SUPPORTING STATEMENT

re Lawful Development Certificate application

for the siting and use of an ancillary residential caravan

on Land at Rosewell, St. Buryan, Cornwall TR19 6HP

1. BACKGROUND

1.1 Emma Thornton is the daughter of Nathan and Alison Thornton and the granddaughter of Nigel Thornton (the applicant) and Silvia Thornton, all of whom wish to form a single household together. Nathan Thornton used to live in the host dwellinghouse. He is currently constructing for himself and his wife, Alison, the small annex building on the site that was consented in 2017 (ref PA17/07113).

1.2 It is now proposed that a caravan is installed and utilised at the location indicated in the accompanying plans, and that this be used for sleeping accommodation, and for social purposes eg for entertaining friends, by Emma Thornton.

[redacted] Emma's grandparents, Nigel and Silvia Thornton, are getting older so they are starting to need a little extra help around the house with chores, which Emma will be able to assist with if she can join the household.

1.4 Emma Thornton would take meals in the main house, use laundry facilities and generally inter-react with her relatives there in the normal manner associated with family occupancy. The caravan would be used solely as living accommodation additional to that which already exists at the host dwellinghouse.

1.5 Any caravan so sited would not be used as an independent unit of accommodation but would remain very much part and parcel of the host dwellinghouse.

1.6 This application is submitted under the provisions of Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991). This section states that 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, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question.

1.7 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 should issue a Lawful Development Certificate to that effect.

1.8 This application is submitted in order to seek confirmation that the siting of an ancillary residential caravan at the location indicated would be lawful having regard to the provisions of the 1990 Act.

2. USE OF THE APPLICATION SITE

2.1 The red line application site comprises an area used ancillary to the host dwellinghouse, as an integral part of the garden and grounds of this dwellinghouse, for more than 10 years.

2.2 Whilst it could be argued that the red line application site forms part of the curtilage of the house, this is not critical to the decision here. What is clear from the evidence provided is that it falls within the same planning unit as the host dwellinghouse.

3. KEY CONSIDERATIONS

3.1 As the current application is to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Similarly, as the policies of the Local Development Plan are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact on the character or appearance of the area are not matters that the Council can attach any weight to.

3.2 Furthermore, in appeals which raise legal issues where the onus of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is the "balance of probability". As this test will accordingly be applied in any appeal against their decisions, planning authorities should therefore not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof beyond reasonable doubt. Moreover, the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the planning authority has no evidence to contradict or otherwise make the applicant's version of events less than probable, this is not in itself a valid reason to refuse the application.

3.3 Planning permission can only be required where development takes place, and development is defined in Section 55(1) of the Town and Country Planning Act 1990 as being:

"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."

3.4 This definition has two 'legs'; one involving permanent physical alterations to land, and the other material changes of the use of buildings or land.

3.5 It is a common misconception that ancillary or incidental residential use can only take place within a residential curtilage. In fact, such use can lawfully take place within a wider planning unit and, importantly, a planning unit may be bigger than the residential curtilage, as established in Collins v Secretary of State for the Environment [1989] E.G.C.S. 15. In this Court of Appeal case the judge upheld an Inspector's findings that an area of rough grass beyond the well-cut lawns near a dwellinghouse did not form part of its curtilage, but that it did form part of the planning unit. Therefore, whilst the land may fall outside the curtilage it could be used for purposes ancillary or incidental to the primary residential use of the planning unit.

3.6 This is reinforced by the Encyclopaedia of Planning Law and Practice (p55.55) which includes this observation:

"The fact that a use which is ancillary to a dwellinghouse is undertaken on land not forming part of the same curtilage need not mean that it requires separate permission, since the planning unit and the curtilage need not be identical and the planning unit of occupation may be greater than the curtilage".

