

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0658	Case Officer:	Hamish Evans
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Use of the land for siting a mobile home for ancillary use to the main dwellinghouse.		
Site:	Hedgerows, Burleigh Lane, Crawley Down, Crawley, West Sussex, RH10 4LF, ,		
Validation Date	13 Mar 2025	Overall Expiry Date:	8 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 May 2025
Target Date:	8 May 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	7 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0658

**Hedgerows, Burleigh Lane, Crawley Down, Crawley, West Sussex, RH10 4LF,
Use of the land for siting a mobile home for ancillary use to the main dwellinghouse.
Mr And Mrs Stacy**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation have been received.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Worth Parish Council

Defer to Officer - Non-severance clause attached.

INTRODUCTION

The proposal is seeking a Lawful Development Certificate for the use of the land for siting a mobile home for use ancillary to the main dwelling and the proposed mobile home meets the definition of a caravan as set out in the Caravan Sites Act 1968, and as amended in October 2006 (CSA) at Hedgerows Burleigh Lane Crawley Down RH10 4LF.

RELEVANT PLANNING HISTORY

DM/25/0657. Erection of an annexe for ancillary use to the main dwellinghouse. Pending Consideration.

SITE AND SURROUNDINGS

The site is located within the countryside with the built up area boundary of Crawley Down located to the north west of the site. The application site consists of a two-storey residential property which is characterised by bare brown brickwork walls, brown clay roof tiles and white uPVC window and door frames. The site has a relatively significant curtilage to the north and south of the existing dwelling. There is a significant area of gravel to the front of the dwelling which can accommodate some six vehicles for off-street parking. The existing boundary treatment consists of significant hedgerows, tree lines and post and rail fences. The surrounding area is rural in its nature with open fields to the south and west of the site and residential properties to the north and east of the site. Burleigh Lane is located to the north of the site.

APPLICATION DETAILS

The submitted information shows the stationing of the mobile home to the rear of the dwelling within the residential curtilage. It shows the proposal will measure some 6.7 metres in width, 15.0 metres in length, an eaves height of 2.9 metres and a total height of 4.5 metres. The overall height measured from the floor at the lowest level to the ceiling at the highest-level measures some 3.0 metres. The application documents advise the mobile home would provide accommodation for the existing residents of Hedgerows whilst relatives of the existing occupiers would move into the main dwelling and it would be ancillary to the main dwelling so as not be used as an independent dwelling. The submitted planning statement details that it will share the same postal address as the main dwelling, the same post box, utility meters, services of the main house, parking, the garden or curtilage and access.

RELEVANT LEGISLATION

As this is an application to establish whether the proposed development would benefit from permitted development rights and will be a legal decision, planning merits cannot be taken into account when considering this application.

There are numerous statutory instruments of relevance to this application:

Town and Country Planning Act 1990 (as amended)

Section 55

(1) 'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "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.'

The Caravan Sites and Control of Development Act 1960

Section 29(1) 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 other motor vehicle so designed or adapted, but does not include any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent.'*

Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order

2006 (Definition of Caravan) (Amendment) (England) Order 2006

Section 13(1) and 13(2) of the 1968 Act deals with twin unit caravans and extended the size limits to double or twin units (as amended by the 2006 Order).

This states that '*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 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 moved on a highway when assembled.'

The following maximum dimensions for twin unit caravans are prescribed:

Section 13(2) of the 1968 Act (amended October 2006) prescribes the following maximum dimensions for "twin unit caravans":

- (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.

ASSESSMENT

In order to make a determination over this application it must be established whether the proposed stationing of the mobile home and its nature of use as set out in the application would constitute 'development', such to require planning permission.

Operational development

The appeal court decision in *Barvis Ltd V SOS* (1971) defined the tests of what constitutes a 'building' being size, permanence and degree of physical attachment and is a matter of fact and degree.

