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**APPLICATION FOR A CERTIFICATE OF LAWFULNESS  
IN RESPECT OF THE PROPOSED SITING OF A STATIC CARAVAN**

**THE SPORTSMANS ARMS**

**MENHENIOT**

**LISKEARD**

**PL14 3PJ**

**ON BEHALF OF MRS J WARD**

**Our ref: 20462**

**January 2021**

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## 1. EXECUTIVE SUMMARY

- 1.1.1 Laurence Associates is retained by Mrs J Ward to progress an application for a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act (TCPA) 1990 to establish that the siting of a static caravan in the car park associated with The Sportsmans Arms, Menheniot, Liskeard, PL14 3PJ comprises permitted development and can therefore be progressed without the need for planning permission.
- 1.1.2 Section 192(1)(b) of the TCPA states that a person may wish to ascertain that proposed operations on, over or under land are lawful. Section 192(2) states that if the LPA is provided with information satisfying them that proposed operations would be lawful if instituted or begun at the time of the application, the Authority must issue a Certificate to that effect.
- 1.1.3 This Statement explains how by providing ancillary accommodation for uses in keeping with that which is currently permitted at the Sportsmans Arms and within its curtilage, the proposed siting of a static caravan would not result in a material change of use of the site.
- 1.1.4 For the reasons set out, it is submitted that the issuing of a Certificate of Lawfulness is appropriate and should be forthcoming.

## 2. SITE DESCRIPTION AND BACKGROUND

### Site Description

- 2.1.1 The site contains a pub, known as the Sportsmans Arms, and the extents of its curtilage. The site is located at the hamlet of Lower Clicker, which lies on the A38, approximately 4.8km south east of the town of Liskeard.
- 2.1.2 The Sportsmans Arms principal elevation faces onto Lower Clicker Road, directly over which is the vehicular and pedestrian entrance to Menheniot Train Station, from which main line services to London Paddington and Penzance are offered.
- 2.1.3 The Sportsmans Arms sits to the south west of the site, with car parking areas to its north and east. A row of four garages are adjacent to the properties north east elevation. A beer garden is located to the rear of the property, adjacent to its south east elevation, and extending along the boundary of the garden associated with the dwelling directly to the south of property, known as Station Cottage. Also to the south of the site is the dwelling known as no.3 Clicker Close.
- 2.1.4 The site is bound to the north by the main railway line and east by a paddock which is within the applicant's ownership, beyond which are woodland and open fields.
- 2.1.5 The wider surrounding area is characterised by agricultural land, farmsteads, and pockets of residential development. As previously mentioned, the town of Liskeard is approximately 4.8km north west of the site, whilst the rural village of Menheniot is some 1.3 km north of the site.
- 2.1.6 The Sportsmans Arms is of traditional appearance, having been extended along its north east, south east, and south west elevations. Its elevations display natural stonework, hanging slate tiles and painted render, seen under a natural slate roof with natural slate roof tiles, with granite quoins and lintels. Windows and doors are of white uPVC, with signage to the principal

north west elevation. It is largely two storeys, with only the extension to its south west being one storey.

- 2.1.7 The property is not covered by any statutory heritage, environmental or ecological designations. It is however within an Area of Great Landscape Value (AGLV) and within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) buffer zone.
- 2.1.8 The site is not within an area where permitted development rights have either been removed or limited by an Article 4 Direction, nor have any previous permissions relating to the property restricted future permitted development rights.
- 2.1.9 There are no trees within the site, and it is not identified by the Environment Agency's flood risk map as being at risk from flooding. Finally, there are no Public Rights of Way at or within close proximity to the site.

