

DELEGATED APPLICATION REPORT

Ward: Emmer Green

App Ref: PL/25/0710 Lawful development: Proposed use

Address: 368 PEPPARD ROAD, EMMER GREEN, READING, RG4 8UZ

Proposal: Proposed siting of mobile home on applicant owned land

Applicant: Mr Michael Crombie

Received date: 13/05/2025

Target Decision date: 28/07/2025

Case Officer: Gary Miles

Introduction & Proposal

The application site is a two-storey semi-detached dwellinghouse located on Peppard Road. The property benefits from a larger than average easterly facing rear garden. The rear garden contains a number of outbuildings which abut the northern boundary with the adjoining neighbour at 370 Peppard Road. Adjacent to and south of the main house is an area of private rear/side garden belonging to the host property. The southerly boundary is screened with mature trees and shrubs some of which are subject to Tree Preservation Order Canopy (366a & 366b Peppard Road) part of the wider Green Network. Many properties in the nearby area have been subject to extensions and outbuildings of varying size. The surrounding area is predominantly residential. The application site is not listed, nor within a conservation area.

The proposal is for the siting of a mobile home in the rear garden of the applicant's home, for purposes incidental to the enjoyment of 368 Peppard Road. The mobile home will measure 13m in length and 4m in width, whilst the maximum height would be 3m. The applicant has confirmed that the mobile home will be occupied by the owner's own related family and share facilities within the principal dwelling.

The applications seek's to establish that the siting of a mobile home in the rear garden would be lawful and would not constitute development.

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

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

Application Form, dated May 25

Hand drawn 2D sketch

Received by the Local Planning Authority on 13th May 2025

Drawing no: TQRQM25152165659137 – (Mobile Home Lawful Use) Site Location Plan, dated June 25

Drawing no: TQRQM25152164548169 – (Mobile Home Lawful Use) Site Layout Plan, dated June 25

Received by the Local Planning Authority on 2nd June 2025

Relevant Planning History

PL/25/0632 - T1 Sycamore by front fence, Reduce crown by 20%, G1 Group of 5 sycamore Reduce crowns by 20%, T2 Sycamore by front fence with Kretzschmaria Deusta Fell to near ground level, T3 Leaning sycamore Fell to near ground level, T4 Sycamore with decay at base Fell to near ground level, T5 Sycamore with decay at base Fell to near ground level, T 6 Ash pockets of decay and in decline from ADB Fell to near ground level, T7 Ash pockets of decay and in decline from ADB Fell to near ground level – Split Decision May 2025

PL/16/0005 - Demolition of outbuildings and single storey annex to be replaced with 2 x 3 bed detached dwellings to the side and rear of No. 368 Peppard Road, including parking, access road & landscaping. (re-submission of refused application 150452) – Approved Oct 2019

PL/15/0452 - Demolition of outbuildings and single storey annex to be replaced with 2 x 3 bed detached dwellings to the side and rear of No.368 Peppard Road, including parking, access road and landscaping – Refused May 2015

Summary of Consultations

No letters to neighbouring properties or a planning notice is a requirement for this type of application.

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 owner’s 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, and the garden space and access would be shared from the main house.

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, it is presumed the mobile home would be delivered and lifted in to place as one piece. The property has a wide enough opening, and the Peppard Road is large enough to afford the necessary machinery to crane / lift the mobile home into position (subject to necessary crane licenses).

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 2nd June 2025:

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Hand drawn 2D sketch

Received by the Local Planning Authority on 13th May 2025

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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 368 Peppard Road. 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

Work to a tree subject to a TPO



Location Plan (not to scale)