

Planning Statement

Proposal: Application for a Certificate of Lawful Development (Existing) for the siting of a caravan within the rear garden area of the existing property for use as ancillary accommodation in connection with the main residential dwelling.

Location: 355 Main Road, Westerham, TN16 2HW.

Date: July 2021.

1.0 Introduction

- 1.1 This statement has been produced to support the accompanying application for a Certificate of Lawful Development (Existing) for the siting of a caravan within the rear garden area of the existing property for use as ancillary accommodation in connection with the main residential dwelling at 355 Main Road, Westerham, TN16 2HW. It forms part of the application and should be read in conjunction with the accompanying plans and other application documents.
- 1.2 This statement has been submitted to enable the details of the scheme to be fully explained and the merits of the application to be presented. It is structured as follows:
- **Section 2** describes the application site and its surroundings;
 - **Section 3** provides a description of the proposal;
 - **Section 4** sets out the planning history of the site;
 - **Section 5** provides the case for a Certificate of Lawful Development (Existing) to be granted;
 - **Section 6** provides a conclusion.
- 1.3 It is hoped that this statement will assist the local planning authority in its consideration of this application.

2.0 The Site

- 2.1 The application site is located on the eastern side of Main Road. It comprises a detached bungalow with accommodation within the roofspace. The elevations are finished in white painted render and the roof is clad in plan tiles. A dormer window is located within the rear roofslope.
- 2.2 The property benefits from a single, detached garage and is set within a large garden area.

3.0 The Proposal

- 3.1 In the latter part of 2020 the applicant purchased a caravan from a company called Woodlands Studios, based in Corby, Northamptonshire. In December 2020, the caravan was delivered to the application site in two sections and joined together by Woodlands Studios. The applicant understood that the caravan did not constitute development and therefore would not require a planning application.
- 3.2 On 2 June 2021 a planning enforcement officer from Bromley Council visited the site. In a subsequent letter dated 4 June 2021 he advised that the caravan requires planning permission.
- 3.3 The applicant remains of the view that the caravan does not constitute development and therefore does not require a planning application. This application for a Certificate of Lawful Development (Existing) sets out the case to support this view.
- 3.4 The caravan measures 13.0 metres in length and 6.74 metres in width. It has a pitched roof with a ridge height of 4.3m. The maximum internal height is 2.52 metres. The caravan is located within the rear garden of the existing dwelling. Its appearance and location in relation to the main building can be seen in the following photographs:



3.5 The caravan is occupied by the applicant's parents as ancillary accommodation in connection with the main residential dwelling. This is explained in more detail at Section 5.0 below.

3.6 This application is accompanied by the following drawings:

- Drawing no. DRW-LSP.1 Rev PLN-1RV - Location and site plan;
- Drawing no. DRW-BLK.1 Rev PLN-4RV – Block plan – existing and proposed;
- Drawing no. DRW-EPL.1 Rev PLN-1RV – Existing plans;
- Drawing no. DRW-PPL.1 Rev PLN-4RV – Proposed plans.

4.0 Planning History

4.1 The most relevant planning history relating to this site is summarised below:

- Bromley planning reference 05/01440/FULL6.
Replacement detached garage.
Approved: 16 June 2005.
- Bromley planning reference 03/02433/ELUD.
Certificate of Lawful Development (Existing) for use of land as residential curtilage.
Approved: 11 September 2003.
- Bromley planning reference 94/01594/FUL.
Single storey rear extension.
Approved: 18 August 1994.

5.0 Planning Assessment

5.1 It is considered that a Certificate of Lawful Development (Existing) should be granted on the grounds that the mobile home is sited on land within the curtilage of the dwelling and would comply with the statutory definition of a caravan in every respect, such that no operational development would take place. Furthermore, as the mobile home is used for purposes incidental to the enjoyment of the dwellinghouse as such, there has been no material change of use of the planning unit or land. This case is set out in more detail below under the following sub-headings:

- Operational development;
- Material change of use of the land;
- Comparable cases.

