



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/2065

Tea Caddy Cottages, Worthing Road, West Grinstead, West Sussex, RH13 8LG

DESCRIPTION:

Siting of a mobile home within the curtilage of the dwelling. (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/24/0351	Demolition of existing outbuilding and erection of a replacement outbuilding for use as primary accommodation ancillary to the main dwelling	Application Permitted on 01.08.2024
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PLANNING 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', which is used interchangeably with a mobile home for the purposes of this assessment, 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 Tea Caddy Cottages, 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 to be brought onto site in a maximum of pieces by motor vehicle / trailer and will sit on brick piers. The caravan will be capable of being moved / relocated at any time by vehicle or by trailer, and there is no indication that the caravan would be physically attached to either the piers or the ground. The plans relating to the caravan show that the dimensions of the caravan are 11.6m in length; 4.3m in width; 3.5m in height from base of caravan to roof. The drawings do not show the internal height of the caravan; however, the statement states an internal height of 2.4m. It has been demonstrated within the submitted details 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.

The land to the north of 2 Tea Caddy Cottages is clearly continuous with the dwellinghouse with no physical separation or evidence of use other than as incidental curtilage. On this basis the proposed siting would be within the established lawful curtilage of the dwellinghouse. It is noted that the caravan would be sited in the same position as an annexe approved under ref: DC/24/0351.

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's mother for the purpose of ancillary accommodation to 1 Tea Caddy Cottages (as an alternative to the annexe previously granted planning permission). The caravan affords the same facilities to those of the approved annexe though in a smaller footprint with facilities including bedroom, living room, kitchen and bathroom. This is considered suitable, and it would be judged that the proposed is ancillary to the main residential property and would not therefore amount to a material change of use or the creation of a new planning unit.

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 1 Tea Caddy Cottages, Worthing Road, West Grinstead 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 1 Tea Caddy Cottages, Worthing Road, West Grinstead 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

Case Officer sign/initial JBurrowes Date: 09/03/2026

Authorising Officer sign/initial Guy Everest Date: 17.03.2026