



Client: MR Graeme Masters & Ms Michelle Irvine

Date: 21/05/2025

Job: Greave Farm, Hade Edge

Job No: 1860

Planning Justification Statement

Application for a Lawful Development Certificate (Existing Use)
Use of Mobile Caravan for Holiday Let Purposes
Site Address: Greave Farm, Hade Edge, Holmfirth, HD9 2AQ

1. Introduction

This application seeks a Certificate of Lawful Existing Use or Development (CLEUD) under Section 191 of the Town and Country Planning Act 1990 for the continued use of a mobile caravan, located at Greave Farm, Hade Edge, Holmfirth, HD9 2AQ, as a holiday let. The caravan has been used continuously for residential purposes since at least 16th May 2019, thereby acquiring lawfulness through the passage of time under the 4-year rule that was in effect prior to 26th December 2023.

2. Site Description and Background

The mobile caravan, located within the Green Belt, has remained in consistent use and is fully supported by established infrastructure and local services:

- The unit has its own postal address, receives separate waste bin collections, and is individually rated for council tax.
- Foul water is discharged to a BioDisc treatment system, while surface water drains to an existing well.
- The caravan is a mobile structure (eight wheels), yet it has been stationary and occupied continuously for residential and holiday accommodation purposes since its placement on 16th May 2019.
- In 2022, it was used to house Ukrainian refugees under a Kirklees Council initiative following the outbreak of the Ukraine–Russia war, further evidencing its domestic use and public recognition as residential accommodation.

3. Relevant Legal Framework

Under section 171B(2) of the Town and Country Planning Act 1990, the use of a building as a single dwellinghouse became lawful if no enforcement action was taken within **four** years of the date of the breach.

The Levelling-up and Regeneration Act 2023 amended this position, removing the 4-year rule and applying a 10-year time limit for all breaches of planning control in England. This change came into effect on 26th December 2023, as set out in the Levelling-up and Regeneration Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2023.

However, it is a well-established principle in planning law that lawfulness acquired through the passage of time cannot be retrospectively removed by legislative change. Therefore, where a use became immune from enforcement before 26th December 2023 under the then-applicable 4-year rule, that use is now lawful and immune from enforcement.

4. Evidence of Lawfulness



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The applicant can demonstrate that the caravan has been used for residential and holiday let purposes:

- Continuously and without interruption,
- For at least four years prior to 26th December 2023, and
- Without any enforcement action from the Local Planning Authority.

The following evidence is submitted in support of the application:

- Council tax records addressed to the caravan.
- Refuse collection registration showing the caravan as a separate address.
- Written statement from the occupants confirming residential use over the relevant period.
- Records relating to the hosting of Ukrainian refugees under a local authority scheme.
- Photographs and/or dated documentation confirming the ongoing occupation and use of the caravan from at least 16th May 2019 onward.
- Drawings showing the location, nature and function of the caravan in situ.

5. Planning Assessment and Conclusion

The continued residential and holiday use of the caravan became lawful before 26th December 2023, having met the criteria of section 171B(2) under the then-applicable 4-year rule. As such, the use became immune from enforcement by that date, and the subsequent legislative change to a 10-year threshold does not apply to this case.

This application is therefore made under section 191(1)(a) of the 1990 Act to confirm that the existing use of the mobile caravan as a holiday let is lawful by virtue of the passage of time, and that the Local Planning Authority is invited to issue a Certificate of Lawfulness of Existing Use or Development (CLEUD) accordingly.

Redacted

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