

DELEGATED PLANNING APPLICATION REPORT

Ward: Emmer Green

App Ref: 240229/CLP

Address: 324 Henley Road, Caversham, Reading, RG4 6LS

Proposals: Application for a Lawful Development Certificate for proposed siting of a caravan in rear garden for purposes incidental to the enjoyment of 324 Henley Road.

Case Officer: Sian Hickey

Date received (valid from): 1 March 2024 **Target Decision date:** 26 April 2024

Introduction and Proposal

The application site is a semi-detached dwelling located on the Henley Road. A single storey extension projects to the rear. The dwelling benefits from a long front and 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.

The proposal is for the siting of a caravan in the rear garden for purposes incidental to the enjoyment of 324 Henley Road. The caravan would measure 9.5m in length and 6.8m in width. The caravan would have a flat roof with a maximum height of 2.6m. The applicant has confirmed that the caravan would be used by a family member in connection with the use of the main dwelling. The caravan would not be separately metered and would rely upon the services from the main dwelling. The caravan would be composed of two sections which would be separately constructed independently of each other on site, and then joined together on the application site as the final act of assembly. The caravan would not be physically attached to the land and would be capable of being transported.

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

Plans/Documents Submitted

The applicant supplied the following:

Location Plan

Supporting statement

Proposal and evidence statement

Proposed Block Plan

Drawing No. A2001 - Proposed Front Elevation

Drawing No. A2002 - Proposed Rear Elevation

Drawing No. A2003 - Proposed Side Elevation

Drawing No. A2004 - Proposed Side 2 Elevation

Drawing No. P003 - Proposed Floor Plan

Relevant Planning History

040728 - Detached garage - Withdrawn

031286 - Erection of detached double garage to the front of dwelling - Withdrawn

960615 - New garage with utility room and shower - Permitted

950555 - Rear extension and porch - Permitted

Summary of Internal Consultations

Legal - Based on the evidence provided, the structure will satisfy the necessary tests to be a caravan, it will be lawful on the basis that its use will remain incidental to that of the main dwelling.

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 caravan 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 caravan must be incidental to the use of the dwelling house.

In accordance with the relevant legislation, a caravan 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 caravan would fall within the maximum permitted dimensions of 20m x 6.8m.

A caravan 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 caravan 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 caravan continue to use the facilities of the dwellinghouse, the siting of a caravan does not change the use of the land.

The applicant has confirmed that the use of the caravan would be solely by the applicant, whilst her son and daughter-in-law occupy the main house. 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 caravan would not have its own utility meters or postal address. Furthermore, the provision of meals and laundry facilities would also be shared. The caravan is not proposed to be let, hired as a business or used for seasonal use. The application site would, therefore, remain occupied by a single extended 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 caravan would contain one bedroom, one bathroom, and an open plan living and kitchen area and an area. Officers raised concern that the caravan would be suitable for a unit of independent living, however, officers must be mindful that by definition a caravan would 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.

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 and it is considered that the structure falls within the definition of a Caravan by virtue of Section 29(1) of the Caravan Sites and Control of Development Act 1960 and section 13(1) of the Caravan Sites Act 1960 with regards to twin units. It is concluded that the siting of the structure and the structure would not constitute development for the purposes of section 55(1) of the Town and Country Planning Act 1990.

It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following information:

Supporting statement (received 21st February 2024)

Proposal and evidence statement (received 21st February 2024)

Supporting appeal decisions (received 21st February 2024)

Proposed Block Plan (received 21st February 2024)

Drawing No. A2001 - Proposed Front Elevation (received 21st February 2024)

Drawing No. A2002 - Proposed Rear Elevation (received 21st February 2024)

Drawing No. A2003 - Proposed Side Elevation (received 21st February 2024)

Drawing No. A2004 - Proposed Side 2 Elevation (received 21st February 2024)

Drawing No. P003 - Proposed Floor Plan (received 21st February 2024)

Location Plan (received 21st March 2024)

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed siting of a caravan in the rear garden for purposes incidental to the enjoyment of 324 Henley Road. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposal.

Informatives

Encroachment and Party Wall Act

Construction and Demolition



Location Plan (not to scale)