

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260689
Location	60 Southfield Shaw Park Homes, Harvel Road Meopham Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Replacement of existing mobile home with a new mobile home.
Applicant:	Mr Gary Henderson
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
Design and Access Statement
Drawing no. 260702-10 (existing floor plan)
Drawing no. 260702-11 (elevations and section)
Drawing no. 260702-20 (proposed floor plan)
Drawing no. 260702-21A (proposed floor plan, elevations and section)
Drawing no. 200702-30 (location plan and existing site plan)
Drawing no. 200702-31 (location plan and proposed site plan)

Property Type

The property comprises a mobile home on a residential caravan park.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

19970523	Application for the approval of fencing and landscaping scheme as required by condition (iv) of planning permission ref no. GR/95/744W.	Approval of details	29.07.1997
19950744	Removal of condition (i) granted planning permission under Ref No. GR/88/1003 from temporary use to permanent use of the site.	Permitted	22.03.1996

19760875	Erection of a concrete garage	Permitted	11.01.1977
19750514	Details of residential caravan site at former vigo sewage disposal works. KCC DECISION MISSING.	Observations Sent	01.10.1978

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Proposal

Application for a Certificate of Lawfulness for the proposed replacement of an existing mobile home with a new mobile home.

Legislation and Policy Context

Section 192 of the Town and Country Planning Act 1990 enables any person to ascertain whether a proposed use, operation or activity would be lawful.

The burden of proof rests with the applicant and the test is the balance of probabilities.

Under Section 55 of the Town and Country Planning Act 1990, planning permission is required for development unless otherwise permitted.

The definition of a caravan is contained within Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968 (as amended).

Lawful Use of the Land

The application site comprises a residential mobile home located within Southfield Park Homes. The site is occupied by a lawful residential caravan/mobile home and forms part of an established residential park home development. The site has the benefit of a site licence as this is a Council site.

Existing and Proposed Mobile Home

The existing caravan measures approx. 12.30m x 3.70m = 45.5 sqm footprint.
The proposed caravan measures approx. 12.77m x 6.3m = 80 sqm footprint.

The proposed unit is approximately:

- 0.5m longer
- 2.40m wider
- around 71% larger in footprint

This is a significant increase in size. However the key legal question is not whether the replacement caravan is larger, but whether:

1. The proposed structure remains a statutory caravan; and

2. Replacing one caravan with another on an established lawful residential pitch requires planning permission.

Section 13 of the Caravan Sites Act 1968 provides that a twin-unit caravan must:

- Not exceed 20 metres in length;
- Not exceed 6.8 metres in width; and
- Not exceed 3.05 metres internal floor to ceiling height.

The plans show an internal floor to ceiling height of 2.265m. Based on the submitted plans, the proposed unit would meet the statutory definition of a caravan.

In terms of the original planning permission there are no conditions relating to a restriction on the number of caravans, the positions of the caravans or the size of caravans. However, the site licence may contain restrictions. An informative is recommended to make the applicant aware that the proposed mobile home will need to accord with requirements of the caravan licence.

Conclusion

The proposed replacement unit falls within the definition of a caravan contained within Section 29(1) of the Caravan Sites and Control of Development Act 1960, as amended by Section 13 of the Caravan Sites Act 1968. The evidence submitted demonstrates that the unit would replace an existing caravan stationed on an established and licensed caravan site and would remain sited within the existing lawful residential use of the land. The replacement of one caravan with another caravan meeting the statutory definition would not constitute development requiring planning permission under Section 55 of the Town and Country Planning Act 1990. On the balance of probability, the proposal is therefore lawful and a Certificate of Lawfulness should be granted.

The Council is satisfied that the proposed replacement caravan would be lawful if instituted or begun at the date of the application and therefore a Certificate of Lawful Proposed Use or Development is granted pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended).

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	1 September 2026	Dated:	1st September 2026