

Delegated Report

Lawful Development Certificate (Proposed)

Planning Application No: 20250073

Location: 17 Hadley Close Meopham Gravesend Kent

Description: Application for a Proposed Lawful Development Certificate; Use of the land for siting a mobile home for ancillary use to the main dwelling house.

Applicant: Mr Jeremy Harris

Site Visit Date: N/A Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Drawing No. 01 Rev 1 – Existing Location, Ordnance Survey and Proposed Site Plans;
Section A-A Plan;
Concrete Block Plan;
Beams Plan;
Front and Side Elevations (Façade 10-1, E-A Plan);
Rear and Side Elevations (Façade 1-10, A-E Plan);
Floor Plan; and
Planning Statement.

Material Consideration

This is an application for a Lawful Development Certificate (LDC), considered in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, Local and National Planning Policies are irrelevant to this application.

Relevant Planning History

Reference	Description	Decision	Decision Date
19910562	Construction of replacement dormer extensions in the front and rear roof slopes.	Permission	19.09.1991
19750342	Erection of a single storey extension at rear to form bedroom kitchen and utility room	Permission	02.07.1975
19490201	Erection of bungalow	Permission	07.10.1949

Consultation

Formal consultation is not required for an application of lawful development, however the following comments were received from the Dickens' Country Protection Society:

The Society wishes to register an objection to the application. There is no internal layout defining the use of the proposed building or the services to be provided. The building should not be permitted on the basis that it could be occupied separately to the main dwelling. The development is out of character with the area and, if permitted, would set a precedent.

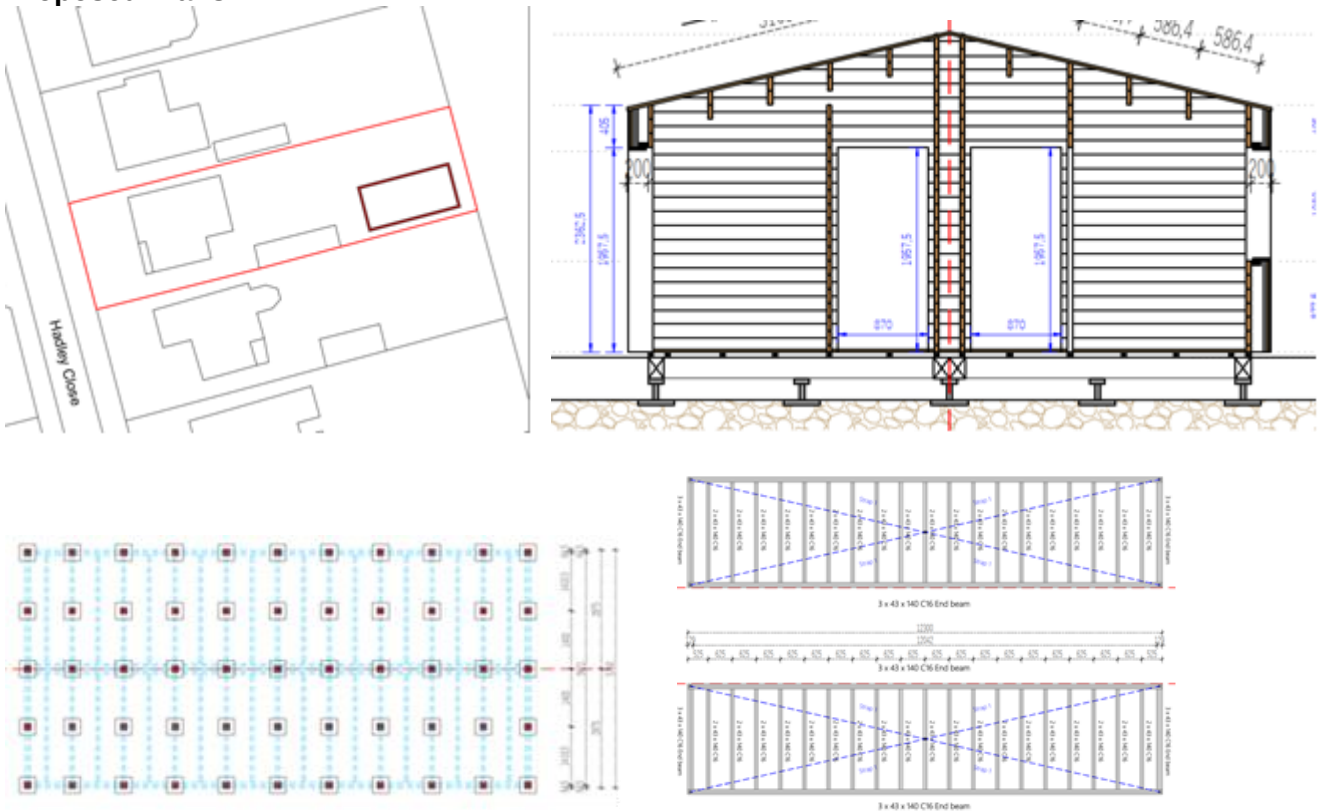
Officer Assessment

This application is for a Lawful Development Certificate for the proposed provision of the use of the land for siting a mobile home for ancillary use to the main dwelling house (not operational development), within the garden of the lawful dwelling house for use as additional accommodation by one household (not a material change of use). An application form, plans and supporting planning statement have been submitted in support of the application.