3.7 This is a common occurrence with homes with large grounds. There are a host of appeal decisions on this point, but to quote one:

"The appellant argues that the house and grounds represents a single planning unit and the primary use of that planning unit is residential. Therefore if the use of the log cabin is ancillary to that residential use then there has been no material change of use. I cannot fault that logic. The grounds of the house are clearly part of the residential planning unit. To argue otherwise would be to suggest that the parkland had a different use and that there were two or more uses being undertaken at Sandridge Park. This is clearly not the case." (PINS ref. APP/Y3940/X/15/3033313).

3.8 Having regard to the above, the central questions to be asked when deciding whether or not to issue the Certificate of Lawful Use applied for will therefore be:

a) Will the 'annexe' be a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended)?

b) Will the caravan be sited within the same planning unit as the host dwellinghouse? and

c) Will the caravan be used solely for purposes ancillary / incidental to the use of the host dwellinghouse?

Each of these questions must be answered in the affirmative in order for a Certificate to be issued. Taking each of the questions in turn:

a) Will the annexe be a Caravan?

3.9 Section 29 (1) of the Caravan Sites and Control of Development Act 1960 originally defined 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."

3.10 This definition was subsequently modified by Section 13(1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13(1) permits within the definition: "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."

3.11 Section 13(2) of the 1968 Act further prescribes 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).

3.12 Finally, the Caravan Sites Act 1968 (Amendment of Definition of Caravan) (Scotland) Order 2019 amended Section 13(2) of the 1968 Act to increase the maximum dimensions of a caravan to:

a) length (exclusive of any drawbar) - 65.616 feet (20 metres);

b) width - 22.309 feet (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) - 10.006 feet (3.05 metres).

3.13 For the avoidance of any doubt the terms 'caravan' and 'building' are mutually exclusive, i.e., a structure that complies with the statutory definition of a caravan cannot also be a building. This fundamental point of planning law was confirmed

in an appeal in respect of land at Upper Farm, Blue Bell Lane, Stoke D'Abernon, Cobham (PINS reference APP/K3605/X/11/2147586) where the appointed Inspector stated:

"At the Inquiry it was established that, despite the terminology used in the application form, the Appellant considers that the 'static caravan' referred to therein was a 'building' rather than a 'caravan' for the purposes of the 1990 Act as amended by the time of the application. The terms are mutually exclusive, such that a unit of accommodation cannot be both a caravan and a building. Moreover, having regard to case law arising from the judgment in Measor v SSETR & Tunbridge Wells Borough Council [1999] JPL 182, a caravan cannot, for the purposes of the Act, be a 'dwellinghouse'."

3.14 To be a caravan as so defined three tests must be passed: the 'size test', the 'construction test' and the 'mobility test'. Taking each in turn:

The Size Test

3.15 The maximum permitted dimensions of a caravan are 20 metres (65.616 feet) in length, 6.8 metres (22.309 feet) in width and the overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) cannot be larger than 3.05 metres.

3.16 Any 'caravan' to be sited in the location as indicated on the accompanying plans would be no larger than these measurements. On this basis the 'size test' would be passed.

The Construction Test

3.17 With respect to the assessment of the 'construction test' there is actually no requirement for a caravan to be delivered to the site in two sections. This was made clear in an appeal in respect of land at 159 Victoria Avenue, Borrowash (PINS ref. APP/N1025/C/01/1074589).

3.18 This appeal concerned the construction of a 'Park Home' on a site (as opposed to its delivery to the site). The Council were of the opinion that because the Park Home was delivered to the site in more than two parts, it did not fall within the statutory definition of a caravan. The appointed Inspector disagreed. He stated that he could see no requirement in Section 13(1)(a) of the 1968 Act that the process of creating the two separate sections must take place away from the site on which they were then joined together. Provided that there was a final act of assembly when the two sections were joined together the 'construction test' would be passed.

