

Supporting Statement

TOWN AND COUNTRY PLANNING ACT 1990

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SECTION 192 APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF
PROPOSED USE OR DEVELOPMENT IN RESPECT OF THE SITING OF
A MOBILE HOME FOR ANCILLARY RESIDENTIAL PURPOSES AT
GREEN GATES, WHITSBURY, FORDINGBRIDGE SP6 3PX

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1.0 Introduction

- 1.1 This statement accompanies an application under section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Proposed Use or Development in respect of the siting of a mobile home for ancillary residential purposes within the grounds of Green Gates, Whitsbury.
- 1.2 This application is made to establish that the proposal does not require planning permission on the basis that it does not constitute 'development' within the meaning of section 55 of the above Act. It is a well established area of planning law that, where a mobile home or a caravan that meets the statutory definition set out in the relevant legislation then it is not a building but rather a use of land, and if stationed within a residential planning unit and used as part and parcel of the primary use itself then no material change of use of the land is involved.
- 1.3 The information submitted with this application is provided to confirm that a Certificate of Lawfulness can be issued on the terms sought.

2.0 The Proposals

- 2.1 The applicant has agreed the specifications of her preferred model with the supplier, plans of which are submitted with this application. Although the circumstances in this case are similar to those involved in the numerous Certificates of Lawfulness which the LPA has issued on similar terms, this application is made to provide binding confirmation that the arrangements are acceptable in planning terms before purchasing the mobile home.
- 2.2 The land under the applicant's control extends to c3ha with the residential planning unit comprising approximately 0.5 acres. The mobile home is proposed to be stationed at the south end of the domestic garden, as illustrated on the block plan submitted.
- 2.3 In terms of the circumstances that have led to this proposal, the applicant has occupied the site for 58 years and she wishes to remain there throughout her later life. Her circumstances and needs have, however, inevitably changed over time and, being recently widowed, her intention is to make the family home available for occupation by her daughter and her own family – whose needs it suits well. The applicant, understandably, wishes to maintain a degree of privacy and independence, whilst still enjoying the amenities of her long-time home and being involved in her family's daily life. The proposal is, therefore, made to enable this arrangement.

3.0 Relevant framework

- 3.1 The information below and illustrated on the submitted plans is provided to confirm: a) whether the proposed mobile home complies with the statutory definition of a caravan; and b) the manner in which it is proposed to be used would not lead to a change of use of

the existing single residential planning unit nor the creation of a new, additional planning unit.

3.2 Definition of a caravan

It is well established in a planning context that the terms 'caravan' and 'mobile home' are essentially interchangeable, provided the unit in question meets the tests set out in the relevant legislation.

3.3 Section 29 (1) of the *Caravan Sites and Control of Development Act 1960* ("The 1960 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 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.*

3.4 This definition was modified by Section 13 of the *Caravan Sites Act 1968*, which deals with twin-unit caravans. Section 13(1) defines these as....*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 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 moved on a highway when assembled.*

3.5 Section 13(2) of the 1968 Act sets out the following maximum dimensions for twin-unit caravans: a) length (exclusive of any drawbar); 60 feet (18.288 metres); b) width: 20 feet (6.096 metres); c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3.048 metres).

3.6 An amendment to these dimensions was provided by the *Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006*. This increased the maximum dimensions of a caravan to: a) length (exclusive of any drawbar) 20 metres; b) width 6.8 metres; and c) overall height of (internal) living accommodation 3.05 metres.

3.7 The above, then, is the statutory framework for defining a 'caravan'.

3.8 Although the actual model chosen is not particularly relevant (because any caravan that meets the relevant statutory tests would be equally lawful in the circumstances and the precise form of unit chosen has no bearing upon the relevant issues to be considered, provided always that it complies with the statutory definition), the applicant has specified the mobile home which she intends to purchase. This application is, therefore, accompanied by plans illustrating this model, and the dimensions of 17.4m by 6.3m, with an internal ceiling height of 2.85 metres, would comply with the dimensional limits contained in the statutory definition.