The information provided states the following:

- The Stationing of a mobile home within the residential curtilage of a dwellinghouse, for purposes ancillary to the main use of the host dwellinghouse, does not constitute development nor result in a material change of use within the meaning of Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore does not require planning permission.
- The mobile home is sited entirely within the residential curtilage of the dwelling. The chosen location, characterised by its level terrain, requires no groundworks. The dwelling house is located within Flood Zone 1 and is not covered by any planning or landscape designations.
- The current vehicular access to the site remains unaltered, and there are no plans for a separate vehicular access to the proposed mobile home unit.
- The proposed caravan is not affixed to the ground through permanent works, and any connections to services are easily reversible. Legal precedent has established that such connections are deemed de-minimis by the courts.
- The caravan can be lifted as a whole unit, which satisfies the mobility test, it is evident that the proposed structure meets the criteria outlined in Section 13(1)(a) of the CSA 1968.

Proposed Plans





General approach - Lawful Development Certificates

This application is for a Lawful Development Certificate (LDC) and not for planning permission, as such, the application is not assessed against national and local planning policy. The government guidance on Lawful Development Certificates (<https://www.gov.uk/guidance/lawful-development-certificates>) sets out the process for obtaining a LDC for existing or proposed use. The advice states that, the *local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process... the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land... 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.*

The information provided with this application sets out that the proposed development would meet the definition of a caravan, and that the provision of a twin unit mobile home, in the garden of the existing family home, to provide additional accommodation for family use, would not result in operational development or a material change of use, and as such planning permission would not be required.

Therefore, the assessment of this application needs to consider the following:

- Would the proposal constitute operational development?
- Does the proposal meet the statutory definition of a caravan?
- Would the proposal result in a material change of use?

Operational Development

Section 55 (1) of Part 3 of the Town and Country Planning Act 1990 (as amended) sets out the meaning of development as follows:

“development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act “ building operations ” includes—

- (a) demolition of buildings;*
- (b) rebuilding;*
- (c) structural alterations of or additions to buildings; and*
- (d) other operations normally undertaken by a person carrying on business as a builder)*

Section 55 (2) (d) of Part 3 of the Town and Country Planning Act 1990 (as amended) sets out that the use

of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such, shall not be taken for the purpose of the Act to involve development of the land. As such, it must now be considered whether the caravan would be situated within the curtilage of the dwellinghouse and whether there would be a change in the use of the land.

The stationing of a caravan within an existing residential curtilage normally constitutes a 'use' of the land, rather than operational development. Therefore, it is imperative to establish whether the proposal would be considered a caravan or not.

Statutory Definition of a Caravan

In the first instance, it is important to establish whether the proposed twin mobile home would meet the statutory definition of a caravan. This is set out in the Caravan Sites and Control of Development Act 1960 (as amended). Section 29(1) of this Act defines a caravan as:

... 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;*

This definition was amended by the Caravan Sites Act 1968. Section 13 of this Act relates to "twin-unit caravans" which are defined as follows:

(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 1 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 1 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): 20 metres;

(b) width: 6.8 metres;

