



Planning Statement

TOWN & COUNTRY PLANNING ACT 1990

**SECTION 192 AS AMENDED BY SECTION 10 OF THE
PLANNING & COMPENSATION ACT 1991**

**TOWN & COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**PROPOSAL:
APPLICATION FOR
A LAWFUL USE CERTIFICATE
CONCERNING
THE STATIONING OF A MOBILE HOME
TO PROVIDE ANCILLARY RESIDENTIAL/ANNEXE
ACCOMMODATION TO THE EXISTING DWELLING**

**SITE:
MALHOUSE COTTAGE FARM
MALHOUSE LANE
ASHINGTON
W SUSSEX RH20 3BU**

**APPLICANT:
MR & MRS ELLIS**

The Proposal

The proposal, for which a Certificate of Lawful Use or Development (Proposed) is being sought, concerns the stationing of a mobile home within the garden of the property Malthouse Cottage Farm.

Submitted drawings show a mobile home having dimensions of 15 metres long x 6.8 metres wide and an internal ceiling height of 2.55 metres. The mobile is to be sited within the side garden to the property between the main house and its garage.

It would lie wholly within the domestic curtilage of the host property. It is intended as ancillary annex accommodation for occupation by the applicant's daughter and family.

It is a mobile structure that would be delivered to the site in two halves and then be joined together on the site.

The Legislative Background

Section 192 of the Town & Country Planning Act 1990 states as follows:

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

In legal terms, the definition of a caravan or mobile home is set out initially within the Caravan Sites and Control of Development Act 1960.

The Act identifies a caravan site as land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed.

The definition of a caravan was further fleshed out in the Caravan Sites Act 1968.

This defined a twin caravan unit as:

1. 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),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a road which assembled.

2. For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression 'caravan' shall not include a structure designed or adapted for human habitation which falls within Paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely –

- (a) a length of 20 metres;
- (b) a width of 6.8 metres;
- (c) an overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) of 3.05 metres.

Section 55(1) of the Town & Country Planning Act 1990 defines development as, 'the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.'

Assessment

A mobile home, such as proposed here, is not a permanent building or structure and therefore does not come under the definition of development set out in Section 55(1) of the Town & Country Planning Act 1990.

In certain situations, its stationing can comprise a material change of use of land. This would be in circumstances where it is located outside of an established domestic curtilage. Further a separate planning unit is created through unrestricted occupation as a self-contained unit not as opposed to occupation as annexe accommodation associated with a host dwelling,

This case seeks a Certificate of Lawful Use or Development (Proposed) in respect of the stationing of a mobile home within the lawful garden curtilage of an established dwelling where occupation would be as an annexe to the main house. In these circumstances, neither operational development or a change of use would occur.

As set out in the submitted drawings, the size of the mobile home accords with the limitations set out within the Caravan Sites Act 1968. Further, it is proposed to be imported onto the site in two parts on a lorry trailer and bolted together on site.

Case law relevant to this application includes Uttlesford DC v SSE & White [1992] JPL 171. Here the Judge found, even if accommodation provided facilities for independent day-to-day living, it would not become a separate planning unit from the main dwelling, if occupied as annexe accommodation.

Here, the proposed mobile home is to be occupied as annexe accommodation. It is located within the private garden of the main residence and would have an intimate physical relationship with the main house, even though they are separated from each other.

There would be no curtilage division or fence division and the access and parking would be shared.

These facts mean that the proposed mobile home is permitted development not requiring planning consent. A Certificate of Lawful Use or Development (Proposed) can therefore be issued in this instance.