3.19 Similarly, in a subsequent appeal decision in respect of land at 28 Lodge Lane, Romford (PINS ref. APP/B5480/C/17/3174314) the appointed Inspector concluded:

"The Council's evidence is not in conflict with the appellant's explanation of what took place. However, the Council appear not to have appreciated that assembly can take place on site and they have not shown that the construction test, as explained in paragraph 8 above, was not satisfied. In particular, the Council's evidence does not cast doubt on the appellant's explanation of how the two

sections were assembled on the land and then joined together in the final act of assembly.″

3.20 Finally, under this heading, in another recent appeal decision in respect of land at Trotters Plot, Wimborne (PINS ref. APP/U1240/C/18/3204771) where the appointed Inspector said:

"I was shown photographs of the whole unit under construction, apparently as one unit, and also as two. It is also clear there was a final act of joining together. It was explained that as the two halves are built up from the various elements of the kit, they are placed side by side in order to ensure they various components would eventually fit together. The two halves were moved apart and back together as required during construction. This seemed to me be a reasonable explanation of the construction process.″

3.21 Any 'caravan' to be sited in the location as indicated on the accompanying plans, when assessed in light of the above appeal decisions, would comply with the 'construction test'.

The Mobility Test

3.22 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". "Capable" in this context refers to the ability to do something, but not necessarily doing it. The Act does not say that you have to be able to physically demonstrate that a caravan can be moved from one place to another, only that you must be able to show, on the balance of probabilities, that it is "capable of being moved". An ordinary reading of the provisions would therefore point towards this being a hypothetical test of mobility.

3.23 The proposed caravan would not be physically attached to the land, to the extent that it would not be capable of being moved. It would rest, under its own weight.

3.24 In a recent appeal in Richmond upon Thames (PINS ref. APP/L5810/X/15/3140569), when considering the 'mobility test' the Inspector noted in paragraphs 16 and 17 of his decision:

"The mobility test does not require a mobile home to be mobile in the sense of being moved on any wheels and axles it may have. It is sufficient that the unit can be picked up intact (including its floor and roof) and be put on a lorry by crane or hoist. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant. As a matter of fact and degree, I consider that the proposed accommodation once assembled would be capable of being moved intact within the terms of the statutory definition.

I note that the proposed unit would rest on concrete 'pad stones' placed on the ground. As such, the unit's degree of physical attachment to the ground and the effect on mobility would be minimal or non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved. The mobile home

would not acquire the degree of permanence and attachment required of buildings. The mobility test would be met.″

3.25 It is particularly important to note here that the Inspector made it clear that "any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved".

3.26 Also, relevant in the context of the 'mobility test' is the judgement reached in Brightlingsea Haven Limited and another v. Morris and others 2008 EWHC 1928 (QB). Here, in paragraphs 83 and 84 of the judgement, Jack J addressed this issue as follows:

"83. Section 13 of the 1968 Act requires that the structure '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)': but it need not be capable of being lawfully so moved. The last provision appears to be because of width problems: I refer to Howard v Charlton, paragraph 6. The phrase 'from one place to another' also occurs in section 29(1) of the 1960 Act, but section 29(1) does not refer to 'by road'. Section 13 provides alternatives, movement by towing, and movement by loading onto a carrier. The two opposing constructions are these: whether the structure must be capable of being moved by road from one place to another, with no specific places or roads in mind, or whether the structure must be capable of being moved from where it is and moved by road to another place.

84. I have concluded that the first construction is the correct one. My main reason is that it is consistent with the purpose of the Act that, if a structure is once a caravan, it should remain a caravan if it is itself unaltered, regardless of where it is. If a lodge meeting the requirements of the section and so a caravan is assembled on a site, it should not cease to be a caravan if it becomes boxed in by other lodges and cannot be got out because lifting apparatus cannot sufficiently approach. Likewise, with the growth of trees. Likewise, with the change of season making ground alternatively passable or impassable to equipment or the lodge. It is also very possible that the kind of caravan that is towed behind a car might be placed in a position from which for one reason or another it could not be moved, either temporarily, or permanently. It is surely unthinkable that it would then cease to be a caravan as defined in section 29 because 'it was not capable of being moved from one place to another'. I therefore decline to follow the view tentatively express by HHJ Rich in the Byrne case. In my judgment, the test which the structure has to pass is as follows. It must either be physically capable of being towed on a road, or of being carried on a road, not momentarily but enough to say that it is taken from one place to another. It is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road."

