Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1796
Sheiling, Southwater Street, Southwater, West Sussex, RH13 9BN

DESCRIPTION:
Siting of a mobile home (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/10/1993	Single storey front extension	Application Permitted on 22.11.2010.
SQ/67/93	Erection of a conservatory at front Site: Sheilings Southwater St Southwater	Application Permitted on 05.08.1993.

SITE LOCATION & APPLICATION DESCRIPTION
The application site is situated on the northern side of Southwater Street, located within the built-up area boundary. The site is not within a conservation area and there are no Article 4 Directions covering the site.

A Lawful Development Certificate is sought for the siting of a mobile home which would measure to a maximum of 5.55m in width, 8.04m in length; approximately 2.78m to the eaves and approximately 3.30m max height. The mobile home would comprise of accommodation consisting of a bedroom, shower room, kitchen and living area.

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.

The application relates to the siting of a mobile home/caravan for residential purposes, constituent to the primary use of Sheiling, Southwater Street. 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).

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 submitted plans demonstrate that the structure would not exceed the dimensions of a caravan, where the caravan would not be physically attached to the land, connected to ground by means of ground screw and kept in place by its own weight.

On the basis of the available information, it is considered that a structure constructed and assembled in accordance with the details available would satisfy the definition of a caravan/mobile home. The siting of a caravan/ mobile home would not therefore represent a form of operational development.

Use of Land:

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

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 proposed caravan would clearly be sited within the incidental curtilage of the dwellinghouse, to the north of the curtilage, and would not constitute the formation of a new planning unit. The submitted details indicate that the proposed mobile home would provide a living room, bedroom, kitchenette and shower room, with the supporting information setting out that it would be used for ancillary purposes in connection with the main dwelling for the purpose of housing a direct family member. The siting of the mobile home in this location and its use in such a manner would not amount to a material change of use for which planning permission would be required.

Conclusions:

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 Sheiling, Southwater Street, 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

Conditions:

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

Plans list for: DC/24/1796
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		04 REV A	20.11.2024
Block plan		03 REV A	20.11.2024
Floor plan		06 REV A	20.11.2024
Elevation plan		07 REV A	20.11.2024
Supporting Statement	Planning	NONE	20.11.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 24.01.2025

Authorising Officer sign/initial Guy Everest Date: 29.01.2025