Operational Development

5.2 Section 55 of the Town and Country Planning Act 1990 (as amended) defines "development" as follows:

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.

5.3 It is considered that the caravan which is the subject of the current application does not constitute operational development within the meaning of Section 55 of the Town and Country Planning Act 1990 (as amended) because it is a caravan and not a building.

5.4 It is further considered that the caravan falls within the definition of a caravan as contained within the Caravan Sites and Control of Development Act 1960 (as amended). Section 29(1) of this Act defines a caravan 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...

5.5 This definition was amended by the Caravan Sites Act 1968. Section 13 of this Act relates to “twin-unit caravans” which are defined as follows:

(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 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.

(2) *For the purposes of Part 1 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): 20 metres;*

(b) *width: 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): 3.05 metres.*

- 5.6 It follows that in order to be defined as a caravan three tests must be satisfied. These are the ‘size test’, the ‘construction test’ and the ‘mobility test’.

The size test

- 5.7 As set out above, the dimensions of a twin-unit caravan can be no greater than 20 metres in length and 6.8 metres in width. Furthermore, the overall internal height of living accommodation cannot exceed 3.05 metres.
- 5.8 The caravan that is the subject of the current application measures 13.0 metres in length and 6.74 metres in width. Its maximum internal height is 2.52 metres. Its dimensions are clearly less than the maximum dimensions required in order to be defined as a caravan. On this basis the ‘size test’ is met.

The construction test

- 5.9 The caravan was purchased from a company called Woodlands Studios. It is a “twin-unit caravan” as defined by Section 13 of the Caravan Sites Act 1968. It comprises two sections which have been separately constructed. The sections were transported to the application site and then joined together by Woodland Studios as the ‘final act of assembly’ in accordance with Section 13(1) of the Caravan Sites Act 1968. As such it is considered that it meets the ‘construction test’.

The mobility test

- 5.10 With respect to the ‘mobility test’ it is only necessary to be able to demonstrate that the caravan, when assembled, is 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”.
- 5.11 The caravan is not physically attached to the land, to the extent that it is not capable of being moved. It rests under its own weight, has no foundations and sits only on stilts. The only physical connection with the main dwelling is the

required services. Disconnection from these services is a simple matter which can be achieved quickly in the event that the caravan needs to be moved. Previous planning and appeal decisions have accepted that any attachment to services is not the same as physical attachment to the land. As such it is considered that the 'mobility test' is satisfied.

- 5.12 In light of the above assessment it is considered that the caravan would meet the required tests and would fall within the definition of a caravan. It would not therefore constitute operational development under Section 55 of the Town and Country Planning Act 1990 (as amended).

Material change of use of the land

- 5.13 A further consideration is whether the proposal would result in a material change of use of the land which would require planning permission. Section 55 (2) (d) of the Town and Country Planning Act 1990 (as amended) states that the use of any land within the curtilage of a dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, should not be taken to involve development of the land.
- 5.14 The application site comprises the dwelling at 355 Main Road and its associated garden area, as outlined in red on the submitted site location plan. This red line denotes the curtilage of the dwellinghouse. The caravan is located within this curtilage.
- 5.15 The applicant lives in the main dwelling with his wife and two young children (who are both of pre-school age). His parents live in the caravan. As such there is a very close family link between those occupying the main house and those living in the caravan.
- 5.16 The applicant's father is 68 years old and has suffered in the past from heart problems. In 2017 he had a coronary angioplasty which was carried out at the Conquest Hospital in Hastings, East Sussex. The current living arrangements

allow the applicant to provide care and supervision for his parents as they get older. They also allow the applicant's parents to provide necessary assistance with childcare. This is particularly important since the applicant and his wife both work full-time.