3.27 For a caravan to therefore be capable of being transported on a motor vehicle or trailer all that is required to pass the 'mobility' test is that it can, when assembled, be shown to be able to be lifted off the ground and moved from one place to another.

3.28 The Romford appeal also considered the 'mobility test', and the appointed Inspector noted how temporary lifting beams would be able to be installed under the structure so as to enable it to be lifted safely as a single entity. This is consistent with the judgement in Carter v SSE & Carrick DC [1991] JPL 131;

[1995] JPL 311) which clarified that for a structure to be a caravan for the purposes of the Caravan Sites Acts the fully assembled unit must be capable, as a whole, of being towed or transported by a single vehicle.

3.29 Any 'caravan' to be sited in the location as indicated on the accompanying plans, when assessed the light of the above appeal decisions, would comply with the 'mobility test' as well.

b) Will the caravan be sited within the same planning unit as the host dwellinghouse?

3.30 When it comes to assessing a planning unit, the leading case-law on the subject is Burdle and Williams v SSE and New Forest DC [1972] 1 WLR 120797. Bridge J. suggested three broad tests for determining the appropriate planning unit:

a. Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.

b. It may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physically distinct areas of land.

c. It may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit. It is important to stress that both functional and physical separation are required before a smaller unit can be identified.

3.31 Bridge J. concluded that, as a useful working rule, it should be assumed that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.

3.32 The other documentation submitted with this application confirms that the site is a single planning unit that comprises the host dwellinghouse and the other land as outlined in blue on the submitted location plan. The proposed caravan will be sited within this planning unit, in the approximate location shown on the submitted plan.

c) Will the caravan be used solely for purposes ancillary to the use of the host dwellinghouse?

3.33 With respect to the proposed use of the land, the host dwellinghouse is in use as a Class C3(c) dwellinghouse and is occupied by no more than six people

living together as a single household. The proposed caravan will be used to provide additional accommodation, falling within the same Use Class.

3.34 There is absolutely no intention that the caravan will be made available for separate, independent, residential use.

3.35 Whilst any 'caravan' sited as proposed might be seen as being capable of independent occupation, this is not the basis upon which a Certificate is being sought. There will be no functional or new physical separation of land between that where the caravan will be sited on and the rest of the planning unit, and so no separate planning unit will be created. On the basis that at all times the occupation of the caravan will remain ancillary to the primary use of the land, no material change of use of land requiring planning permission will take place.

4. Further supporting sources

4.1 Further justifications to support this application are as follows:

House of Commons Debate on Travellers (22 November 2005)

4.2 The full text of the Hansard transcript for this debate is online available at: www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051122/debtext/51122-39.htm (Columns 1487 to 1496). The debate was, in part, concerned the stationing of caravans belonging to gypsies and travellers within the grounds of the residential properties that they had purchased.

In the debate MP Ann Winterton made reference to paragraph 29 of Circular 01/94 which she quoted as stating the following:

"Some kinds of activity will not fall within the definition of 'development' in Section 55 of the 1990 Act and will not therefore require planning permission. Any gypsy living in a dwellinghouse will not require planning permission to use a caravan within the curtilage of the dwellinghouse, provided that the purpose is incidental to the enjoyment of the dwellinghouse as such. A caravan within the curtilage of a dwellinghouse 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 dwellinghouse and the unit remained in single family occupation."

