



SJM PLANNING

Unit 4, The Old Granary, Strettit Farm,
Snoll Hatch Road, East Peckham,
Tonbridge, Kent, TN12 5EE

t. 01892 882228
e. enquiries@sjmplanning.com
w. www.sjmplanning.com



PLANNING STATEMENT

Project: Summerfield, Chartway Street, Sutton Valence, ME17 3HX

Proposal: Stationing of mobile home as annex to main dwelling



Contents

1. Introduction..... 3

2. Site Description 4

3. Planning History and Proposal..... 5

 1. Planning History5

 2. Planning Proposal6

4. Lawful Development Certificate Proposal 6

5. Conclusion.....7



1. Introduction

This statement has been prepared in support of my clients' Lawful Development Certificate application. This is in relation to the stationing of a mobile home as an annex to the main dwelling, in addition to that considered lawful under the previous application 22/500800/LAWPRO.

Firstly, this statement will set out the details of the site description to provide a context in which the proposal has been designed. Secondly, we review the sites planning history and set out the details of the proposal subject of this application. Following this we will provide a summary of why we consider planning permission is not required for this proposal.

In addition to this statement the following documents have been provided;

- Application forms
- Proposed Site Plan
- Proposed floor plans and elevations

2. Site Description

The site is located on the northern side of Chartway Street approximately 100m down a private track. The site comprises a detached dwelling and 3 agricultural buildings no longer in active use. Measuring 0.5ha the site is largely surrounded by open fields with a number of residential properties to the south east.

As shown in the aerial photograph below, the agricultural buildings are located in close proximity to the main dwelling. Mature trees and grassland areas cover the remaining site area.



Figure 1: Aerial View of Site

The existing dwelling is in need of renovation and does not benefit from any particular architectural interest or merit. Planning permission was recently granted for the demolition of this property and the agricultural buildings and the erection of a new dwelling.

An existing private track provides access to the property and buildings, and runs alongside the boundary of the nearest neighbouring residential property which lies 70m to the south.

The property is located outside any settlement boundary and therefore within land designated as countryside. The settlement of Sutton Valence is located 1km to the south of the property and the town of Maidstone is located approximately 3km to the north west.

3. Planning History and Proposal

1. **Relevant Planning History**

Planning permission was granted in August 2021 for the demolition of the existing dwelling and 3 agricultural buildings and erection of a new dwelling with associated hard and soft landscaping. The reference for this application is 21/503233.

A Lawful Development Certificate was granted under ref 21/506553/LAWPRO for the proposed siting of a caravan for occupation by a family member. To be sited within the residential curtilage of the existing dwelling in April 2022.

The Case Officer concluded within their Case Officer's report that:

'Overall, it is my opinion that the proposed mobile home as described would comply with the legal definition of a caravan and that this proposal does not involve operational development. The mobile home is described that it will be used as ancillary accommodation to Summerfield and therefore no material change of use will occur. The proposal does not therefore constitute development, as defined by Section 55 of the Town and Country Planning Act 1990. It is also set out that the mobile home would meet the mobility and size tests. I therefore conclude that this submission complies with the relevant legislation and a certificate should be granted, subject to the applicant complying with those matters raised above.'

2. **Relevant Case Law**

- Wyre Forest BC v SSE and Allen's Caravans (1990)
 - Identified three tests to define a caravan
- Byrne v Secretary of State for Environment and Arun (1997)
 - Confirmed that even if the mobile comprises two separate parts it can be considered as a caravan
- Brightlingsea Haven Ltd v Morris (2008)
 - Confirmed that the test of mobility when assembled is that the structure must be physically capable of being towed on a road, not momentarily but enough to say that it is taken from one place to another.

3. **Relevant planning appeals**

- Land at 28 Lodge Lane, Romford, RM5 2EJ (Ref APP/B5480/C/17/2174314)
 - Outlines the relevant construction and mobility tests as set out in the above case law.
- Land at Caradon, Mill Lane, Pluckley, TN27 0SL (Ref APP/E2205/C/19/3241598)
 - Summarises the relevant case law as set out above.
- 15 Crondall Lane, Farnham GU9 7BG (Ref APP/r3650/X/16/3161457)
 - Appeal against a Council's decision to refuse an LDC for the siting of a caravan for ancillary use to the dwelling. Inspector concluded that despite the caravan having four bedrooms, it was of a size that could be considered ancillary to the main dwellinghouse and that the caravan had a functional link to the main house.

4. Planning Proposal

A Lawful Development Certificate is sought for the stationing of a mobile home within the rear garden of the existing property known as Summerfield, in addition to that previously considered lawful under application 21/506553/LAWPRO.

The mobile home would be occupied by a family member to the applicant, who would spend the majority of their time in the main dwelling, including having all their meals. The mobile home would also share utilities such as water and electric. There is no gas servicing the site. The applicant does not intend to create a second address either.

The mobile home would be located towards the rear of the plot. It would be within the residential curtilage granted consent through application 21/503233.

The existing access and parking arrangements to the main dwelling would be shared.



Figure 2: Proposed elevations and floor plan

4. Grounds on which Lawful Development is sought

Section 192 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) provides for any person wishing to ascertain whether a proposed use of land is lawful to submit an application for a Certificate of Lawfulness for a proposed use or development. This application is submitted under section 192(b) on the following grounds.

