White & Sons Est. 1817

jds

3 April 2025

Barbara Childs
Director of Place
Horsham District Council
Alberry House
Springfield Toad
Horsham
RH12 2GB

Dear Ms. Childs,

Application for Certificate of Lawfulness for Proposed Use or Development

Stationing of a mobile home to provide ancillary residential accommodation to the existing dwelling for a family member at Stakers Gill Stud, Stakers Gill, Southwater, Horsham, West Sussex RH13 9JQ

This letter is submitted in support of the above application. The application seeks to confirm that the proposed mobile home can be used for residential purposes ancillary to the existing house.

A need has arisen for ancillary accommodation for the applicant's mother to live on site with support from the applicants as close family members. The mobile will allow the applicants to provide close care and assistance on site.

This application is submitted on the premise that there is no operational development and the use of the land would not change as the mobile will form part of the same household. The applicant's mother would have full use of the facilities within the house and share the parking and garden areas. The mobile home would have electricity and water via the same supply as the house.

The applicant seeks a Certificate to provide confirmation for the proposed stationing of a mobile home at the site as shown on the submitted drawings is lawful. Both applicants, Philip and Sarah Luckin have resided the site for a considerable period of time and are now living within a dwelling constructed after planning permission for it was granted under application ref: DC/21/1230. The log cabin does not currently benefit from having a spare living area which would be suitable for another family member and so ancillary accommodation is required. It is not uncommon for families

to care for elderly members at home, given the support which can be provided and high care costs attributed with assisted living.

For the avoidance of doubt the application does *not* seek occupation of the mobile home independently from the house. It is proposed that the accommodation will provide ancillary living environment within a single planning unit.

Planning History

The planning history for the site is provided in the table below.

Application No:	**Description:**	**Decision:**
DC/24/1548	Removal of Condition 4 of previously approved application DC/21/1230 (Erection of a log cabin for rural worker) relating to rainwater harvesting.	Approved
DISC/24/0068	Approval of details reserved by conditions 3 and 4 to approved application DC/21/1230	Split decision
DC/21/1230	Erection of a log cabin for rural worker	Approved
DC/20/0108	Erection of an agricultural / equestrian barn	Approved
DC/13/0821	Construction of sand school	Approved
DC/08/1531	Sand school	Approved
DC/07/2314	Erection of a stables block comprising 4 stables, 1 foaling box, 1 tackroom and 1 feed store.	Refused

The planning history indicates that the site has been used both for the purposes of meeting an agricultural and equestrian need for the applicants.

Town and Country Planning Act 1990

A mobile home is, in planning terms, the same as a caravan under the terms of Section 336 of the Town and Country Planning Act 1990. This states that a caravan site: *"has the meaning given in section 1(4) of the Caravan Sites and Control of Development Act 1960."* Section 1(4) of that Act states: *"In this Part of this Act the expression "caravan site" means 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."* The definition of a caravan was also set out in that Act, which was amended by the Caravan Sites Act 1968, amending the definition of "caravan" and defining a "twin-unit caravan" as:

(1) 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), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a road when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) length (exclusive of any drawbar): 65.616 feet (20 metres);

(b) width: 22.309 feet (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): 10.006 feet (3.05 metres).

(It was amended in 2006 with the metric figures I have included above).

The definition of development in Section 55(1) of the Town and Country Planning Act 1990 means *'the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land'.*

The application does not propose any building or engineering operations under Section 55(1). Nor is a material change of use proposed and the house and garden containing the mobile home would remain as a single planning unit. Clearly if the accommodation were to be occupied independently and not by someone forming part of the same household this would constitute a change of use requiring planning permission. However, when the mobile home is no longer required for the purposes stated it in this statement it would be removed.

Section 192(1) of the TCPA 1990 enables an application to be made to confirm that a proposed use or development is lawful and it is on this basis that the application is made.

Section 192(2) goes on to state 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."*

Planning Assessment

It is not uncommon for the curtilage, which relates to a building, to be more limited in extent than the planning unit, which relates to the use of the land. The stationing of a caravan on land is generally held to be a use of land. Whether or not that use amounts to a material change in the use of the land and thus development for which planning

permission is necessary, requires an understanding of the planning unit in the first instance. If the use of the planning unit does not change as a result of the proposal and it remains a single planning unit of occupation, a material change in the use of the land is unlikely to occur.

The Judgment of Uttlesford District Council v Secretary of State for the Environment & White [1991] is particularly relevant to the consideration of ancillary accommodation and notes that *"… the Department's present view is that the use of an existing building in the garden of a dwelling-house for the provision of additional bedroom accommodation … merely constitutes an integral part of the main use of the planning unit as a single dwelling-house and, provided that the planning unit remains in single family occupation, does not therefore involve any material change of use of the land."* It is submitted that the situation with a mobile home providing ancillary accommodation within the garden would be consistent with this.

In this case the proposed mobile will be physically sited closely to the existing house. The mobile will be accessed via the same driveway serving the house and it will also share the same parking and garden areas. The mobile would be sited at a right angle to the dwelling that is currently lived in by the applicants. As such the proposed mobile will therefore not involve any development. There would be no physical or functional separation between the mobile and the house and they would form part of the same residential household, within the same planning unit, inside of what is deemed to be the residential curtilage of the site. The mobile home would confirm to the dimensions within the Act and be formed of two sections joined together on site.

The applicant's mother is less able to live on her own in her older years and would benefit from assistance in her later years, this is best delivered, from a practicality and cost perspective by family members who reside at the site. It is not uncommon for family members to live alongside their child/parent, in this case her daughter and son in law. The applicant's mother shall have full access to the facilities of the dwelling for washing clothes, in addition to eating main meals as a family. At the same time the applicants can support her both in the house and the mobile home. Over time the assistance is likely to intensify and more care will be given with the ease of the mobile home being so conveniently located.

The proposed mobile will therefore provide a comfortable living environment for the applicant's mother. For the avoidance of doubt the proposed mobile is reflective of the internal arrangements that they are normally provided with and as indicated on the plan. The Uttlesford Judgment also confirmed *"… the elderly relative to be accommodated would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent she will be independent from the rest of the family. I find no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling."* The situation is again similar to that within this application.

The stationing will be temporary on the basis that the mobile can be sold at a time when it is no longer required.

It is suggested that the proposed use does not constitute development under Section 55 of Act. Section 57 that states all development requires planning permission. As this cannot, by definition, be considered development, planning permission is not required and a Certificate of Lawfulness will suffice.

Conclusion

The proposed siting of the mobile will be for residential purposes ancillary to the house as part of a single planning unit, as it will be occupied by a family member until a time when it is no longer required. No operational development or change of use is proposed.

Having regard to the above it is considered that the Council should be able to issue a certificate under Section 192(2) of the Act.

Yours sincerely

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