Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1953
Oakhurst Equestrian Centre, West Chiltington Lane, Coneyhurst, West Sussex, RH14 9DN

DESCRIPTION:

Application to confirm the use of a caravan as an ancillary annexe on a date four years previous (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

BL/11/89	Use of outbuildings for stabling and livery business and storage and 2 offices	Application Permitted on 08.03.1989
BL/13/89	Mobile home	Application Permitted on 08.03.1989
BL/21/94	Certificate of lawfulness for an existing use for siting of mobile home	Application Refused on 02.06.1995
DC/21/2037	Application to confirm the use of building as a single dwellinghouse for a period of more than four continuous years before the date of this application (Lawful Development Certificate - Existing).	Application Approved on 28.01.2022

REPRESENTATIONS

Parish Council: Members resolved that they had insufficient information or prior knowledge to comment and must therefore rely on Horsham District Council to determine whether the appropriate legal tests have been met.

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 ancillary residential purposes constituent to the primary use of The Lodge.

Siting of a caravan

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.

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."

Evidence

Applicants Evidence

The dwellinghouse known as 'The Lodge' was regularised through lawful development certificate ref: DC/21/2037. This previous certificate encompassed the dwellinghouse and an area of incidental curtilage, and the curtilage identified within this current submission is consistent with this.

A statutory declaration has been provided by the applicant (dated 11th of December 2024 and signed by a solicitor). This declaration sets out that the caravan has been sited within the residential curtilage of The Lodge "shortly after the current occupiers took up their occupation of 'The Lodge' in 2016 and has been used continuously to the present day as ancillary living accommodation to 'The Lodge'."

The statement also clarifies the layout of the caravan stating, "the 'Annexe' caravan consists of studio type accommodation with a living room, bedroom and kitchen area and a separate shower room. The 'Annexe' mobile home measures approximately 5m by 2.25m with a maximum height of approximately 2.5m and is of a classic trailer caravan form with fibreglass".

The statement also identifies that no separate rent is payable for the annexe caravan and the caravan does not have any separate billed utilities. Confirmation is also provided that "the occupant is reliant on the main 'Lodge 'dwelling' and its facilities for clothes washing and cooking provision.".

The planning statement reiterates the information from the sworn statement. Plans showing the location and aerial photographs of the caravan have also been provided.

Local Authority Evidence

- Planning history showing the residential curtilage of The Lodge.
- HDC revenues response showing one property is registered at the address.
- HDC elections response shows no annexe or caravan registered at the address.
- Aerial photographs.
- Four (4) representations have been received objecting to the Lawful Development Certificate on the following grounds, which include the following submissions: -

    - The caravan was purchased in June 2018 and was removed from the site on the 10th of December 2024.
    - There were no bathing facilities in the caravan or running water and no cooking or heating occurred within the caravan.
    - The addition of an additional fully independent dwelling would over develop the area.
    - Highways access and parking.
    - Overdevelopment.
    - Privacy, light and noise.
    - The caravan has never been independent from the lodge/static.

Assessment

The submitted plans demonstrate that the structure did 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 but 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. Notwithstanding the length of time it was present on the site, the siting of a caravan / mobile home would not therefore represent a form of operational development.

The available aerial imagery demonstrates a caravan has been in place at the site since August 2018. While there is evidence that the caravan is not currently in place it was present on the site at the point of submission of this lawful development certificate, and the application has been determined on this basis. The evidence regarding the utilities provided in the caravan and the related representations do create some conflict. There is however no evidence to suggest that caravan was occupied in a manner which would amount to the formation of a new planning unit, with the reliance on The Lodge for washing and cooking facilitates supporting the notion of occupation in an ancillary manner. 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:

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

Recommendation: Application Permitted

Reason:

1 The siting of a mobile home (identified in green), 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 The Lodge (idenifed in red), and its use to provide accommodation ancillary to the occupation of The Lodge (identified in blue) 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/24/1953
(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 plan		NONE	16.12.2024
Supporting Statement	Statutory Declaration		16.12.2024

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 19.03.2025

