

**AN APPLICATION FOR
LAWFUL DEVELOPMENT CERTIFICATE FOR AN
EXISTING OPERATION FOR THE SITING OF A BUILDING, ORIGINALLY A MOBILE HOME, AT
AKLAM BUNGALOW, WHATFIELD ROAD, NAUGHTON, IPSWICH IP7 7BS**

Introduction

1.0 This application is submitted under the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991). The application is made to establish that operational development has occurred, and that this was substantially completed more than four years before the date of this application.

1.1 At the time of the Drafting of this Statement, the Department for Levelling Up, Housing and Communities has not made a commencement Order for Section 115 of the Act, changing the 4 year rule to the proposed 10 year rule for operational development.

1.2 This application sets out that the use was started at least as far back as 1985. The Property was originally sited as a mobile home, but since then various operational works and “structures” have been erected which means that the Property no longer falls within the definition of a “caravan” but instead is considered a “building” for planning purposes. The evidence, including that within the Council records, is that by 1987 the building was substantially completed. By 2007 the evidence indicates that further operational development had occurred to improve the building. The building has been used for residential accommodation linked to individual personal planning permissions since at least 1985.

1.3 The application is made to seek confirmation that the property constitutes a building and this, together with its use for ancillary residential purposes in the grounds of Manor Cottage, is lawful having regard to the relevant provisions of the 1990 Town and Country Planning Act.

2.0 Planning History and Site Description

2.1 It appears that the mobile home was sited for the occupation by Mr and Mrs Fleming. Mr and Mrs Fleming were the late grandparents of the Applicant's former husband, Mr Paul Crick. The Planning history shows planning permissions from 1967 for a mobile home at the premises. Over the last 4 decades there have been three planning permissions ;

a) B/380/84 – Renewal of planning permission B/173/81 – continued use of land for siting of mobile home. This was for a 3 year temporary planning permission, that it be used as ancillary to the residential use of Manor Bungalow (Now Manor Cottage), as a single family residence and not as a separate unit of living accommodation and the occupation was restricted to Mr and Mrs Fleming.

b) B/302/87 – Renewal of p.p. B/380/84 – Continued use of land for stationing of mobile home. Again, the use was restricted to use ancillary to Manor Bungalow and restricted the occupation to Mr and Mrs Fleming. However, on the Grant of this planning permission, there was no time limitation condition imposed. On the application file reference B/302/87, the Officer commented;

“The mobile home with and wing like a permanent building. The occupier has recently built a corrugated covered type extension to the and potentially it implies that a permanent building is established” dated 2/4/87.

c) B/05/00862/ROC/MF – Variation of condition 2 attached to permission B/302/87 which enabled occupation of the mobile home by Mr and Mrs Ken Crick.

2.2 Mr and Mrs Ken Crick were the parents of the Applicant's former husband. They moved out of Manor Cottage and occupied Aklam Bungalow. The Applicant and her husband Mr Paul

Crick moved into Manor Cottage in 2005. Mr Ken Crick passed away in 2012 and Mrs Edi Crick passed away in 2020.

3.0 Evidence submitted and Statement to Support the Application.

3.1 The evidence provided in support of this application is the Statutory Declaration of Mrs Julie Crick, the associated exhibits, the planning history and the characteristics of the building. The onus of proof is on the Applicant, however, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the Applicant's version of events less than probable, there is no good reason to refuse the application, provided the Applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. Reference Department of Levelling Up Lawful Development Certificates Guidance Paragraph: 006 Reference ID: 17c-006-20140306.

3.2 Development is defined in Section 55 of the Town and Country Planning Act 1990 as 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.

3.3 The definition of 'buildings' does not actually set out what constitutes a building. It necessary to apply the following tests to determine what constitutes a 'building' .

1. The degree of permanency
2. The size
3. Any physical attachment

3.4 Therefore, a view must be taken in light of the above 3 tests to establish whether development has taken place.

3.5 In effect whether the siting of the property for nearly 4 decades coupled the size of the property which is equivalent to a large ancillary building and the physical works to the property, means that the building falls within the definition of development in Section 55 of the 1990 Act, thus would have needed planning permission under Section 57 of the Act. As set out above, the large mobile home has been on site since at least 1985. By 1987 substantial works to the property, constituting operational development, had occurred which meant that

the property was no longer a mobile structure. The property occupies a not insignificant footprint / floorspace of approximately 74 square metres. The physical works and attachments involved extensive works including the construction of the concrete breeze block walls, the erection of a brick plinth / base, the erection and attachment of an enclosed veranda and porch with steel subframe and the provision of concrete steps up to and separate ramp and a new pitch roof covering the property. As set out previously many of these works were completed by 1987 and the remaining works completed by 2007, some 37 and 17 years ago respectively. These works all fall within the definition of development in Section 55 of the 1990 Act, thus would have needed planning permission under Section 57 of the Act.

3.6 The overall appearance of the property is that for many decades the building was altered, extended and supported without any intention that it be moved. This is further demonstrated by the fact that permanent statutory utility supplies of water, sewerage and electricity have been connected to the property. Further, that the property no longer and has not for a considerable period of time constituted being a caravan. Please see Statutory Declaration paragraphs 16 to 21 and exhibit photographs 1 to 27. Having regard to the definition of what is a caravan, under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, the width of the building now exceeds 6.8 metres currently being at 8 metres.

3.7 The building is now no longer in two parts, and it cannot be moved as one single unit. As per the Statutory Declaration if the Property were to be moved, it would need to be taken apart, into a number of manageable sections before it could be moved. The attached veranda dates to ~35 years ago and is a substantial structure attached to the original mobile home. Please see exhibit photographs 1, 3, 4, 5, 7, 8 and 15. Due to the construction of the property including the attached veranda and porch, we submit that it cannot be moved from its current location without causing substantial damage to it and/or requiring significant building/construction/demolition works. It certainly cannot be towed. We submit that since its original siting, various works and "structures" have been erected which means that the Property no longer falls within the definition of a "caravan" but instead is considered a "building" for planning purposes. Indeed, the planning officer confirmed it was considered to be a building as long ago as 1987.

3.8 In summary given the evidence provided in the Statutory Declaration, the associated enclosures and the degree of permanence, size and the operational and physical attachments that have taken place, we conclude that on the balance of probabilities that the property constitutes a building and its use being ancillary accommodation to Manor Cottage.

3.9 In conclusion, we invite the local planning authority to Grant a Lawful Development Certificate confirming that the property is a building which is ancillary accommodation to Manor cottage and as such is lawful.

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