Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0654
Loxley House, The Street, Nutbourne, West Sussex, RH20 2HE

DESCRIPTION:

Siting of caravan to provide additional ancillary accommodation. (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

No relevant planning history

SITE LOCATION & APPLICATION DESCRIPTION

The application site, Loxley House, is situated north of Nutbourne, in a countryside location outside the built-up area boundary. The site is not within a conservation area, nor are there any Article 4 Directions applicable to this site. A Lawful Development Certificate is sought for the siting of a caravan within the property's residential curtilage.

PLANNING ASSESSMENT

Background:

Section 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.

The application relates to the siting of a caravan for residential purposes, constituent with the primary use of Loxley House, The Street, Nutbourne. 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'.

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, camps 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 a Caravan) (Amendment)(England) Order 2006, the maximum dimensions of a caravan are: -

a) Length (exclusive of any drawbar): 65.616 feet (20m);
b) Width: 22,309 feet (6.8m);
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 (3.05m).

Case Law

Byrne v SSE and Arun District Council [1997], followed an Inspector's decision to uphold an Enforcement Notice for the removal of a log cabin. The Inspector considered the log cabin to be a structure which had involved the carrying out of building operations on the land. It was considered that the structure was not a caravan within the meaning of the relevant legislative provisions. In considering the decision, HH Judge Rich QC dismissed the application held that the Inspector's conclusion that the cabin was not assembled on site out of two separately constructed sections (the construction test) was conclusive that s13(1)(a) of the Caravan Sites Act 1968 did not apply and did not operate to deem the structure as a caravan. In addition, in considering s13(1)(b) of the Caravan Sites Act 1968 (the mobility test), the phrase "when assembled" required mobility to be tested by reference to the circumstances of where and how the cabin had in fact been assembled, and did not simply mean "in its assembled state". As such, the cabin did not fulfil the mobility test. It was noted that consideration had to be given to the practicality of moving the structure once lifted as part of the mobility test.

Case law has confirmed that when considering whether or not a structure is deemed to be a caravan or a twin-unit caravan, the commonly applied "construction" and "mobility" tests should be considered. The relevant considerations include: there has to be a structure; it has to be designed or adapted for human habitation; and that structure must be capable of being moved as a single structure. A structure composed of no more than two separately constructed sections which are designed to be assembled on site, and, when assembled, is physically capable of being moved by road, is not excluded from the relevant legislative provisions.

Details

The supporting information outlines that the proposal would be constructed on a structural steel chassis with timber cross members designed to support the weight of the unit. The chassis will incorporate lifting eyes to enable the entire structure to be lifted by crane and placed on a flatbed lorry for transportation. Once on site, the caravan will be installed on adjustable concrete pads placed directly on the ground, requiring no permanent foundations or significant excavations beyond the removal of surface grass and vegetation. The Planning Statement shows a photograph of a sample construction, indicating that the unit would be constructed of timber, built onto the chassis.

The Proposed Plans and Elevations provided indicate that the unit would measure as follows:

Length – 14.1 metres
Width – 6 metres
Internal Ceiling Height – 3 metres

It is noted that the Proposed Cross Section shows a rudimentary line drawn at 3 metres internally. However, it is queried whether this would reflect the actual internal ceiling height, given the construction and pitch of the roof. This ceiling height does not seem to reflect the roof joists or follow the eaves line of the unit.

Assessment

While the proposal would comply with the size limitations and would be of a construction that would meet the definition of a caravan, it is evident from the information provided that the construction would comprise a steel chassis with a timber frame. The documentation does not make clear what the roof material would comprise, albeit that the Proposed Elevations indicate the possibility of a tiled roof. On the basis of this information, there are some concerns that the materiality of the unit would result in a substantive weight, with the evidence provided to demonstrate that the unit could be transported by vehicle when constructed. While it may be possible to crane the unit onto a flat bed, there is some question as to whether its weight could be transported. There is, therefore, some doubt that the proposal would comply with the "mobility" test as outlined within case law.

Section 336(1) of the Town and Country Planning Act 1990 defined a "building" as any structure or erection, and any part of a building, as so defined. Case law has interpreted this description to include structures which would not ordinarily be described as a building. In Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd [1949] which was endorsed by Skerritts of Nottingham Ltd v SSETR [2000] JPL 1025, three primary factors were identified as decisive of what is a "building", and these include: that it is of a size to be constructed on site, as opposed to being brought onto the site; permanence; and physical attachment. No one factor is deemed to be decisive.

As outlined above, the supporting information suggests that the unit would be constructed on site, although it would be capable of being craned from the site and transported subsequently. The unit would incorporate a steel chassis, which would sit on adjustable concrete pads. These concrete pads would form an integral part of the structure in providing a supporting foundation for the unit. In taking all factors into account, there are some concerns that the unit would be immobile due to its own weight, particularly given its size and construction. The proposal would be permanently located within the site and would not have a transient character because of its design and appearance. It could therefore be reasonably concluded that the proposal could be described as a structure falling within the definition of "building" under s336(1) of the Act.

Conclusions

Taking into account the above, and as a matter of fact and degree, it has not been sufficiently demonstrated that the proposal would be movable once constructed on site, and thus is not considered a caravan. On this basis, it is recommended that a Lawful Development Certificate be refused in accordance with Section 192(2) of the Town and Country Planning Act 1990.

Recommendation: Application Refused

Reason(s) for Refusal:

1 The proposed siting of a mobile home would not meet 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 Loxley House, The Street, Nutbourne. It has not bee demonstrated to the satisfaction of the Local Planning Authority that the proposed structure (mobile home) would not represent a building and that building operations as set out in s55(1A)(d) of the 1990 Act would not occur. It has not been demonstrated that the building proposed in this case would be moveable once constructed on site and thus is not a caravan.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0654
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed Elevations	92714/06	22.04.2025
Floor plan	Proposed Plans and Cross Section	92714/07	22.04.2025
Supporting Statement	Planning Statement	NONE	22.04.2025
Block plan	Existing	92714/02	22.04.2025
Elevation plan	Existing	92714/04	22.04.2025
Floor plan	Existing	92714/05	22.04.2025
Location plan	Location Plan	92714/01	22.04.2025
Block plan	Proposed Block Plan	92714/03	22.04.2025
Supporting Docs	Mobility and Construction Test	NONE	22.04.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 08.07.2025

Authorising Officer sign/initial Tamara Dale Date: 09.07.2025