



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0417

1 West Wantley Cottages Fryern Road Storrington West Sussex RH20 4B

DESCRIPTION:

Stationing of a caravan, including associated fixing and service connections and its use as ancillary accommodation incidental to the main dwellinghouse (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

None directly relevant to this application.

PLANNING ASSESSMENT

Article (2) of Section 191 of the Town and Country Planning Act 1990 states:

"For the purposes of this Act uses and operations are lawful at any time if –

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force."*

Section 191(4) of the Town and Country Planning Act 1990 states that:

"If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application...they shall issue a certificate to that effect; and in any other case they shall refuse the application."

F W Gabbittas v SSE and Newham LBC [1985] JPL 630 held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application; provided the Applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the "balance of probability".

The application is to confirm stationing of a caravan, including associated fixing and service connections and its use as ancillary accommodation incidental to the main dwellinghouse (Lawful Development Certificate - Existing).

Applicant's Evidence:

- Planning Statement and Declarations
- Location Plan
- Block Plan

Horsham District Council's Evidence:

- Planning History:
 - SG/8/91 (Single storey extension Site: West Wantley Poultry Farm Fryern Rd Sullington)
 - DC/13/0232 (DISC/15/0186; DISC/18/0362)
 - DC/20/2245
- Enforcement History:
 - EN/23/0110
- Google Earth Satellite Imagery
- Horsham District Council – Revenues Consultation
- Horsham District Council – Electoral Consultation

Discussion

Section 191 of the TCPA 1990 allows an application to be made to confirm whether a development is lawful. This includes situations where development has become lawful through the passage of time under Section 171B. In essence, if a breach of planning control has continued for a specified period, it becomes immune from enforcement and is therefore treated as lawful.

The submission sets out that the caravan has been sited on an existing hardstanding and has been permanently fixed to the ground and connected to mains services. It is the applicant's position that the caravan constitutes operational development (due to the connection provided by a tether and the servicing) and should therefore benefit from the relevant statutory time limits for enforcement. In this case, any operational development completed before 25 April 2024 can still rely on the four-year immunity period until 25 April 2028.

It is apparent from the submission that the caravan was moved to the site in its current form, with no reconstruction seemingly required. There is no evidence to suggest that the caravan could not similarly be moved from the site in the same manner should the need arise. The caravan is sited on an area of hardstanding with a chain link tether providing an attachment together with servicing links. There is nothing in the submission to suggest the tether forms a fundamental part of the caravan's construction, that there is any other attachment to the ground or other supporting structural elements, or that servicing could not be easily disconnected.

The fact that the caravan represents a moveable structure with limited physical attachment to the land is considered to be of more significance than its relative size. These factors are such that the caravan is not considered to represent a building, and its siting does not therefore constitute operational development. As a consequence, it is not considered that the development would benefit from the statutory time limits for enforcement relating to operational development.

The structure is considered to be moveable and, based on the submitted details, would meet the statutory definition of a caravan from the 1968 Caravan Sites Act. The submitted evidence confirms the caravan has been in situ since at least July 2019, with the Council holding no records to suggest otherwise. An enforcement investigation in 2023 confirmed that the caravan was being used as ancillary accommodation in connection with 1 West Wantley Cottages (ref: EN/23/0110), with this finding supported by Statutory Declarations submitted as part of this current application. The caravan is within the established incidental curtilage of 1 West Wantley Cottages with this siting and the ancillary occupation not resulting in a material change of use of the land.

The siting of a structure which meets the definition of a caravan within the Caravan Sites Act 1968 within the incidental curtilage of 1 West Wantley Cottages, and its use to provide accommodation ancillary to the occupation of 1 West Wantley Cottages as a single planning unit, would not constitute development as defined by Section 55 of the Town and Country Planning Act 1990, as amended. Notwithstanding the findings in respect of whether the caravan constitutes operational development, it is recommended that a lawful development certificate be granted for the above reason.

Recommendation: Application Permitted

- 1 The siting of a structure which meets the definition of a caravan set out in the Caravan Sites Act 1968 within the incidental curtilage of 1 West Wantley Cottages, and its use to provide accommodation ancillary to the occupation of 1 West Wantley Cottages 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: 13.08.2026

Site Location Plan

