

Proposal and Evidence

The 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 definition of the caravan. Evidence of this is supplied in the planning statement confirming the structure conforms to the size, mobility and construction tests.
- **USE:** The use is incidental to the main dwelling with shared facilities by family members.

Location - The Site

The dwelling is a semi-detached house with a front paved area and rear garden of around 380m². We consider that the location is within the curtilage of the house thus:

- **Physical layout.** The caravan will be sited in the rear garden within the fenced boundary. The garden is fenced and separated from surrounding land.
- **Ownership, past and present.** The garden area was purchased with the house part-and-parcel. The ownership of the garden has and will remain in the ownership of the household. It was not purchased as a separate plot.

Structural Conformity - The Caravan

Additional documents show a plan drawing and image of the mobile home we are intending confirming the structure conforms to size, mobility and construction tests.

Use

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

1- The relationship between the respective occupants - The house is being occupied by Mr Harun Miah. The caravan will be occupied by Mohamed Sajel and his family. The relationship between these people, they are brothers, and as such they are direct family.

2- The relative size of the house its garden and the caravan: The entire plot is approximately 1144m². The house is approximately 313.5m² and the mobile home will be 95m².

3- The relative scale of the accommodation in the caravan and the house. The house has 4 bedrooms, 2 bathrooms, 1 kitchen and 2 living areas. The mobile home has two bedroom, one bathroom, one kitchen and a living area.

4- 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, No new entrance will be created. Family using the mobile home share access to the site.

Mr Mohamed Sajel and his family will sleep and wash in the mobile home but 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 caravan's occupants will vitally depend on some cooking and storage facilities in the main dwelling and for laundry.

No rent is paid for the use of the caravan.

A caravan/mobile home which because of its mobility is not operational development may be sited within the curtilage of a dwelling without planning permission if its use is ancillary to the use of the dwelling.

This would apply even if it had all facilities within it that enabled the occupier to live independently as would apply to a great many caravans. What defines an ancillary use is a matter of fact and degree however to assist, *Uttlesford District Council v Secretary of State for the Environment & White* [1991] remains 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, Mr Lionel Read QC (sitting as a deputy judge of the Queen's Bench Division) concluded that a building within the garden of a property could 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 judgment:

"... 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."

Examples of this in connection with caravans include the East Hertfordshire appeal case (Ref: APP/J1915/X/11/2159970) where the inspector determined that a fully equipped mobile home sited in the front garden of a dwelling and occupied by the elderly parents of the applicants was lawful, and in Esher a mobile home to provide ancillary staff accommodation but with all the facilities of an independent home, was also found not to require planning permission (Appeal decision APP/K3605/X/12/2181651). A similar decision was reached by a planning Inspector in Teddington in 2016 (APP/L5810/X/15/3140569). More recently an enforcement appeal decision in Welwyn and Hatfield District confirmed a caravan with all facilities of an independent home sited within the curtilage of a dwelling house and occupied by the nephew of the owners was lawful (Appeal Decision APP/C1950/X/20/3247983) and at Heathfield House, West End Road, Tiptree CO5 0QH (APP/A1530/X/17/3177321) which acknowledges that "typically, a caravan will be equipped with all the facilities required for independent day-to-day living. It does not follow automatically that once occupied there must be a material change of use simply because primary living accommodation is involved. Much depends on how the caravan would actually be used".

High Court case *Uttlesford v SoS (Environment & White)*

Inspector acknowledged that the annexe contained all the facilities for day-to-day domestic existence and was capable of being used as a separate dwelling house.

However, the inspector also stated that this did not mean that it had been so used; Factors of significance were the lack of separate utility meters, postal address and telephone line. He also mentioned the lack of any separate curtilage or access arrangements

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 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.