

Planning Statement in Support of an Application for a Certificate of Lawful Existing Use or Development (CLEUD)

Use of Land for the Stationing and Residential Occupation of a Mobile Home (Caravan)

Prepared by:

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Submitted to:

Mid Sussex District Council

Site Address:

The Stud Bungalow, Wyndham Farm, Gratten Lane / Wineham Lane, Henfield, West Sussex, BN5 9AN

1. Introduction

This Planning Statement has been prepared in support of an application under Section 191 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawful Existing Use or Development (CLEUD).

The application seeks formal confirmation that a mobile home located at the site has been in continuous use as a single, self-contained residential unit for a period exceeding ten years and is therefore lawful by virtue of the passage of time.

The purpose of this statement is to demonstrate that the use is immune from enforcement action under the statutory provisions of the Town and Country Planning Act 1990.

2. Site Description

The application relates to a single mobile home situated within the curtilage of Wyndham Farm, Henfield.

The unit is a fully self-contained residential caravan and comprises:

- Three bedrooms
- Kitchen facilities
- Bathroom/WC
- Living and dining accommodation
- Independent access and utility services

The unit has functioned as a permanent residential home throughout the relevant period.

The planning unit has remained unchanged throughout the relevant period and the residential use has remained confined to the same planning unit at Wyndham Farm. Any minor repositioning of the caravan within the site did not alter the character or extent of the use.

3. Legal Framework

3.1 Statutory Basis

Section 191 of the Town and Country Planning Act 1990 provides that a lawful development certificate may be issued where an existing use is lawful at the date of the application.

The relevant enforcement time limits are set out in Section 171B:

- Section 171B(1): Operational development – 4 years
 - Section 171B(2): Material change of use to a single dwellinghouse (building) – 4 years
 - Section 171B(3): Other material changes of use (including land and caravans/mobile homes) – 10 years
 - Section 171B(4): Breach of condition – 10 years
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3.2 Legal Classification of the Mobile Home

The mobile home is a caravan within the meaning of the Caravan Sites and Control of Development Act 1960.

For planning purposes, the stationing and residential occupation of a caravan constitutes a material change of use of land, rather than a change of use of a building to a dwellinghouse.

Accordingly, the correct statutory provision applicable to this case is Section 171B(3), which provides a ten-year period of immunity from enforcement action.

3.3 Standard of Proof

The legal test is the balance of probability, not proof beyond reasonable doubt.

The applicant must demonstrate that it is more likely than not that:

- The mobile home has been continuously used for residential purposes as a single self-contained residential unit;
- Such use has subsisted for a continuous period exceeding ten years; and
- No material break in use or abandonment has occurred within that period.

Established case law, including *R (oao East Sussex CC) v SSCLG & Ian Brown [2009] EWHC 3842 (Admin)* and *FSS v Arun DC*, confirms that a cumulative evidential approach is appropriate.

3.4 Continuity of Use

The courts have confirmed that continuity does not require uninterrupted physical presence and that temporary absences do not break lawful use, provided the overall character of the use remains unchanged.

Relevant authorities include:

- *Thurrock BC v SSETR & Holding [2002] EWCA Civ 226* – temporary absences do not interrupt continuity.
- *Impey v Secretary of State [1984]* – focus is on actual occupation, not the form of the structure.
- *Gravesham BC v SSE [1984]* – a dwelling is defined by functional residential use.
- *Hillingdon LBC v SSCLG & Moss [2010] EWHC 835 (Admin)* – caravans can constitute lawful residential occupation where used as a home.

Replacement of the Mobile Home

In multiple appeal decisions concerning caravan sites and single mobile homes, Inspectors have confirmed that:

- Replacement of a caravan does not amount to abandonment of the use; and
- The immunity period is only reset where there is a genuine cessation of the unlawful use.

Replacement of the caravan during the period of occupation cannot reasonably be characterised as a cessation of the residential use.

Minor Relocation – *De Minimis* Principle

The repositioning of the mobile home by a few metres must be assessed against the *de minimis* principle.

Inspectors routinely conclude that:

- Minor repositioning within the same planning unit;
- With no additional impacts;
- Does not constitute operational development nor a material change of use.

In caravan appeal decisions, even increases in the number of caravans have been found immaterial where impacts remained unchanged. It follows that a small relocation of a single unit is plainly not material.

4. Planning Policy Context

Planning policy is not determinative in the assessment of a Certificate of Lawful Existing Use or Development, which is strictly a legal and evidential exercise.

4.1 National Planning Policy Framework (NPPF)

The NPPF is not engaged in the determination of lawfulness applications, which must be assessed solely on factual and legal evidence.

4.2 Planning Practice Guidance (PPG)

The Planning Practice Guidance confirms that the determination of lawful development certificates is based entirely on evidence and the relevant statutory tests.

4.3 Local Plan Policies

Policies within the Mid Sussex District Plan (2014–2031), including Policies DP4, DP6, DP12, DP15 and DP26, are not relevant to the determination of this application.

5. Evidence of Continuous Residential Use

A package of supporting evidence is submitted demonstrating continuous residential occupation of the mobile home for a period exceeding ten years, including:

- Photographic records evidencing long-term residential use – Google Earth image dating back to 2018 – unfortunately the previous image to that date for the site is 2015 which is prior to the installation of the mobile home / caravan.
- Supporting documentation confirming continuity of use – Letter from Tennant confirming that they have been in occupation for in excess of ten years.

Taken as a whole, this evidence demonstrates a consistent and uninterrupted pattern of residential occupation.

6. Assessment Against Legal Tests

6.1 Nature of the Use

The relevant use is the stationing and residential occupation of a single caravan on land, constituting a material change of use of land.

6.2 Continuity of Use

The evidence demonstrates continuous residential occupation of the mobile home as a single self-contained residential unit for a period exceeding ten years.

There is no evidence of abandonment or material interruption in the residential use during this period.

6.3 Lawfulness Through Passage of Time

As the use has subsisted continuously for more than ten years, it benefits from immunity under Section 171B(3) of the Town and Country Planning Act 1990.

The use is therefore lawful by virtue of the passage of time.

6.4 Irrelevance of Policy Considerations

Planning policy considerations have no bearing on the determination of this application. The sole issue is whether the use is lawful based on fact and statute.

7. Conclusion

It is respectfully submitted that, on the balance of probability:

- The mobile home is a caravan within the meaning of the Caravan Sites and Control of Development Act 1960;
- Its residential occupation constitutes a material change of use of land under Section 171B(3);
- The use has been continuous for a period exceeding ten years;
- The minor relocation was *de minimis*;
- There has been no material break in residential occupation; and
- The use is therefore immune from enforcement action and lawful by virtue of the passage of time.

Accordingly, it is respectfully requested that Mid Sussex District Council grant a Certificate of Lawful Existing Use or Development confirming the lawful use of the land for the stationing and residential occupation of a single self-contained mobile home (caravan).