

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2436	Case Officer:	Andrew Horrell
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed siting of a single unit oak framed caravan within domestic garden of Chatesgrove to provide additional family accommodation		
Site:	Chatesgrove, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RY, ,		
Validation Date	30 Sep 2025	Overall Expiry Date:	31 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Nov 2025
Target Date:	25 Nov 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	21 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2436

**Chatesgrove, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RY,
Proposed siting of a single unit oak framed caravan within domestic garden of Chatesgrove to
provide additional family accommodation
Mr Jack Nethercott**

LETTERS OF REPRESENTATION

None received

PARISH COUNCIL COMMENTS

No comments received

INTRODUCTION

A lawful development certificate is sought for a caravan to provide ancillary accommodation at Chatesgrove, Cross Colwood Lane, Bolney

SITE AND SURROUNDINGS

The land forms an area of garden to the north-east of the dwelling adjacent to the swimming pool. The pool is enclosed by metal fencing to allow for safety.

There is sporadic development along Cross Colwood Lane of generally detached properties set on large plots. Chatesgrove itself is set back from the highway within a rural setting. The site is well screened.

The application site is situated outside of the development boundary of Bolney within the countryside as defined in the District Plan and the Neighbourhood Plan. Chatesgrove is a Grade II listed building and is within the High Weald National Landscape

RELEVANT PLANNING HISTORY

DM/18/1345 - Provision of a new pool house with new tunnel link to existing barn. Proposed dam to create lake from existing water course. Proposed bridge to provide access over new lake. Landscape works to North of site. (approved)

DM/18/3232 - Proposed part one storey and part two storey extension to existing house including internal and external alterations. New cellar below proposed extension to north. New dormer window to east elevation. Demolition of existing garden store and replacement with a single storey guest lodge (ancillary accommodation to main dwelling). Works to landscape and driveway, including replacement gates and re-configured entrance. (approved)

APPLICATION DETAILS

The proposed plans show the stationing of a caravan to the north-west of the dwelling. The plans show that the caravan measures some 14.175m by 6m with a height to eaves of approximately 2.8m and a ridge height of some 5.1m. The caravan has an open front porch and side cat slide roof open lean to.

The application is accompanied by a Planning Statement. According to the details submitted therein, the mobile home would conform to the legal definition of a caravan, will not exceed 20 m x 6.8 metres and be less than 3.05 metres. It states that services will be extended from the main dwelling and will be used

ancillary to the main dwelling by family members who will take meals and use the facilities in the main house as required.

No statutory declarations have been submitted as part of the application.

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 three fold test should be considered.

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

The planning statement has indicated the unit would be supported by pillar and pad foundations.

The supporting statement advises that *'The caravan will be constructed in sections and assembled to ensure compliance with the Act and to ensure that it can be moved if necessary.'*

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. The laying of pads onto which the mobile home would sit is likely to be permitted development by Class F of Schedule 1 to the Town and Country (General Permitted Development) Order 2015 (as amended).

On the basis of the above information, it is therefore considered that the proposed caravan 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 caravan 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.

Two court cases, *Uttlesford District Council v SSE* (1991) and *Burdle v SSE* (1972) are considered relevant in the consideration of this application. In *Uttlesford*, the identification of a separate planning unit is a question of fact based on evidence and is always a question of fact and degree, looking at the physical layout of the land and its functional interdependency as determined by actual use.

Burdle suggested three broad tests for determining the appropriate planning unit. Firstly a single main purpose, to which any secondary activities are ancillary or incidental. In that case the whole of the unit of occupation is the planning unit. Secondly, a variety of activities, which do not have a primary/ancillary relationship to each other, or thirdly separate and distinct areas occupied for substantially different and unrelated purposes, in which case these are separate planning units, and each is to be considered by itself.

Whilst there is no authoritative or precise definition of the term 'curtilage', to fall within the curtilage of a building, land should serve the purpose of the building in some reasonably necessary or useful manner.

In an appeal decision (DCS reference 400-026-336, determined 2020), an Inspector considered the definition of residential curtilage and stated that:

'In terms of what can be reasonably considered as residential curtilage it was held in Dyer v Dorset CC [1989] that curtilage constitutes a piece of ground attached to a dwellinghouse and forming one enclosure with it; thereby the area attached to and containing a dwellinghouse and its outbuildings. The case of McAlpine v Secretary of State for the Environment [1995] did not depart from the above judgement save for the mention of it being constrained to a small area around a building, whilst the Court of Appeal in Secretary of State for the Environment, Transport, and the Regions v Skerritts of Nottingham [2000] decided that the definition of a curtilage in relation to a building must remain a question of fact and degree in each case'

The proposal must be taken at face value. If a mobile home / caravan is stationed within a garden and used by family members of the main dwelling in connection to the enjoyment of the dwelling or as extra accommodation, then provided the occupants of said 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, parking, facilities and services as the main dwelling.

From an Officer site visit, it was viewed that the land where the mobile home is to be sited is within the side garden area of the dwellinghouse and would not be enclosed or physically separated from it. In this case in addition to the above description of the use, it is noted that the caravan will share the same access, parking area and garden as the main dwelling.

The planning statement confirms that the mobile home would not function as a separate dwelling. Therefore, on this basis and with regard to its siting and relationship 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, and 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 caravan 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.

CONCLUSION

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

The proposed siting of a caravan 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: Andrew Horrell