### **Background**

- 2.1.10 Neither a certificate of lawfulness nor planning permission for the siting of a static caravan at the site have previously been sought, however, a pre-application enquiry seeking views on the need for planning permission for static caravan/mobile home for additional living space for immediate family use only at the site was made in 2016. Cornwall Council responded to this enquiry on 28<sup>th</sup> October 2016, informing the applicants that under current legislation the siting of a caravan/mobile home within the curtilage of a dwelling house for use as an additional bedroom as an integral part of the overall use of the house as a single dwelling can be undertaken without the need for planning permission, provided that it is used ancillary to the main dwelling house.
- 2.1.11 The response confirmed that as in this case as a caravan/mobile home would be located at the small paddock located to the rear of a public house, an application for planning permission would be required.
- 2.1.12 Other relevant planning history includes the following:

- On 16<sup>th</sup> November 2012 Cornwall Council granted conditional planning permission for the use of land for seven motorhome pitches, including associated construction works, at the Sportsman Arms (ref: PA12/04474). Condition 1 of planning permission PA12/04474 enforced that the permitted use be discontinued at or before 2 years from the date of the permission, unless the prior written consent of the Local planning Authority has been obtained to an extension of the period of validity.

This permission was not implemented, and as such this condition has ceased to apply.

- A subsequent planning application for the use of land for seven motor home pitches, including associated construction works without complying with condition 1 (relating to length of use) of decision notice PA12/04474 was refused due to the applicant's failure to demonstrate that Condition 1 renders the development unviable and is therefore unreasonable. Further, the applicant did not provide suitable evidence of suitable justification which demonstrates that planning permission PA12/04474 would not have an adverse impact on the amenities of the locality.

### **3. PROPOSED DEVELOPMENT**

3.1.1 It is proposed to site a static caravan at the car park within with the curtilage of The Sportsmans Arms.

3.1.2 The caravan is to be used to provide an additional bedroom as an integral part of the overall uses of the Sportsmans Arms as a pub.

3.1.3 The caravan is to be located to the south east corner of the car park, so as to offer privacy for its occupants by obscuring views of the static caravan from Lower Clicker Road and through positing it as far from the car park entrance as allowed to avoid vehicles frequently manoeuvring around it.

#### 4. PLANNING JUSTIFICATION

##### Relevant Legislation

4.1.1 For the purposes of this application, the relevant parts of Section 192 of the TCPA 1990 are as follows:

*(1) 'If any person wishes to ascertain whether—*

*(a) any proposed use of buildings or other land; or*

*(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question*

*For the purposes of this Act uses and operations are lawful at any time if—*

*(2) 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.*

*(3) A certificate under this section shall—*

*(a) specify the land to which it relates;*

*(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);*

*(c) give the reasons for determining the use or operations to be lawful;  
and*

*(d) specify the date of the application for the certificate.*

*(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material*



*change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.'*

- 4.1.2 Section 55 of the TCPA 1990 defines development as follows:
- 4.1.3 *' "development," 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.'*
- 4.1.4 The siting of a static caravan does not amount to development, and its use forms part of the existing lawful use of the Sportsmans Arms, which it would be within the curtilage of.
- 4.1.5 Consequently, planning permission is not required in order to carry out the development, and under Section 192 of the TCPA 1990 a Certificate should be issued to that effect.

## 5. CONCLUSIONS

- 5.1.1 National Planning Practice Guidance (reference Paragraph: 006 Reference ID: 17c-006-20140306) indicates that in the case of applications for proposed developments, a local planning authority should be provided with sufficient clarity and precision so that it can fully understand what is involved.
- 5.1.2 A written assessment has been provided which confirms that the proposed siting of a static caravan with the curtilage of the Sportsmans Arms does not amount to development, as defined by Section 55 of the TCPA 1990.
- 5.1.3 Accordingly, it is considered that a Certificate of Lawfulness for the proposed siting of the static caravan at the Sportsmans Arms can be issued in line with the provisions of Section 192(3) of the TPCA 1990.
- 5.1.4 Should any further points arise from this submission, I would ask that the matters are referred back to this company, as agents for the applicant, before any formal decision is made on the application.

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