

1. Proposal and Evidence

This application for a Lawful Development Certificate for a proposed use is applied for on the basis that the proposal satisfies the following criteria:

LOCATION: The intended location lies within the residential garden of the house. Evidence of this is supported by the attached site location map.

DEFINITION OF A CARAVAN: The mobile home conforms to the legal definition of a caravan. Evidence of this is supplied by the manufacturers (GartenHaus Ltd) who will provide an engineering report upon supplying the mobile home confirming the structure conforms to the size, mobility and construction tests of a caravan.

USE: The use is incidental to the main dwelling with shared use of facilities by family members.

2. Location – The Site

Sandicroft, Wonham Way is a four bedroom detached house with a front, rear and side garden and driveway. We consider that the location is within the curtilage of the house thus:

- Physical layout. The caravan will be sited in the garden within the fenced boundary. The garden was fenced and separated from surrounding land at the time of construction in the 1920s. The garden boundary defining the curtilage is outlined in red in the land registry.
- Ownership, past and present. The garden area was purchased with the house part- and- parcel. The ownership of the garden area has been in and will remain in the ownership of the household. It was not purchased as a separate plot.

3. Structural Conformity - The Caravan

Attached is a plan drawing and image of the mobile home we're intending. This is a single unit mobile home clad in cedar from manufacturers 'GartenHaus Ltd' who will provide an engineering report and methodology confirming the structure conforms to the size, mobility and construction tests. Please note this may not be the exact layout or style of caravan but is an indication of our intention. The caravan will be considerably smaller at 7m x 3.4m and with an internal height of 2.5m than the maximum permitted size for a mobile home of 20m x 6.8m x 3.05m.

4. Use

The use of the mobile home is lawful because it satisfies the following criteria:

- *The relationship between the respective occupants.*
 - The house is occupied by Mr James Smith and Mrs Stephanie Smith and immediate family.
 - Mr and Mrs Smith and their family will also on occasion occupy the caravan. The relationship between these people, as parents and children, is direct family.
- *The relative size of the house its garden and the caravan*
 - The entire plot is approximately 3000 m². The house is approximately 330 m² and the mobile homes can legally be up to 135 m². We are proposing a 24 m² mobile home.
- *The relative scale of accommodation in the caravan and the house.*
 - The house has four bedrooms, four living rooms, 3 bathrooms, one kitchen and a utility room. The proposed mobile home has one living room / kitchenette, one bathroom, and a store area.
- *The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.*
 - The mobile home will depend on the use of the utilities of the house, electricity, gas and water. It will share all bills and will not be separately metered. No new entrance will be created. People using the mobile home will share the existing access to the site. Family members or occasional visiting friends may sleep and wash in the mobile home but with only a small kitchenette all major meals will be taken in the main house as a family. Occupants will use the living spaces of both the house and the mobile home. The mobile home/caravan occupants will vitally depend on the cooking and food storage facilities of the main dwelling. They will also vitally depend on the storage area of the main house for the majority of their belongings. Mr Smith for example may use the living facilities of the mobile home as a gym or home office room but will depend of the facilities of the house for sleeping, washing and eating. No rent or fee will be paid for the use of the caravan.
- *Conclusions and recommendations*
 - The mobile home will be stationed within what is clearly the curtilage of the house. The use is for family members as an integral part of the overall use of the property and it will not be used independently. The caravan conforms to the legal definition within the relevant legislation. Therefore the Council should issue a Lawful Development Certificate for this use of the caravan within the existing curtilage.

Relevant legislation and citations

- Section 55(1) of the Town and Country Planning Act 1990 defines 'development', which requires planning permission, as carrying out of building and other operations or making of any material change in the use of any buildings or other land.

As stationing a caravan is not a building operation and, providing a caravan is used as part and parcel of the house and garden, it doesn't constitute a material change of use.

- Under s 55(2)(d) of the Town and Country Planning Act 1990 the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such is not to be taken to involve development of the land.
- The Caravan Sites and Control of Development Act 1960 Schedule 1. Use within the curtilage of a dwellinghouse. A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwelling house within the curtilage of which the land is situated.
- Parliamentary Questions The Parliamentary Under Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick) 22 Nov 2005 Column 1491. Column 1491-1492 (Extracts)

"A caravan is not a building. Stationing one on land is not itself "operational development" that requires planning permission. Under planning law, householders can park caravans in their gardens or driveways indefinitely, provided that no material change of use of land occurs...

A householder is entitled to use caravans as extra accommodation without planning permission, provided that the occupants continue to use the house, for example, the kitchen or bathroom."

- Communities and Local Government Circular 01/94 Paragraph 29

"A caravan within the curtilage of a dwelling house may have a number of ancillary uses for which planning permission would not be required. For example, it could be used for additional living accommodation, provided that it remained part of the same planning unit as the dwelling house and the unit remained in single family occupation."