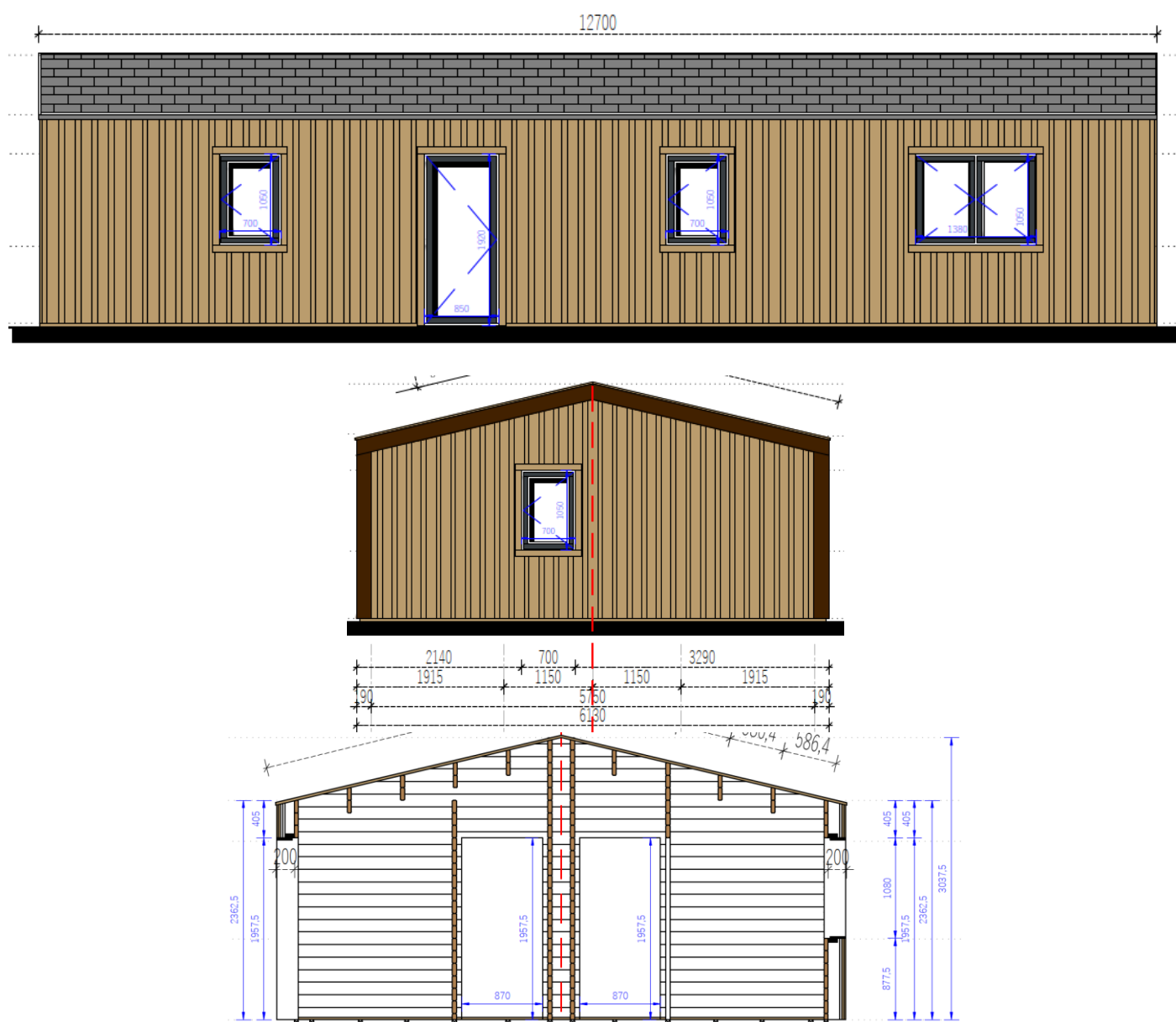
(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres.

Case Law has established that in order to be defined as a caravan, three tests (as set out in the above definition) must be satisfied (the 'size test', the 'construction test' and the 'mobility test').

Would the proposal accord with the definition of a caravan?

The size test

To meet the definition of a caravan, the structure should not exceed 20.00m x 6.80m externally, and 3.05m (when measured internally from the floor to the ceiling). The plans provided with this application, sets out the dimensions below with the length showing on the plans as measured by the Local Authority as 12.68m, width as 6.14m and an internal height of 3m.



As evidenced above, the proposal meets the definition of a caravan in terms of size.

The Mobility Test

To meet the definition of a caravan, the structure must be capable of being moved. The plans and information submitted show the caravan would not be permanently fixed to the ground. It would be sited on a screw pile foundation system, without being fixed down but resting on the foundations under its own weight. Electricity, water and foul drainage would be extended and connected from the existing dwellinghouse and all services can quickly and easily be disconnected and terminated if the mobile home is moved or removed from site. In the event the mobile home is moved or removed from site, the screw pile foundation system can easily be lifted and removed for re-use elsewhere, and the site reinstated with little effort.

In terms of moveability, as set out within the supporting Planning Statement, *the proposed caravan is not*

affixed to the ground through permanent works, and any connections to services are easily reversible.

In summary, the mobile home would not be permanently affixed to the ground and connections to utility services would be in place, but are reversible and are not separate to the main house. In any case, the connection of services alone would not amount to a permanent structure. Therefore, the proposal would meet the mobility test.

