

***Submission for Certificate of Lawfulness for siting of mobile home at Hill View,
Stubton Road, Claypole.***



INTRODUCTION

This application is for a Certificate of Lawfulness for a proposed use or development under section 192 of the Town and Country Planning Act 1990 (as amended) to station a mobile home within the curtilage of a dwelling.

The meaning of development requiring planning permission is provided in section 55 of the Town and Country Planning Act 1990 (the Act) and comprises of two main limbs;

- 1) Operational Development being “the carrying out of building, engineering, mining or other operation on, on, over or under land”
- 2) “The making of any material change of use of any buildings or other land”

This Statement will provide justification as to why the siting of a mobile home for purposes ancillary to the main dwelling does not constitute operational development or a material change of use as per section 55 of the Act, and therefore does not require planning permission.

In this statement, reference is made to mobile homes and caravans for the purpose of planning law they are one and the same thing.

As it is proposed the mobile home does not constitute operational development, this application does not fall under Class E of Part 1 of Schedule 2 of the GPDO, which relates to operational development such as the erection of a garden shed or the building of a garage.

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LOCATION/CONTEXT

The mobile home is within the domestic curtilage of Hill View, Stubton Road, Claypole. See location plan/site plan.



The mobile home is already in situ, and therefore our client is seeking confirmation of lawfulness for this. The home is being occupied by the applicant's daughter who requires her own living space but still relies on the support and some of the facilities of the main dwelling.

WHAT IS A CARAVAN (SINGLE UNIT)

A caravan is by definition a "structure", yet it is settled law that stationing a caravan on land – even for prolonged periods - is a use of the land rather than operational development, this principle is embedded in the legislative framework, endorsed by the case-law¹ and routinely applied by the Inspectorate.

This is because a caravan is regarded as an article of movable personal property known as a 'chattel' and there is no public law preventing one being kept in someone's garden.

DEFINITION OF A CARAVAN

The definition of a caravan is found in s29(1) of the Caravan Sites and Control of Development Act 1960.

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“‘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”

Section 13(2) of the Caravan Sites Act 1968 qualified definition of caravan in s29(1) of 1960 Act by introducing length, width and height of living accommodation requirements. The maximum length is 20m, width is 6.8m and overall internal height is 3.05m.

There are three clear tests for a **single** unit caravan; is it designed for human habitation, is it capable of being moved from one place to another towed or transported (mobility), and size.

PROPOSAL

HUMAN HABITATION

The mobile home is designed in such a way to be used for human habitation, this includes appropriate insulation, services, natural light and ventilation.

MOBILITY

The mobile home once assembled was transported by trailer/lorry as a complete unit. The maximum dimensions that can legally be transported on the UK roads, is a width of 4.2m.

This mobile home has a maximum width of 3.6m and a maximum length of 10.6m, therefore is well within the prescribed legal limits for transportation.

The caravan has been placed on a screw pile foundation system and will not be fixed down, but rather rest on these foundations under its own weight.

All electrical connections go through a special mobile home box connector, which is essentially a big plug on the site of a mobile home; this can be easily unplugged, and the mobile home can be lifted.

All water connection is going through a fast-connecting fitting it is usually located in an accessible area under the mobile home and can be simply unplugged allowing for the caravan to be lifted.

All sewage connections from the toilet are done using a flexible rubber connections, which allows the 100mm pipe to simply slide off during the lifting process.

We consider given the caravan can be legally transported and lifted as a whole unit.

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SIZE

Section 13 of The Caravan Sites Act 1968 prescribed the maximum dimensions of a caravan. We have tested these maximum dimensions against the proposal; MAXIMUM CSA REQUIREMENT		PROPOSED SIZE
LENGTH	20m	10.6m
WIDTH	6.8m	3.6m
OVERALL HEIGHT (MEASURE INTERNALLY, FROM FLOOR TO CEILING)	3.05m	2.8m (internal)

For there **not** to be a material change of use, the mobile home must be ancillary/incidental to the C3 residential use.

Whilst there is no statutory planning definition of ancillary/incidental, there are 4 accepted ‘incidental’ tests, reported to the House of Commons (Hansard, for 22 November 2005) as arising from relevant case law. These are:

- 1) The relationship between the respective occupants;
- 2) The relative size of the house, its garden and the caravan;
- 3) The relative scale of accommodation in the caravan and the house;
- 4) The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.

Relationship – The mobile home is being used by the applicant’s daughter who requires her own living space, but still relies on the support of her family now and going forward. Further details can be provided if necessary. The applicants daughter will still require access to the main dwelling in order to carry out some domestic tasks and access facilities within the dwelling.

Size/Scale of Accommodation – The proposed caravan only results in a small increase in footprint, and the scale of the accommodation within the caravan is minimal, while providing necessary facilities the occupant requires for a comfortable life.

Function – Typically, a caravan is equipped with all the facilities required for independent day-to-day living. It does not follow automatically that once occupied there must be a material change of use simply because primary living accommodation is involved.

To confirm there will be no separate;

- Address,
- Post Box
- Utility meters,

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- Services such as internet, phone line and television,
- Parking,
- Garden area or curtilage, and
- Access

Without the main dwelling the mobile home would not be able to function.

IMAGES OF MOBILE HOME



Image of mobile home taken from the North aspect

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Image showing mobile home and shared amenity area with main dwelling



Image showing mobile home from the South

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CONCLUSION

The proposal falls within the definitions stated in the 1960 and 1968 Acts and by any reasonable interpretation is a mobile home, therefore is not operational development.

The applicant states that the mobile home will be used ancillary to the main dwelling, this is reinforced by the shared services, the scale of facilities contained within the mobile home and the fact the planning unit will remain as one.

For the reasons explained above and the case law and precedents put forward, it is considered the correct application of planning law should result in the granting of a Certificate of Lawfulness for a Proposed Use of land.

END OF STATEMENT