



Delegated Report

Lawful Development Certificate (Proposed)

Planning Application No: 20251002

Location: 18 The Rise Gravesend Kent DA12 4BX

Description: Proposed Lawful Development Certificate; Siting of mobile home for use ancillary to the main dwelling.

Applicant: Mr L Coleman

Site Visit Date: 26 November 2025

Submitted Documents/Plans

Application form for a Lawful Development Certificate for a Proposed Use or Development;
Drawing no. GA.01 Proposed layout;
Drawing no. GA.01 Proposed elevations;
Drawing no. GA.04 Existing and proposed block plans;
Site location plan;
Planning Statement September 2025; and
Email from the agent received 09 October 2025; and
Email from the agent received 26 November 2025.

Property Type

The property comprises of a semi-detached bungalow with front and rear gardens.

Relevant Planning History

Reference	Description	Decision	Decision Date
20181093	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in the rear roof slope incorporating a hip to gable roof alteration and conversion of the roof space into habitable rooms.	Certificate Granted	18.10.2018
20180872	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in the rear roof slope incorporating a hip to gable roof alteration and conversion of the roof space into habitable rooms.	Certificate Refused	16.10.2018
20160284	Erection of a single storey rear extension.	Permitted	22.06.2016

Consultations, Publicity and Representations

As a Lawful Development Certificate (LDC) application, there is no requirement for any consultation or publicity.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

General Approach

This application is for a LDC and not for a planning permission and therefore, the planning merits of the case are not relevant. The determination must be based on the facts of the case and the interpretation of any relevant planning law or judicial authority. The applicant is responsible for providing sufficient information to support the application and the proposal must be described with sufficient clarity and precision to enable the Local Planning Authority (LPA) to understand exactly what is involved. The case officer has had regard to the advice contained in the National Planning Practice Guidance (the section relating to LDCs, paragraphs 005 to 009).

Details of the proposed development

The applicant has submitted a number of plans/documents, which are set out in the Plans & Documents Section above.

The applicant is proposing the siting of a mobile home for ancillary residential use in the rear garden of the application property. He states that the proposal meets the definition of a caravan and does not constitute operational development or result in a material change of use and therefore does not require planning permission.

The mobile home would be located entirely within the residential curtilage of the dwelling and have a length of 14 metres, a width of 4 metres and an internal height of 2.5 metres. It would be constructed on site from pre-fabricated components and rest on a screw pile foundation system, under its own weight. It would be capable of being transported, once assembled (by being lifted by crane and placed on a flatbed lorry) and any connections to services would be easily reversible.

The caravan would be occupied by the applicant's elderly parents receiving care and support from the applicant and family members. There would be no separate services, utilities, postal address, parking/access or garden area. As such, the applicant considers that the mobile home would have a clear functional relationship with the main dwelling and there would be a single planning unit.

Officer Analysis

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.

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.

The stationing of a caravan on land normally constitutes a use of the land, rather than operational development. However, in certain circumstances, a caravan can be considered as a building and therefore can be operational development. Furthermore, and pursuant to Section 55(2)(d) of the Town and Country Planning Act 1990 (as amended), whether a caravan would be within the curtilage of a dwellinghouse and whether its proposed use would be for purposes incidental to the enjoyment of a dwellinghouse, are also relevant considerations in determining whether a caravan constitutes development.

Therefore, in order to determine whether the proposal constitutes development, it is necessary to consider

the following;

- Does the proposed development meet the statutory definition of a caravan?
- Would the proposed development be within a residential curtilage?
- Would the proposed development be for purposes incidental to the enjoyment of a dwellinghouse?

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 must be satisfied (the ‘size test’, the ‘construction test’ and the ‘mobility test’).

The size test

To meet the definition of a caravan, the structure should not exceed 20 metres (length) x 6.8 metres (width) externally, and 3.05 metres (height) when measured internally from the floor to the ceiling.

The proposed development would have external dimensions of 14 metres (length) by 4 metres (width). No section plan has been submitted to illustrate the proposed ceiling height but the overall height would be 2.8 metres and the submitted Planning Statement states that the internal height would be 2.5 metres. As such, the proposal would meet the definition of a caravan in terms of size.

The mobility test

To meet the definition of a caravan, a structure must be capable of being moved.

The information submitted shows that the proposed mobile home would not be permanently fixed to the ground and that it would be placed on a screw pile foundation system under its own weight. The application details also show that the proposed mobile home could be moved by a crane and a flatbed lorry.

The mobile home would have connections to utilities (shared with the dwelling) but it is noted that these connections would be easily removable.

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.

The applicant has drawn reference to various appeal decisions which indicate that caravans can be constructed on site from prefabricated components (often panels or modular sections) and that there is no limit to the number of parts that can be used in this construction. In addition, he highlights that the 'construction test' applies to twin-unit caravans only, i.e. that the construction test is not required to be met for single unit caravans.

The information submitted shows that the proposed mobile home would be a single unit mobile home, constructed on site from prefabricated components, to comply with the BS3632 residential specification.

It is noted that the BS3632 residential standard applies to residential park mobile homes and provides a minimum standard of construction.

As a single unit mobile home, case law indicates that compliance with the construction test is not required.

In light of the above, it can be concluded that the proposed development would meet the definition of a caravan. As such, the proposal would not be operational development, rather it would be a use of the land.

