

Delegated Application Report

Address: 30 Westwood Glen

Application No: 221325/CLP

Proposal: Application for a Lawful Development Certificate for a Proposed Caravan (movable) to be used as ancillary accommodation

Case Officer: Connie Davis

Target Date: 02/11/22

Introduction and Proposal

The application site is a semi-detached bungalow located on Westwood Glen. Originally constructed circa 1950 the property is located within a predominantly residential area. In 1985, the site was the subject of a Section 52 agreement whereby for postal purposes the property became no's 30 & 30a. The dwelling benefits from a large rear garden.

The proposal is for the siting of a mobile home in the rear garden for purposes incidental to the enjoyment of 30 Westwood Glen. The mobile home would measure 11m in length and 3.6m in width. The mobile home would have a shallow pitched roof with a maximum height of 3.6m. It would not be fixed to the ground. The applicant has confirmed that the mobile home would be used by family members in connection with the use of the main dwelling.

This application seeks to establish that the siting of a mobile home in the rear garden would be lawful and would not constitute development.

Plans/ Documents Submitted

Planning Statement/ Covering Letter

Drawing P1 - Location and Block Plans

Drawing P2 - Existing Block Plan

Drawing P3 - Proposed Block Plan

Drawing P4 - Proposed Plan and Elevations

Application Form

Received 8th September 2022

Relevant Planning History

201464/FUL - Single storey side extension - Application Permitted

130207/FUL - Single storey extension to front & side; rear extension with room in roof space - Application Permitted

121468/FUL - Rear extension to provide kitchen/family room with study/office in roof space and new dormer window - Application Permitted

Summary of Consultations

- Legal - Legal confirmed that there was insufficient information to confirm if the proposal would qualify as permitted development. It has not been confirmed that the structure would be assembled from no more than two parts and evidence from the manufacturer that it could be moved without structural damage once assembled. Evidence would also need to be provided to show the structure would be regularly moved, which does not seem likely.

Relevant Planning Policy and Guidance

National Planning Practice Guidance

Town and Country Planning Act 1990(as amended)

The Caravan Sites and Control of Development Act 1960 (as amended)

Caravan Sites Act 1968

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders - Technical Guidance April 2017

Assessment

Overview

To assess the lawfulness of the stationing of a caravan on residential land, we must assess the following:

- The proposed structure must be examined to see whether it falls within the statutory definition of a caravan.
- If the proposed structure falls within the definition of a caravan, its stationing in the curtilage of a dwelling would not normally constitute development, in that there would be no material change of use, and no operational development, as a caravan would not normally be considered a structure because of its mobile nature. However, it is possible that mobile structures can become sufficiently relevant in planning terms that their nature changes to that of a building (the test in the *Skerritts* case). The proposed structure must therefore be examined to see whether this is the case.

The structure would not benefit from permitted development rights under Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

When assessing whether the structure qualifies as a caravan, the following should be noted:

- the test in s192() TCPA 1990, that the LPA must be “*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*”
- the guidance on the determination of lawful development certificate applications from the Planning Practice Guidance:

- applications “*must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application*” (PPG, Lawful development certificates, Paragraph: 005 Reference ID: 17c-005-20140306)
- “*in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved*” (PPG, Lawful development certificates, Paragraph: 006 Reference ID: 17c-006-20140306)

Whether the proposed structure is a caravan

The statutory definition of a caravan comes from s29(1) of the Caravan Sites and Control of Development Act 1960, as follows:

“caravan” means 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.

For larger caravans (often referred to as “static caravans” or “mobile homes”), the definition comes from s13 Caravan Sites Act 1968:

13.— Twin-unit caravans.

(1) 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 as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

- (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)

In this case, the applicants have provided evidence as to the size of the caravan (table on p3 of the Planning Statement (“PS”), plan labelled “[1] Existing GF Plan (3)”) which shows that it will fall within the permitted size.

It is also stated that the “*caravan structure has the capability of being transported*” (PS p4, 2nd para). In my view, this is somewhat vague, as the test above requires the caravan to be capable of being transported “*by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)*”.

However, no evidence has been provided at all to show that the caravan “*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*”. From the evidence, the LPA have no information relating to assembly of the structure, so it might, for example, arrive in more than two sections.

As such, it is considered the evidence is not sufficient to show that the proposed structure will fall within the definition of a caravan.

The *Skerrit* test

Based on the above, it has not been shown that the proposed structure falls within the definition of a caravan. However, it does appear to be capable of being moved, and mobile structures do not always constitute operational development unless the test in *Skerritts* ([*Skerritts of Nottingham Limited v Secretary of State* \[2000\] 2PLR 102](#)) is failed. As the structure is to be used for ancillary residential purposes, there would also be no material change of use.

The *Skerritts* test is essentially that a movable structure should be treated as a building (and so require planning permission) if it is placed “for a sufficient length of time to be of significance in the planning context” (judgment, para 33).

Here, while there is evidence that the structure can be moved, there is no indication that it ever will be; it will be a sizeable structure, resting upon the ground (though not affixed), with connections to utilities (which of course can be disconnected). While the test is one of fact and degree, this does seem to be a structure which will remain in place long enough to be significant in the planning context, such as in its visual impact on neighbouring properties.

RECOMMENDATION: REFUSE certificate for the following reason:

The proposed structure does not qualify as a caravan in line with s13 Caravan Sites Act 1968. As such, the proposed structure qualifies as operational development for which planning permission is required in line with the Town and Country Planning Act 1990.

1:1250 Location Plan (Not to scale)

