Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0263
Gracefield Farm , West Chiltington Lane, Broadford Bridge, West Sussex, RH14 9EA

DESCRIPTION:
Siting of twin unit mobile home within the garden of the dwelling house for use as additional accommodation (Lawful Development Certificate - Proposed)

RELEVANT PLANNING HISTORY:

WC/6/50	Dutch barn (From old Planning History)	Application 03.05.1950	Permitted	on
WC/8/50	Addition to bungalow (From old Planning History)	Application 07.06.1950	Permitted	on
WC/4/68	Erection of mobile glasshouse for market garden (From old Planning History)	Application 06.03.1968	Permitted	on

SITE LOCATION & APPLICATION DESCRIPTION
The application site comprises a detached dwelling located to the west of West Chiltington Lane located outside any defined built-up boundary. The site is not within a conservation area and there are no Article 4 Directions covering the site.

A Lawful Development Certificate is sought for siting of a mobile home which would measure to a maximum of 5.5m in width, 11.9m in length; approximately 2.8m to the eaves and approximately 3.6m max height. The mobile home would comprise of accommodation consisting of a kitchenette, lounge, x2 bedrooms, and bathroom.

PLANNING ASSESSMENT
Under Section 192(2) of the Town and Country Planning Act 1990, if the applicant provides information demonstrating that the proposed use of the land for the "stationing of a caravan to be used for residential purposes as ancillary accommodation to the existing dwellinghouse" would be lawful if instituted or begun at the time of the application, a certificate to that effect shall be granted, and in any other case the application shall be refused.

Under Section 57(1) of the 1990 Act, planning permission is required for the carrying out on land of any development. 'Development' is defined under Section 55(1) and includes the making of any material change of use of any buildings or other land. Under Section 55(2)(d), the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose ancillary to the enjoyment of the dwellinghouse as such does not involve development.

The application relates to the stationing of a mobile home for residential purposes as ancillary accommodation to the existing dwelling. A ‘caravan / mobile home’ is defined under Section 29(1) of the Caravan Sites and Control of Development Act 1960 as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include –

(a) Any railway rolling stock which is for the time being on rails forming part of a railway system, or
(b) Any tent."

Section 13(1) of the Caravan Sites Act 1968 provides that a caravan can consist of a 'twin-unit' if it is "a structure designed or adapted for human habitation which –

(a) Is composed of not more than two Sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer."

Section 13(2) of the 1968 Act, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006, the maximum dimensions of a caravan are:

(a) Length (exclusive of any drawbar): 65.616 feet (20 metres)
(b) Width: 22.309 feet (6.8 metres)
(c) Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

The submitted plans demonstrate that the structure would not exceed the dimensions of a caravan, where the caravan would not be physically attached to the land, connected to ground by means of ground screw and kept in place by its own weight.

On the basis of the available information, it is considered that a structure constructed and assembled in accordance with the details available would satisfy the definition of a caravan / mobile home. The siting of a caravan / mobile home would not therefore represent a form of operational development.

Use of land:

The Court of Appeal held in Dyer v Dorset County Council [1989] 1 Q.B. 346 that in the absence of any statutory definition, 'curtilage' bore its restricted and established meaning connoting a small area forming part of parcel with the house or building which it contained or to which it was attached. The kind of ground usually attached a dwellinghouse would be a garden.

An ancillary use must be carried on in the same planning unit as the primary use. Bridge J in Burdle v Secretary of State for the Environment [1972] All E.R. 240, 244, suggested three broad tests for determining the appropriate planning unit:

1. *"whenever it is possible to recognise a single main purpose of the occupiers use of this land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered."*

2. *"consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another."*

3. *"it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit."*

The proposed caravan would be sited within the incidental curtilage of the dwelinghouse and would not as a matter of course constitute the formation of a new planning unit. The submitted details indicate the proposed mobile home would provide a kitchenette, lounge, 2 x bedrooms and shower room, and would be used for ancillary purposes in connection with the main dwelling. The siting of the mobile home in this location and its use in such a manner would not amount to a material change of use for which planning permission would be required.

Conclusions:

It is considered that sufficiently precise and unambiguous information has been provided to demonstrate, on the balance of probabilities, that the mobile home will form part of the primary use of Gracefield Farm, West Chiltington Lane as a single planning unit, and would comply with the relevant statutory definitions of a caravan/mobile home. The proposal, therefore, would neither constitute a material change of use of land, within the residential curtilage that it is to be sited, or operational development as defined under Section 55 of the Town and Country Planning Act 1990. On this basis, it is recommended that a Lawful Development Certificate be granted in accordance with Section 192(2) of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

Conditions:

1 The siting of a mobile home, which meets the definition of a caravan under Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968, within the incidental curtilage of Gracefield Farm, and its use to provide accommodation ancillary to the occupation of Gracefield Farm as a single planning unit would not constitute development as defined by Section 55 of the Town & Country Planning Act 1990, as amended.

Plans list for: DC/24/0263
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		224011-03	20.02.2024
Block plan		224011-04	20.02.2024
Elevation & Floor plan		224011-02	20.02.2024
Section plan		224011-06	20.02.2024
Supporting Statement	Planning	NONE	16.02.2024
Supporting Docs	Caravan Compliance Information Pack	NONE	21.02.2024
Supporting Docs	Appeal Decision (20120792)	NONE	16.02.2024
Supporting Docs	Appeal Decision (2009/0320/LDP)	NONE	16.02.2024
Supporting Docs	Appeal Decision (2012/1887)	NONE	16.02.2024
Supporting Docs	Appeal Decision (LPD/MAL/16/00236)	NONE	16.02.2024
Supporting Docs	Appeal Decision (170191)	NONE	16.02.2024
Supporting Docs	Decision Notices DC/23/1731, DC/17/2260, DC/18/2271	NONE	16.02.2024
Supporting Docs	Appeal Decision (21/00987/CPU)	NONE	16.02.2024
Supporting Docs	Appeal Decision (APP/15/01398/K)	NONE	16.02.2024
Supporting Docs	Appeal Decision (ENF/01/254 P23337)	NONE	16.02.2024
Supporting Docs	Appeal Decision (ENF/49/17)	NONE	16.02.2024
Supporting Docs	Appeal Decision (WHITEHEAD	NONE	16.02.2024

	JPL 1992)		
Supporting Docs	Appeal Decision (3/11/0954/CL)	NONE	16.02.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 15.04.2024

Authorising Officer sign/initial Guy Everest Date: 17.04.2024