

DELEGATED PLANNING APPLICATION REPORT

Ward: Southcote

App Ref: 240168/CLP

Address: 39 Circuit Lane, Reading

Proposals: Certificate of lawfulness for proposed siting of mobile home in rear garden for purposes incidental to the enjoyment of 39 Circuit Road

Case Officer: Sian Hickey

Date received (valid from): 23 February 2024 **Target Decision date (ext):** 15 May 2024

Introduction and Proposal

The application site is a two storey detached dwelling located on Circuit Lane. The main dwelling has previously been extended and there is an existing single storey outbuilding in the rear garden. The property is not a listed building, nor does it fall within a conservation area. The surrounding area is predominantly residential. Many of the neighbouring dwellings benefit from large outbuildings at the rear. There are many trees on/close to site, none of which are subject to a TPO.

The proposal is for the siting of a mobile home in the rear garden for purposes incidental to the enjoyment of 39 Circuit Lane. The mobile home would measure 11m in length and 3.5m in width. The mobile home would have a flat roof with a slight slope and a maximum height of 2.8m. The applicant has confirmed that the mobile home would be occupied by the owners' own family and it would share the facilities within the main dwelling. The mobile home would not be separately metered and would not have a separate access. The mobile home would be assembled on site and would remain able to be transported.

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

Site visit date: 14/03/2024



Relevant Planning Policy and Guidance

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject

to which planning permission has been granted, is lawful, and is so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not planning permission. The planning merits of use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that 'The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use (section 191 of the Town and Country Planning Act 1990), if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'.

Plans/Documents Submitted

The applicant supplied the following, received on 9th February 2024:

Application form

Cover letter

Statement

Location Plan

Drawing No. 240106/P02 - Existing Block Plan

Drawing No. 240106/P03 - Proposed Block Plan

Drawing No. 240106/P04 - Proposed Floor Plan and Roof Plan

Drawing No. 240106/P05 - Proposed Elevations

Drawing No. 240106/P06 - Perspective Views

Relevant Planning History

220504 - Proposed single storey rear extension, two storey front and side extension and alterations to fenestration - Permitted

Summary of Consultations

Legal advised that the description of development should be altered to '*Siting of mobile home in rear garden for purposes incidental to the enjoyment of 39 Circuit Road*' so that the position is clear. If the residential use of the mobile home became separate from the

principal dwelling there would be a material change of use which would require express planning permission.

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)

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

Permitted development rights for householders - Technical Guidance September 2019

Assessment

A Certificate of Lawfulness for a proposed use has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

Section 55 of the Town and Country Planning Act 1990 states that the use of any buildings or land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, does not constitute development.

As defined by The Caravan Sites and Control of Development Act 1960, a caravan means 'any structure defined or adapted for human habitation which is capable of being moved from one place to another'. A mobile home will not require planning permission subject to it conforming to this legal definition. Additionally, it must be located within the curtilage of a dwellinghouse and the use of the mobile home must be incidental to the use of the dwelling house.

In accordance with the relevant legislation, a mobile home can be assembled on-site and its mobility off-site may be down a hypothetical road. The proposal would not need direct access to a road to be deemed a caravan. Additionally, the size of the proposed mobile home would fall within the maximum permitted dimensions of 20m x 6.8m.

A mobile home is regarded as an article of moveable personal property, known as a chattel. There is no public law preventing one being kept in the garden of a dwellinghouse, but there are laws regulating the use of the land. Provided there has been no material change in the use of the land, planning permission will not be required. Gardens are used by occupants for the enjoyment of the dwellinghouse. A mobile home may be sited in a garden and used by members of the household or by visiting guests, in connection with the enjoyment of the dwellinghouse. Provided the occupants of the mobile home continue to use the facilities of the dwellinghouse, the siting of a mobile home does not change the use of the land.

The applicant has confirmed that the use of the mobile home would be solely by the owners own family. This use would be in direct connection with the use of the main dwellinghouse, the water and the electrical supply would both be shared with the main property. The application site will therefore remain occupied by a single family. Sufficient garden amenity would remain, the garden space and access would be shared from the main house.

The Proposed Floor Plan illustrates that the mobile home would contain two separate units, each with one bedroom, one kitchenette, and one shower room. Although the mobile home would be suitable for units of independent living, by definition a caravan will have facilities such as bedrooms, kitchens and bathrooms. No law states that a caravan with such full living

facilities constitutes development. As such, a caravan falls outside of planning control. The proposal must therefore only meet the criteria to remain outside planning control.

With regards to installation, the mobile home would be delivered in sectional form and assembled on site. Once assembled the unit could be lifted in one piece. The benefit of this method is to minimize the disturbance and impact to the neighbours that would be caused if a temporary road closure was required to Circuit Lane while the unit is craned in. This method is also more cost effective.

As the proposal is a single unit, rather than a twin unit, the “construction test” from s13(1)(a) Caravan Sites Act 1968 (“(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”) will not apply, as this test only applies to twin units.

In accordance with the ‘mobility test’ for caravans, it is not necessary for a caravan to be towed when being delivered or moved, only that it is capable of being moved by road. It is the structure that must possess the necessary qualities, not the means of access to any particular road.

The applicant has provided sufficient information to demonstrate that the proposal would not constitute development, nor would a material change of use of the land take place, as defined by Section 55 of the Town and Country Planning Act 1990.

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and The Caravan Sites and Control of Development Act 1960 (as amended). It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following information on 9th February 2024:

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Location Plan

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Drawing No. 240106/P04 - Proposed Floor Plan and Roof Plan

Drawing No. 240106/P05 - Proposed Elevations

Drawing No. 240106/P06 - Perspective Views

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed siting of a mobile home in the rear garden for purposes incidental to the enjoyment of 39 Circuit Lane. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed use.

Informatives

Encroachment and Party Wall Act

Construction and Demolition



Location Plan (not to scale)