Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1866
Hornshill Farm, Chestnuts Guildford Road Rudgwick West Sussex RH12 3BH

DESCRIPTION:
Siting of a caravan for ancillary residential use. (Lawful Development Certificate - Proposed).

ASSESSMENT:

Background

S.192(2) of the Town and Country Planning Act 1990 (TCPA 1990) provides that: -

> *"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."*

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, and/or building operations, including demolition, rebuilding, new structures, and additions/extensions. Section 55(2)(d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such, does not involve development.

A 'caravan' 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'.*

The siting of a caravan on a domestic property does not usually require planning permission. This is if the caravan is sited within the curtilage of a domestic property. A caravan is not classified as a permanent structure and therefore different legislation pertains to them. If the caravan is being used whilst sited at the dwelling, it must be used solely for purposes ancillary to the occupation and enjoyment of the main dwelling, in this case Chestnuts, and shall not be used as a separate unit of accommodation.

There are several restrictions regarding what is considered a caravan in law under Caravan Sites Act 1968. In order to be considered a caravan it must:

> *"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)*
>
> *and does not exceed:*
>
> *a) length (exclusive of any drawbar): 20 metres*
> *b) width: 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): 3.05 metres"*

Assessment of Caravan

The planning statement details that the caravan is a twin-unit caravan that is capable of being moved via specialist lorry if necessary. The plans relating to the caravan show that the dimensions of the caravan are 14.5m in length; 5m in width; 2.9m in height from base of caravan to roof. The drawings do not show the internal height of the caravan, however considering the overall height of 2.9m, it would be judged that the caravan would satisfy the test that pertains to its height. It would therefore be judged that the proposed unit would meet the relevant limitations for being considered a caravan.

Siting

Section 1(4) of the 1960 Act defines 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'. There is a problem of the use of land as a caravan site without a site licence under section 1(1) of the 1960 Act. However, Schedule 1 of the 1960 Act exempts land used as a caravan site if such use is both situated within the domestic curtilage of, and incidental to, the enjoyment of a dwellinghouse from the necessity for a site licence.

The Court of Appeal held in Dyer vs 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 and parcel with the house or building which it contained or to which it was attached. The kind of ground usually attached to a dwellinghouse would be a garden.

Regarding the positioning of the caravan, it is noted that if a caravan is not sited within the residential curtilage of a property, it may be considered that the siting of a caravan may constitute a change of use of that parcel of land which would then require planning permission. However, considering the proposed location, it is judged that the proposal would be sited forward of the residential property of Chestnuts although within its residential curtilage. This is considered to be acceptable location.

Use

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 planning statement details the usage of the caravan is for the applicant and her husband for the purpose of ancillary accommodation to Chestnuts. The statement outlines that there are no kitchen facilities provided in the caravan as to remain ancillary to Chestnuts and not as to function as a separate residential entity from Chestnuts. This is considered suitable, and it would be judged that the proposed is ancillary to the main residential property of Chestnuts.

The development as laid out is therefore considered to be a caravan sited for purposes ancillary to Chestnuts, Guildford Road, Rudgwick. It is considered the proposal would not require planning permission to be implemented.

If the caravan begins to operate as a separate, independent residential entity from Chestnuts or begins to be used for any purposes other than that as ancillary to Chetstnuts, planning permission will be required to be sought from the Local Planning Authority.

Conclusion

It is considered that 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 Chestnuts, Guildford Road, Rudgwick 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

Reason for Approval:

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 and its use to provide accommodation ancillary to the occupation of Chestnuts, Guildford Road, Rudgwick as a single planning unit would not constitute development as defined by Section 55 of the Town and Country Planning Act 1990, as amended.

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 13.03.2025