purposes of allowing a planning condition to prevent their use for temporary camping". Furthermore, a note within the western most field states "Field for which change of use permission is sought". The incorporated drawing is unambiguous and could not be clearer. Planning permission was sought and was granted for change of use to camping and caravanning site of one field. Planning permission was not granted for the change of use of the other two fields within the application site because these were expressly excluded from the change of use sought by notes on the incorporated drawing.

4. The Appellant's Agent claims, at paragraph 3 of his appeal statement and with reference to the 2009 application, that "The application sought change of use of...three fields for camping and caravanning". The application patently did not seek change of use of three fields because a note on an incorporated drawing expressly states that 'Change of use permission is sought for the western most field **only**'. Planning permission 09/00613/FUL was granted for 'change of use of land to camping and caravanning site', and the land is one field at Ashbourne Touring and Camping Park.

5. On the evidence now available the Council's refusal to grant an LDC in respect of 'use of the land for the stationing of caravans without limit on number or period of stationing or use' at Ashbourne Touring and Camping Park, Hlland Ward, Derbyshire was well-founded and the appeal fails. The powers transferred in section 195(3) of the 1990 Act as amended have been exercised accordingly.

***John Braithwaite***

Inspector