4.2 On page 6 of the debate transcript, in response to the question, "to what extent would the usage of a caravan fall outside the definition of being incidental to enjoyment of the dwelling house", the then Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick), stated that:

"A caravan is not a building. Stationing one on land is not itself 'operational development' that requires planning permission, although associated works such as the provision of infrastructure and hygiene facilities may well be. Under planning law, householders can park caravans in their gardens or driveways indefinitely, provided that no material change of use of land occurs. However, in certain circumstances, the placing of a caravan on land may change the principal use of that land, which would amount to development in the form of a material change of use of land. It is for that reason that the use of land for an occupied caravan generally requires planning permission. The hon. Lady asked whether adding extra caravans would still be incidental. 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. If, on the other hand, a caravan is there for another purpose not incidental to the enjoyment of the main dwelling, known as the dwelling house - for example, it is inhabited quite separately from, and independently of, the dwelling house - planning permission for change of use of the land would, generally speaking, be required. As it would result in the creation of a new planning unit, such permission may well not be granted in a residential area.″

4.3 At a later point in the debate the minister, Mr Fitzpatrick, confirmed that examples of ancillary uses could include uses such as storage, home office, additional sleeping accommodation and a garden shed.

Homefield Appeal Decision and Costs Decision (12 November 2009)

4.4 This appeal concerned a Lawful Development Certificate application to site two caravans on land within a residential planning unit, for use as ancillary accommodation incidental and subordinate to the residential occupation of the main dwellinghouse (PINS ref. APP/P2365/X/09/2109940). In allowing the appeal the appointed Inspector concluded that:

"The evidence for the appellants is that the caravans would be used by the two sons to provide their sleeping accommodation, 'and for social purposes and entertaining friends'. The supporting statement goes on to say that 'the sons will, as now, take all meals in the main house, use laundry facilities and generally inter-react with their parents in the normal manner associated with family occupancy.' As such, I consider the proposal is to use the caravans solely as living accommodation additional to that which exists at Homefield. The stated intention is that the caravans will not be used as independent units of accommodation but will remain very much part and parcel of the main dwelling. If the caravans were to be used as self-contained living accommodation, then it is likely that would amount to a material change of use of the land. But, so long as the caravans are sited within the residential planning unit, and so long as use of the caravans remains ancillary to the main dwelling, I am satisfied their siting does not result in any material change of use of the land.″

4.5 In parallel to submitting their appeal against the refusal to issue a Lawful Development Certificate, the appellants made an application for an award or costs on the grounds that the Council had acted unreasonably. In making a full award in favour of the appellants the appointed Inspector found that by considering the proposal primarily in the context set by the 2008 [General Permitted Development] Order, the Council failed to first address whether or not the siting of 2 caravans amounted to development at all.

80 Buckingham Road Appeal Decision (19 February 2016)

4.6 In this decision (PINS ref. APP/Y0435/X/15/3129568) the appointed Inspector noted that whilst the proposed caravan would have contained all the facilities for independent living it would not have been used in that way. There would have been a functional link with the main dwelling. The use of the caravan in the manner described in the application would have been a use comprised part and parcel within the primary dwellinghouse use which was already taking place within the planning unit, as a matter of fact and degree. For this (and other) reasons it was found that, had the caravan been sited and its use instigated at the time of the

LDC application, there would not have been a breach of planning control. The siting and use of the caravan for the purpose of providing additional living accommodation as described in the application would have been lawful as a matter of fact and degree.

