

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1503	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Demolition and removal of the existing garage and shed structure and construction of a detached ancillary residential annexe within the rear garden.		
Site:	141 London Road, Burgess Hill, West Sussex, RH15 8LH, , , ,		
Validation Date	17 Jun 2026	Overall Expiry Date:	10 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Aug 2026
Target Date:	12 Aug 2026	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	12 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1503

**141 London Road, Burgess Hill, West Sussex, RH15 8LH, , ,
Demolition and removal of the existing garage and shed structure and construction of a detached
ancillary residential annexe within the rear garden.
Mrs Serena Atkinson**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

TOWN COUNCIL OBSERVATIONS

Burgess Hill Town Council: The Committee of the 13th July noted that this was a legal decision to be made by the Mid Sussex Planning Officers. The Committee regretted the loss of a garage.

INTRODUCTION

The application seeks a lawful development certificate for the demolition and removal of the existing garage and shed and construction of a detached ancillary residential annexe within the rear garden of 141 London Road in Burgess Hill.

RELEVANT PLANNING HISTORY

BH/303/79. Erection of car port for 2nd car (existing garage not wide enough). Approved January 1980.

SITE AND SURROUNDINGS

No 141 London Road is a detached house, located on the main road through Burgess Hill, and opposite St Johns Park.

The house benefits from a wide gravelled frontage providing turning and parking space to the front of the property. A detached prefabricated garage is sited to the south of the house and extends alongside the southern site boundary with No 143. The walls of the flat roofed garage building has been clad externally with horizontal timber cladding, and can be accessed from the rear garden with a side access doorway. An outdoor seating space is located to the rear of the garage and a separate garden building is located in the rear corner of the garden.

The house is located in the Fairfield Conservation Area in the Built up Area of Burgess Hill Sayers Common. The frontage of the site, alongside London Road, lies within an area at risk of Surface Water Flooding.

APPLICATION DETAILS

The proposed garden annexe measures 4m by a maximum length of 8.3m approx. and has a flat roof reaching a maximum of 2.43m in height. The submitted plans show the unit will be located in place of the existing garage to the rear of the house on land forming part of the residential curtilage and within the ownership of the property.

The submitted photos and elevation plans show that the unit will have a flat roof, with the external walls finished with black composite slate cladding with vertical cedar cladding around the black framed access doors, which are to be positioned in the north facing elevation to lead into the rear garden. Two high level windows are proposed in the southern elevation of the annexe. Windows are also proposed in the east and west facing end elevations of the annexe.

The proposed floorplan show the internal space within the unit to be subdivided into a living area with a small open plan kitchenette, with a bedroom (with an internal measurement of 3.3m by 2.4m (minimum) and an ensuite shower room.

A timber chassis plan has been submitted to show the base construction for the annexe, which consists of a timber frame set on top of a concrete base.

The application has been accompanied by a Supporting Statement which contains details of the proposed use of the unit, which will be for occupation by the applicant's adult son. It explains that he is disabled, and remains dependent upon family support. It is confirmed that the annexe will be for ancillary use to the main dwelling and that it will not be sold separately, leased independently, or occupied as a separate planning unit.

In addition the statement explains that the project is being part-funded by West Sussex County Council as part of an initiative intended to increase fostering capacity within the family home. The proposed accommodation for the applicant's adult disabled son will enable existing household space to continue to be used to support fostering arrangements.

Details are provided regarding the design of the proposed unit, which complies with the criteria set out in the Caravan Sites Act 1968 (as amended). With regards to the three key tests:

1. Size
2. Mobility
3. Construction.

In terms of the size - the proposed unit is within the sizing requirements of the relevant section of The Caravan Sites Act 1968, amended 2006.

Regarding the mobility - The proposed annexe will be manufactured in transportable sections and assembled on site. A photograph has been provided to illustrate the transportation of the unit on the back of a lorry.

Construction - The proposed sections will be joined with bolts and fixings in accordance with the manufacturer's construction method.

LEGAL FRAMEWORK

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 annexe for the proposed ancillary 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, referred to above, would not generally be considered a 'building' for the purposes of the 1990 Act above because of the lack of permanence and attachment.

It is relevant that in the determination of this application that consideration should be given to the size, mobility and construction of the proposed annexe.

The size of the proposed annexe unit would be within the limits set out in the Caravan Sites Act 1968 as amended.

The supporting information illustrates that the annexe unit will be placed on a timber framed base. The dwelling and annexe would remain a single planning unit and the mobile home would not be used as a separate dwelling.

The supporting statement advises: 'The structure will be manufactured in transportable sections and assembled on site. The final act of assembly will involve the joining of those sections using bolts and fixings in accordance with the manufacturer's construction method.'

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 of the mobile home is within the limitation of the 1968 Act. Concerning permanence, although the proposal may well be stationed on site for an extended period of time, it would be capable of easy removal. Finally, the annexe will not be attached to the ground but will rest on a timber frame.

On the basis of the above information, it is therefore considered that the proposed annexe is similar to a mobile home and 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

With regards to the use of the land it is 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 proposed annexe is genuinely incidental to the enjoyment of the dwellinghouse.

The proposal must be taken at face value. If a mobile home or 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 annexe will share the same access, facilities, services and garden as the main dwelling. The applicant has in the Supporting Statement, confirmed that the annexe would not function as a separate dwelling, but would be ancillary to the house. 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 the proposed annexe 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 the 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.

CONCLUSION

Based upon the submitted details and supporting information, it can be concluded that there will be no operational development, that the proposed annexe is, in effect, a mobile home and 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 the proposed annexe within the curtilage of the main dwelling and its incidental use in accordance with the terms in the supporting 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: Anna Tidey