5.17 The caravan is used ancillary to the main property and not as an independent residential dwelling as evidenced by the following:

- The caravan does not have its own postal address;
- The caravan does not have its own separate curtilage;
- The caravan is not registered as a separate unit of occupation with respect to the payment of Council Tax;
- All services, including water and electricity, are shared with the main property. The caravan does not have its own utility meters and all bills are sent to the main dwelling;
- The caravan does not have its own bathroom or toilet facilities. The occupiers of the caravan use the bathroom and toilet facilities within the main dwelling;
- All members of the family have access to both the caravan and the dwelling and share day-to-day living facilities. There is a high degree of interaction between family members from the main dwelling and caravan. As well as socialising with each other and they also provide necessary care, supervision and childcare (as explained at paragraph 5.16 above);
- The outside garden area is shared by the occupants of the main dwelling and the caravan. The caravan does not have its own separate garden area.

5.18 It should also be noted that the applicant has provided a statutory declaration which confirms the nature of the relationship between the house and caravan. This includes the following information:

My wife, Lindsay Marie Stone and I are the owners of 355 Main Road, Westerham Hill, TN16 2HW.

The property is used by us and my parents Mr Robert Stone and Mrs Janice Stone as a single dwelling house.

We have stationed a mobile home within the curtilage of our property. The mobile home would be used by us as a family, and for extended family only as an integral part of the use of the property as a single dwelling house. It will share services, facilities and access with the house.

- 5.19 A copy of this statutory declaration is contained at Appendix 1 of this statement.
- 5.20 In summary it can be seen that the caravan is ancillary to the main dwelling. There is no physical or functional separation of land and no separate planning unit has been created. On this basis no material change of use of the land has taken place. As such, it is considered that planning permission is not therefore required.

Comparable cases

- 5.21 It should be noted that there have been a number of comparable cases where the Council has determined that the stationing of a caravan within the garden area of a residential dwelling for ancillary purposes does not constitute development. These include the following:

- Bromley planning reference 21/00341/PLUD.
Application for Lawful Development Certificate (Proposed) for proposed siting of caravan for ancillary residential use in rear garden at 11 Hayesford Park Drive, Bromley, BR2 9DA.
Certificate granted: 07 May 2021.

- Bromley planning reference 20/02129/PLUD.
Application for Lawful Development Certificate (Proposed) for siting of caravan at rear for the ancillary use of a residential dwelling at 61 Aperfield Road, Biggin Hill, TN16 3LX.
Certificate granted: 5 August 2020.
- Bromley planning reference 19/04995/PLUD |
Application for Lawful Development Certificate (Proposed) for a detached caravan/mobile home/annex for use as ancillary/incidental residential accommodation at 4 Laxey Road Orpington BR6 6BL.
Certificate granted: 5 February 2020.

5.22 In order to maintain a consistent approach it is important that these decisions are taken into consideration in the assessment of the current application.

6.0 Conclusion

6.1 This statement sets out a strong and compelling case to support this application. It has been clearly demonstrated that the proposal would not constitute operational development under Section 55 of the Town and Country Planning Act 1990 (as amended). This statement has also demonstrated that no material change of use of the site has taken place since the caravan is located within the curtilage of the existing dwelling and is used “for purposes incidental to the enjoyment of the dwellinghouse”.

6.2 In light of the considerations set out within this statement the Council is requested grant a Certificate of Lawful Development (proposed).

Appendix 1

STATUTORY DECLARATION

I, Adam John Stone, do solemnly and sincerely declare as follows:

My wife, Lindsay Marie Stone and I are the owners of 355 Main Road, Westerham Hill, TN162HW.

The property is used by us and my parents Mr Robert Stone and Mrs Janice Stone as a single dwelling house.

We have stationed a mobile home within the curtilage of our property. The mobile home would be used by us as a family, and for extended family only as an integral part of the use of the property as a single dwelling house. It will share services, facilities and access with the house.

I, Adam John Stone make this solemn declaration conscientiously believing the same to be true and by virtue of the Provisions of the Statutory Act 1835.

Declared at :

73 STATION ROAD

On this 30th day of June 2021

Before me,

THACKRAY WILLIAMS LLP
73 STATION ROAD
WEST WICKHAM
KENT BR4 0Q3