The construction test

To meet the definition of a caravan, a structure must be formed of a maximum of two sections constructed or designed to be assembled on site by means of bolts, clamps or other devices. The act of joining the two sections together should be the final act of assembly and the caravan should be capable of being moved as a single structure. In this case, the two sections of the twin unit caravan would be independently brought onto site with the assembly by bolting the two parts together forming the final act of assembly. As aforementioned in the mobility test section above, the mobile home is capable of being moved as one unit. As such, the proposal would meet the construction test.

Overall

Overall, it is considered that the proposed development would meet the definition of a caravan and be a use of the land and not operational development.

Curtilage of the Dwellinghouse

Case law informs us that there are three criteria which are relevant in the determination of whether land is within the curtilage of a building;

- (1) Physical Layout;
- (2) Past and present ownership; and
- (3) Past and present use or function.

The information provided with the application states that 17 Hadley Close is in use as a residential family dwellinghouse. The plans show that the proposed caravan would be sited within the rear garden of the property, and google aerial images indicate the plot within which the dwelling is located, is separated from the surrounding neighbouring plots by boundary treatments. As such, it is apparent that the caravan would be sited within the curtilage of the dwellinghouse.

Google Earth Image:



Would there be a material change of use of the land?

Whilst the caravan, by way of its size and facilities, could be considered to be used as a separate independent dwelling, the information provided with this application highlights that the caravan would be used by the family (daughter and son-in-law) of the occupants which currently reside in the main dwelling, to support the elderly parents. They are able to be close by with some independence being retained, while still as one household, with no intention to create a formal separation. There would be no separate access and the single main use will remain as a family dwellinghouse and is therefore one planning unit. In addition, the supporting Planning Statement states that;

- Relationship - The mobile home will be occupied by the applicant, whilst their parents reside in the host dwelling;
- Size/Scale - The proposed caravan entails only a modest increase in footprint. The accommodation within the caravan is designed with minimal scale, offering the necessary facilities for the occupants to lead a comfortable life;
- Function – While a caravan typically possesses all the amenities needed for independent day-to-day living, the mere inclusion of primary living accommodation does not automatically create a material change of use. The primary intent is to facilitate comfortable living without creating a material change of the use of the land.
- The proposed mobile home will have **no** separate or independent:
 - Address
 - Post Box
 - Utility meters
 - Services (such as internet, phone line and television) • Parking
 - Garden area or curtilage
 - Access
 - The caravan will not be independently registered as a separate unit of occupation for Council Tax purposes. The mobile home is not viable in isolation and is dependent on the main dwelling for its functionality and operation.

In the dismissed appeal at Sheridan, Walnut Hill Road, Gravesend (APP/K2230/X/19/3222526), the Planning Inspector refers to the parties consideration of incidental use. The Inspector states, *'the parties refer to the cases of Uttlesford DC and Whitehead. Uttlesford DC concerned an appeal relating to the change of use from a detached garage to a granny annexe. The Court held that the Inspector had been correct in concluding that the garage with living accommodation would remain part of the same planning unit as the dwellinghouse and that there was, accordingly, no material change of use.'* Furthermore, the Inspector goes on to state the *'case of Whitehead also refers to Emin, where the Court considered that the relevant consideration was the nature and scale of the activities taking place in the building, rather than the physical size of the building in relation to the size of the dwellinghouse. Size may be an important consideration but not by itself conclusive. The test is whether the uses of the proposed buildings, when considered in the context of the planning unit, are intended and will remain ancillary or subordinate to the main use of the property as a dwellinghouse'*. The evidence provided shows that the caravan would be used ancillary to the existing dwellinghouse. Furthermore, the plans showing the scale of the caravan, existing dwelling and overall plot demonstrate the mobile home would also be subordinate in scale. In this instance, the mobile home meets the definition of caravan, and in accordance with the evidence provided, and the above, can therefore be considered incidental.

Overall, on the balance of probability, and given the evidence and case submitted, the mobile home would not constitute a change of use of the land, and would form part of the existing planning unit.

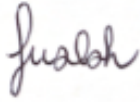
Conclusion

The proposed development would, based on the evidence provided, be a caravan that would be located within the curtilage of the dwellinghouse known as 17 Hadley Close and would not result in a material change in use of the land. There has to be a balance of judgement, given that the caravan could easily be construed as and regarded as a building or that it could be used a separate residential dwelling. The

submitted details, case law and appeal cases cited by the applicant have been considered and have informed this analysis of the proposed development.

As a matter of fact and degree and taking into account relevant planning law, planning appeal decisions and judicial authority, it is the opinion that the proposal would not require planning permission, provided that it is used in line with the submitted application details.

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Ms Amanda Cue	Team Leader:	Mrs Faye Walsh
Signed:	<i>A Cue</i>	Signed:	
Dated:	24 th March 2025	Dated:	25 March 2025