Woodfords, Shipley Road Appeal Decision (20 Sept 2016)

4.7 In this decision (PINS ref. APP/Z3825/X/16/3151264), which concerned the siting of a caravan for occupation by elderly parents, within the garden grounds of a dwelling, the appointed Inspector concluded:

"Use of the caravan in the way set out in the supporting statement would not, in my view, result in a separate unit of occupation, in planning terms, and the use of the existing planning unit comprising the house at Woodfords and its grounds would remain in domestic residential use as a single dwellinghouse. The character of the use would not change. Whilst I can appreciate the concerns of the Council, the size of the caravan and the facilities provided, which would be found in most large caravans, do not cast substantial doubt on the applicant's explanation of the use that is proposed. On the balance of probabilities, I consider that that use proposed would be subordinate and ancillary to the use of the property as a single dwellinghouse. It would not result in a material change of use. For that reason, I conclude, on the evidence now available, that the Council's refusal to grant an LDC in respect of the siting of a caravan for ancillary residential use within the residential curtilage of Woodfords was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under s195(2) of the Act."

Heathfield House Appeal Decision (2 November 2017)

4.8 In this recent decision (PINS ref. APP/A1530/X/17/3177321), the appointed Inspector similarly concluded:

"It is clear that there would be a close family and functional link between the uses with the land also remaining in single ownership and control. Use of the caravan in the manner described would not involve physical or functional separation of the land from the remainder of the property. The character of the use would be unchanged. Thus, the use described would form part and parcel of the residential use within the same planning unit. Only if operational development which is not permitted development is carried out or if a new residential planning unit is created, will there be development. From the application, neither scenario is proposed. Accordingly, the proposal would not have required separate planning permission."

Uttlesford District Council v Secretary of State for the Environment & White [1991]

4.9 Finally, whilst not in respect of the siting of a caravan, reference is also made to Uttlesford District Council v Secretary of State for the Environment & White [1991], one of the leading cases in respect of the use of an existing building within the curtilage of a dwellinghouse, for the provision of ancillary residential accommodation. Here it was concluded by Mr Lionel Read QC (sitting as a deputy judge of the Queen's Bench Division) that a building within the garden of a property could similarly be used as an integral part of the main residential use,

without this representing a breach of planning control (i.e. a material change of use). As he noted in his judgement:

"... the Department's present view is that the use of an existing building in the garden of a dwelling-house for the provision of additional bedroom accommodation ... merely constitutes an integral part of the main use of the planning unit as a single dwelling-house and, provided that the planning unit remains in single family occupation, does not therefore involve any material change of use of the land."

4.10 Although the proposed caravan could contain the facilities required for independent living, there will be sufficient linkage between any occupants, and the occupants of the main dwelling, for the two to remain a single planning unit. As was observed in Uttlesford:

"... the elderly relative to be accommodated would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent she will be independent from the rest of the family. I find no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling."

5. CONCLUSIONS

5.1 The key elements of the application submission are as follows:

- The additional accommodation provided would be within a caravan as defined in the 1960 and 1968 Caravan Sites Acts (as amended);

- The caravan would be sited within the lawful planning unit that includes the existing host dwellinghouse;

- It would be, when sited, and will thereafter remain, a movable structure;

- It would not be permanently affixed to the ground and no operational development would need to take place; only services would be connected;

- The use of the caravan would at all times be ancillary to the use of the planning unit that includes the host dwellinghouse;

- The caravan would not be provided with its own separate curtilage; and

- The caravan would not have a separate postal address.

5.2 It is confirmed that the uses of the caravan will only be ancillary to the residential use of the host dwellinghouse, and that it will sit within the same planning unit as said dwellinghouse. These facts together with the appeal and court decisions quoted earlier in this document demonstrate that the proposed siting of a caravan, to be used for ancillary purposes, is not to be regarded as operational development, and would not bring about a material change of use of the land. Whether or not the caravan is capable of independent occupation is of no relevance; the assessment of whether development is involved can only be made on the basis of how the caravan in question will actually be used.

5.3 For these reasons, and having regard to the submitted evidence, it is therefore clear that there would be no material change in the use of the planning unit, and

thus no development as defined by Section 55(1) of the Town and Country Planning Act 1990 would take place. It is therefore respectfully requested that a Certificate of Lawfulness of Proposed Use or Development, under the provisions of Section 192 of the 1990 Act, be issued without delay.