Referring back to Section 55(2)(d), it is now pertinent to consider whether the proposed development would be located within the curtilage of the dwellinghouse known as no. 18 The Rise and if its purpose would be incidental to the enjoyment of the dwellinghouse as such.

Residential Curtilage

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 application property, no. 18 The Rise is in use as a single family dwellinghouse. The submitted plans show that the proposed caravan would be located at the western end of the rear garden and photographs from a site visit on 26 November 2025, indicate that the rear garden of the application property is separated from neighbouring properties by boundary treatments. The applicants are the owners of the land and the land is in use as a single residential plot. As such, the proposed development would be located within the curtilage of the dwelling known as no. 18 The Rise.

Incidental/ancillary use

In order to comply with Section 55(2)(d) of Part 3 of the Town and Country Planning Act 1990 (as

amended), the proposed caravan must be used for any purpose incidental to the enjoyment of the dwellinghouse at the application site.

The Department of Communities and Local Government Technical Guidance Permitted Development Rights for Householders (September 2019) is helpful in giving clarity to the range and type of uses that can be considered as being for a purpose incidental to the enjoyment of a dwelling. It states;

A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

Whilst it is acknowledged that this advice is in the context of assessing proposals for Class E permitted development, i.e. outbuildings, it provides useful background information.

In planning law there is a fundamental difference between an **ancillary** residential use - generally anything a person could do normally in a standard house as built e.g. eat, sleep, sit comfortably, pray, study, watch TV, shower and an **incidental** residential use - generally everything else, including storage, swimming, bowling, gym, art studio, or something that can be classed as a hobby. An incidental use is “parasitic” on the primary use - it cannot exist without it.

Case law informs us that in terms of assessing whether the proposed development would be an incidental use, there are four relevant considerations;

- (1) The relationship between the respective occupants of the dwelling and the proposed development.
- (2) The relative size of the dwelling, its garden and the proposed development.
- (3) The relative scale of the accommodation contained within the dwelling and the proposed development.
- (4) The degree to which the proposed development is functionally connected to and subordinate to the use of the dwelling.

The application details set out that the proposed mobile home would be occupied by close family members (the applicant’s parents). The applicant has set out that his parents are no longer able to manage independently in their own home due to increasing health and mobility issues and that they would be supported by him with their day to day living in the proposed mobile home. As such, it is considered that there would be a close familial relationship between the occupants of the dwelling and the users/occupiers of the proposed mobile home.

The existing dwelling at the application site has a building footprint of some 113 square metres (measured externally) and has four bedrooms, a kitchen/dining room, a living room, games room, two bathrooms and an integral garage. The application site has an area of 508 square metres and the footprint of the proposed mobile home (measured externally) would be 55 square metres. There is an existing outbuilding at the application site (a shed) which would be removed as part of this proposal. Overall, the size of the proposed caravan would not be excessive when compared to the size of the dwelling and its plot.

The proposed mobile home would provide an open plan, living/sleeping/dining/kitchen area, a separate household storage area and a separate home office with a total floor area (measured internally) of 49 square metres. There would be no bath or shower room. The proposed open plan residential accommodation would have a floor area of 32 square metres.

By way of comparison, the government’s Technical Housing Standards - Nationally Described Space Standard sets out a minimum floor area of 50 square metres for a one bedroom, two person, single storey residential unit. Therefore, the residential accommodation within the proposed mobile home would be well below an appropriate size for a two person independent residential unit. As such and due to the lack of washing facilities, the users/occupiers of the mobile home would need to utilise the main dwelling to fulfil some of their day to day domestic requirements.

The applicant has set out that the mobile home provides only a basic kitchenette, so main meals will be shared in the main dwelling. In addition, laundry and washing facilities would be located in the main dwelling and the occupiers of the mobile home would socialise in the main dwelling.

The applicant has set out that the mobile home would not be occupied as a separate residential unit but by immediate family members, receiving care from persons residing at the existing dwelling. Furthermore, he has stated that there would be no separation between the mobile home and dwelling and that they would share services, utilities, a postal address, the existing parking/access and garden area. Therefore, there would be a functional connection between the proposed mobile home and dwelling and the mobile home use would be subordinate to the use of the dwelling.

Overall, taking the above four factors into consideration, it is considered that the proposed development would be used for purposes incidental to the dwelling at the application site.

Discussion of the information and appeal cases cited by the applicant

Firstly, it is important to note that the determination of any LDC application relates to the facts and that these facts would be individual to each case. As such, the citing of previous planning decisions/appeals would only be of limited relevance in the determination of this application.

The appeal cases cited by the applicant supports his contention that the proposed development is a mobile home that does not comprise a material change of use of the land or buildings or involve operational development.

Conclusion

As a matter of fact and degree and taking into account relevant planning law and judicial authority, it is considered that the proposed development would be located within the curtilage of the dwellinghouse known as no. 18 The Rise, it would meet the definition of a caravan and it would be used for purposes incidental to the use of that dwelling.

As such, and in line with Section 55(2)(d) of Part 3 of the Town and Country Planning Act 1990 (as amended), the proposed development would not meet the definition of development (provided that the mobile home is constructed and used in line with the submitted application details) and planning permission would not be required. The proposal would therefore be lawful and pursuant to section 192(2) of the Town and Country Planning Act 1990 (as amended), a Certificate of Proposed Lawful Development/Use can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	27th November 2025	Dated:	27th November 2025