The meaning of development requiring planning permission is provided in section 55 of the Town & Country Planning Act 1990 and comprises two elements:

- a) Operational Development being "the carrying out of building, engineering, mining or other operations in, on, over or under land" or
- b) "the making of any material change in the use of any buildings or other land."

Definition of a Caravan (mobile home)

The definition of a caravan is provided in section 29(1) of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) as follows: "... 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: Any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent."

Section 13(2) of the 1968 Act (amended October 2006) prescribes the following maximum dimensions for caravans:

- (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.

For planning purposes caravan (and mobile home) has the same meaning as that in the 1960 & 1968 Acts. So far as planning law is concerned, a mobile home comes within the legal definition of a caravan where it meets the tests, as set out by the Acts (as above) being:

- i. it provides habitable accommodation
- ii. it is within the maximum dimensions provided by the 1968 Act
- iii. construction and iv) mobility which in this context means the mobile home must be capable of being moved when assembled from one place to another. This means that it cannot be fixed to the ground.

The legal definition has been found to be wide enough to include structures and erections which might ordinarily be regarded as a building, but the Courts, as in *Wyre Forest DC v SOS* (1990), have decided that if something falls within the statutory definition of a "Caravan" as provided by the 1960 & 1968 Acts it cannot also be a "Building" because of its element of mobility. The two definitions are mutually exclusive.

Compliance with Legislation

As outlined above there is very clear legislation defining what is a mobile home and what requires planning permission. We consider that there are three elements to this assessment to determine whether the proposal requires planning permission. These are as follows:

1. Whether the caravan would be located within the residential curtilage of Summerfield
2. Whether the proposal would fall within the statutory definition of a caravan (using the tests identified above)



3. How the caravan be used

These matters will each be considered in turn.

Residential Curtilage

The proposed caravan would be sited on land which is clearly within the residential curtilage of the dwelling.

Does the proposal fall within the definition of a caravan

As outlined above there is very clear legislation defining what is a mobile home and what requires planning permission. The proposed unit for Summerfield will follow the size requirements to meet the definition of a caravan.

Mobility is a more subjective term. However, Case Law has determined that providing the unit can be moved it meets these criteria. The proposed unit will:

- 'sit' on screw pile foundations and will not be fixed to the ground;
- have sufficient clearance to allow lifting straps to be 'slung' underneath;
- have designated lifting points for safe lifting;
- have tie down points for transportation.

There is a common misconception that there must be an intention to move the mobile home for it to be deemed mobile – if this was the case then most mobile homes on caravan sites would be unlawful. In addition, the connection of services is not considered sufficient to render the unit permanent as these are easily disconnected.

The proposed caravan would not be physically attached to the ground and any utilities could be removed when no longer needed. The caravan would sit on a brick plinth which would be placed on the ground as illustrated on the submitted drawings.

The final test is construction, and this is often misunderstood however the inspector in APP/B5480/C/17/3174314 made clear that the two sections can be constructed of multiple components on site providing that once the two sections have been constructed that the final act is to join the two together. At that point the construction is complete and to move the structure the fixings are removed, and the two sections can be moved independently. The unit proposed will meet this criterion.

The proposed caravan would be brought onto site via a lorry, in its final form such that no construction works would be required other than the joining of two halves. It could easily be removed in the future if no longer required. No operational works would be required to enable fitting or removal.

How will the caravan be used?

As we have proven the unit will meet the legislation for mobile homes then it would be a mobile structure and its siting alone would not be deemed development, it would only require planning permission if there is considered to be a material change of use.

For there not to be a material change of use the mobile home must be ancillary to the existing residential use. There is no formal definition of the term ancillary, however there are 4 tests generally assessed in case law which will now be explored.



The relative size of the house, its garden, and the caravan.

The house has a generous curtilage the mobile home will be modest and subservient to the host dwelling and would not lead to a cramped arrangement. The proposal would also be located in reasonable proximity to the main dwelling, such that physically, they would be closely linked.

The relative scale of accommodation in the caravan and the house.

The accommodation in the caravan will be modest compared to the main dwelling and would be the same as that previously considered lawful under application ref 21/506553/LAWPRO.

The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.

The caravan would be used by a family member to the applicant and would be used solely as an annex to the main dwellinghouse. This is demonstrated by the following facts;

1. The mobile home unit will not be physically separated from the rest of the garden of the main dwelling.
2. The garden will be shared by all occupants.
3. No separate services are proposed. These would be provided via the main house and all bills would be managed via the main dwelling.
4. There would be no separate postal address. All post would be sent to the main property.
5. The mobile home unit will provide limited living accommodation
6. The occupant of the mobile home will regularly take meals in the main house.
7. The occupant of the mobile home will socialise with the rest of the family in the main dwelling and will have access to all areas of the house, and other members of the household will have access to the mobile home unit.

Lawful Development Certificate - 21/506553/LAWPRO

This proposal would be in addition to the mobile considered lawful under application ref 21/506553/LAWPRO. Both mobiles would be ancillary to the residential use of the main dwellinghouse and would be utilised by family members. The use of the proposed mobile would be the same as that previously considered lawful.

5. Conclusion

Taking the above factors into account we consider that the proposal would constitute an annex to the main dwelling. We have demonstrated above that the proposal would not constitute operational development, nor would it result in a material change of use. Therefore, we believe that we have demonstrated that planning permission would not be required for the stationing of the caravan, such that the lawful development certificate should be granted.

We acknowledge and have informed our clients that should either the mobile home or its use fail to comply with the legislation that the certificate would not cover its existence