In *Measor v SOS* (1998), the High Court held that generally a structure that met the definition of 'caravan' for the purposes of the 1960 and 1968 Acts above would not generally be considered a 'building' for the purposes of the 1990 Act above, because of the lack of permanence and attachment. However, all the materials factors against the above threefold test should be considered.

The size of the finished mobile home would be within the limits set out in the Caravan Sites Act 1968 as amended.

The supporting statement states that the caravan will be placed on a screw pile foundation system and will not be fixed down, but rather rest on these foundations under its own weight. There would be a minimum ground clearance of some 150mm. The dwelling and mobile home would remain a single planning unit and the mobile home would not be used as a separate dwelling.

The supporting statements advise that the design of the proposal is *'allowing for the use of lifting straps/rigging to be positioned under the structure. Consequently, the caravan can be lifted by crane and placed on to a flatbed lorry.'*

The statements further advise that *'The caravan will be assembled on-site into two distinct sections, and these sections will be joined together as the final act of assembly.'*

On this point the West Devon Borough Council appeal case (Ref: APP/Q1153/C/08/2064995 and 6) is noted, whereby the Inspector held that it was only necessary that, in the case of larger mobile homes, the act of joining the two sections together should be the final act of assembly.

Considering the facts of the proposal against the test set out in *Barvis*, it is firstly considered that the size is within the limitation of the 1968 Act. Concerning permanence, although the proposal is likely to stay on some for an extended period of time, it would be capable - at any stage - of quick removal. Finally, the proposal will not be attached to the ground or hardstanding but rest on a screw pile foundation system.

On the basis of the above information, it is therefore considered that the proposed mobile home would not constitute operational development. It would be a caravan within the relevant definition referred to above and instead be a use of land.

Use of land

It is therefore necessary to examine whether the stationing of the mobile home for purposes incidental to the main dwelling would constitute a material change of use.

Section 55(2)(d) of the Town and Country Planning Act 1990 provides 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 to involve development of the land. The key question in considering whether section 55(2)(d) is satisfied in this case is therefore whether the use of the caravan is genuinely incidental to the enjoyment of the dwellinghouse.

The proposal must be taken at face value. If a mobile home / caravan is stationed within a garden and used by members of the main dwelling in connection to the enjoyment of the dwelling or as extra accommodation, then provided the occupants of said mobile home / caravan continue to use the facilities of the house, then the siting of the caravan has not changed the use of the land. The overall use of the land would be as a single dwellinghouse and an additional planning unit would not be created. In this case in addition to the above description of the use, it is noted that the mobile home will share the same access, facilities, services and garden as the main dwelling.

The applicant has, through their statement, confirmed that the mobile home would not function as a separate dwelling. Therefore, on this basis and with regard to its proximity to the main dwelling and those additional factors referred to above, it is considered that the stationing of a mobile home within the curtilage of the main dwelling providing incidental accommodation would be deemed lawful, as a material change of use of the land will not occur.

It should be noted that a lawful development certificate can be revoked in a situation where it becomes clear that the mobile home is in fact being used differently to that as set out in the application. In such a situation, if a breach of planning control is considered to arise, then it may be open to the Council to take enforcement action under the Town and Country Planning Act 1990.

The Parish Council have not objected to the proposal but recommended a non-severance clause be attached. Due to the nature of the application planning conditions are not able to be imposed on this application however as set out above the proposal would not result in the creation of an additional planning unit.

CONCLUSION

In conclusion, based upon the submitted details and supporting information, it can be concluded that there will be no operational development, that the mobile home would fall within the legal definition of a caravan and that its occupation on an incidental basis to the main dwelling would not amount to a material change of use.

The proposed siting of a mobile home within the curtilage of the main dwelling and its incidental use in accordance with the terms in the planning statement accompanying the application, does not constitute development requiring planning permission and is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended). A certificate can therefore be correctly issued.

Decision: Permission

Case Officer: Hamish Evans