Horsham District Council

Our ref: DC/25/0654
Your ref: APP/Z3825/X/25/3370498
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Date:

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Bristol
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Dear Sir/Madam,

APP/Z3825/X/25/3370498 – Loxley House The Street, Nutbourne, West Sussex, RH20 2HE

Following the submission of the appeal against the refusal of Lawful Development Certificate for the Siting of caravan to provide additional ancillary accommodation. (Lawful Development Certificate - Proposed), the Local Planning Authority would like to further substantiate the reasons for refusal as follows.

Refusal Reason:

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.

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. 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.

In addition, it is noted that the caravan 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.

The Appellant’s Statement makes reference to the Council failing to consider a detailed Structural Calculations Pack submitted. The Council’s concerns do not relate to the construction and structural capability of the caravan in itself, but whether the resulting weight of the caravan, would mean that it could not be moved. It is not therefore considered that it has been satisfactorily demonstrated that the caravan would meet the “mobility” test.

Conclusion

The Council remain of the view that the development subject of the appeal would represent development requiring the benefit of planning permission.

Yours sincerely,

Applications Team
Horsham District Council