- 3.9 The caravan proposed in this case would be a twin unit. It is again well established that neither the 1960 nor the 1968 Acts require the caravan or any of its parts to be constructed off-site, or in a factory, and then delivered to the site in two parts. Rather the construction process can (and for many suppliers, does) take place on site. In such circumstances the caravan is constructed on site from various panels into two large sections, which are then bolted together as the final act of assembly.
- 3.10 In this case, the precise method of delivery is to be determined with the supplier, however it is likely to be delivered to the site in two parts which would then be joined together on site as the final act of assembly. Similarly, once assembled it would be capable of being moved, as required by the Act and confirmed by the supplier/manufacturer. It would therefore comply with the construction and mobility tests.
- 3.11 Indeed, all of the models supplied by the supplier/manufacturer that the applicant intends to use in this case are designed to comply with the statutory definition of 'caravan' and their Certificate of Compliance is included with this application.
- 3.12 Once sited, the mobile home will rest on a concrete slab and will be connected to existing services at the main dwelling, which can be easily disconnected. The means of siting and servicing the mobile home, then, do not constitute any affixation to the ground that would render it anything other than a mobile home and are considered to be de minimis, not requiring planning permission. Given that the siting of the mobile home would be within the domestic curtilage of Green Gates then the provision of the hardstanding would itself be 'permitted development' by virtue of Schedule 2, Part 1 Class F of the GPDO 2015, and it would comply with the conditions contained in Class F.2.
- 3.13 The location in which the caravan is intended to be sited is part of an established vegetable garden serving the main dwelling, part of which has been rotated and cleared of vegetables and overgrowth in any event. As such it is clearly within the domestic curtilage of Green Gates, and this is evidenced by its long-standing use for the growing of domestic vegetables for the personal use of the applicant and its consequent functional and physical relationship to the host dwelling. However, in respect of the mobile home itself it is not actually necessary that it falls within the curtilage of the dwelling, only that it be within the same residential planning unit, but as explained above it is considered to fall within the domestic curtilage on any objective assessment.

4.0 Use

- 4.1 Having established that the mobile home would not be a building, the second key issue to consider is whether the use of the land for stationing it for its intended purpose involves a material change of use of the land.
- 4.2 The siting of a mobile home for ancillary residential purposes, as part of the overall primary residential use of the planning unit, does not amount to development under section 55 of the 1990 Act and the LPA has, of course, applied the correct approach to the relevant issues when determining numerous, similar applications. Therefore it is not considered necessary to rehearse the relevant case law (*Uttlesford D.C. v SSE & RJ White*

1992) on the matter here but set out below are the key facts so that the relevant factors can be considered.

- 4.3 No fencing or other features would be introduced to indicate the mobile home as a separate or independent unit of accommodation. The garden itself will continue to be enjoyed by the whole family and the purpose of the proposal is to enable family members to interact freely. It is intended, for example, that the family will prepare and eat meals together, socialise regularly and share household and garden maintenance tasks, all as part of normal family life. The applicant will, of course, continue to use the generous garden which always been, and will remain, something of a passion for her to tend.
- 4.4 The mobile home would take its services from the main house and there would be no separate utility metering, and it would not have its own postal address or any other features identifying it as a separate or independent unit of accommodation. The caravan would effectively be an 'annexe' and as such may attract a revised Council Tax assessment, but that is not relevant to its status in planning terms.
- 4.5 Indeed, it is likely that the care, companionship and support provided here will be mutual. The arrangements would simply provide flexibility for changes in circumstances both now and in the future, and the mobile home is intended to remain on site for as long as it serves a need for flexible, family accommodation.
- 4.6 So it is clear that the mobile home would not be occupied as a separate household or as a separate planning unit, and that it would not amount to a change of use of the existing residential planning unit. This form and character of its intended occupation is, then, materially different to that of a genuinely independent dwelling and would not amount to development under the terms of section 55 of the 1990 Act.

5.0 Conclusion

- 5.1 The application seeks to confirm that the siting of a mobile home, to be used for purposes that form part of the use of the main dwelling as a single planning unit and within the curtilage of Green Gates, does not amount to development within the meaning of section 55 of the 1990 Act, for the reasons explained above. The provision of a hardstanding upon which to site the mobile home is itself 'permitted' by Part 1 Class F of the GPDO 2015.
- 5.2 This position is well established in planning terms and the provision of such accommodation does not require planning permission, provided always that there remains a functional interaction between the occupation or use of the mobile home and that of the main dwelling. Therefore, based on the information detailed above, a Certificate of Lawfulness of Proposed Use or Development can be issued.