

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2971	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Use of the land for siting a mobile unit for use ancillary to the main dwelling.		
Site:	Oaklands, Furzefield Road, East Grinstead, West Sussex, RH19 2EF, , ,		
Validation Date	18 Nov 2025	Overall Expiry Date:	12 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Jan 2026
Target Date:	13 Jan 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

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

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	6 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2971

**Oaklands, Furzeffield Road, East Grinstead, West Sussex, RH19 2EF, ,
Use of the land for siting a mobile unit for use ancillary to the main dwelling.
Mrs S Searle**

LETTERS OF REPRESENTATION

None received

CONSULTATIONS

TOWN COUNCIL

No comment.

INTRODUCTION

This proposal is seeking a Lawful Development Certificate for the use of the land for siting a mobile home for the ancillary use 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 Oaklands, Furzeffield Road, East Grinstead.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

Oaklands is a detached two-storey dwelling situated on Furzeffield Road in East Grinstead. The property is characterised by red brick, with cream coloured render to the first-floor elevation, white upvc windows and a plain tile roof. The property benefits from a plot that is long, widening towards the northern edge of the site. The dwelling house is set well back from the road, and the ridgeline of the roof is orientated at 90 degrees to the road. An attached garage with pitched roof is located to the east of the dwelling and there is sufficient off-road parking for approximately 4 cars to the front. Land levels drop towards the north (rear) of the house.

The property lies with the built-up area boundary of East Grinstead. Neighbouring properties are located to the east and west. Highway is located to the south.

APPLICATION DETAILS

The submitted information shows the stationing of the mobile home in the rear garden of the dwelling within the residential curtilage. The mobile home would be located on the northwestern side of the dwelling, close to the side boundary of the site.

Plans submitted with the application show that the mobile home would measure some 9.5 metres in length and some 4 metres in width, with an internal height of some 2.3 metres. Externally, the structure would have a flat roof that measures some 2.5 metres in height. The proposed accommodation would be comprised of a main living area with a lounge/kitchen, 1 no. bedroom and a bathroom. The mobile home is shown to be 'placed on a screw pile foundation system'.

A Planning Statement has been included with the application stating that the structure will fall within The Caravan Sites and Control of Development Act 1960 and that it will be located within the curtilage of the

main dwellinghouse and will be used by a younger family member connected to the occupants of the main dwellinghouse.

The Planning Statement sets out that there will be no separate;

- o Address
- o Post Box
- o Utility meters
- o Services such as internet, phone line and television
- o Parking
- o Garden area or curtilage, and
- o Access

It states that 'it will continue to share the services such as washing, internet, phone line and television. It will have the same address and post box. It will not have an independent curtilage and the garden will be shared and only used by the occupants and their guests who will have access to both the mobile home and the main dwelling.'

POLICY CONTEXT

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

There are numerous statutory instruments of relevance to this application:

The Town and Country Planning Act 1990 (as amended)

Section 55 Meaning of "development" and "new development".

(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.

(1A) For the purposes of this Act " building operations " includes—

- (a) demolition of buildings;*
- (b) rebuilding;*
- (c) structural alterations of or additions to buildings; and*
- (d) other operations normally undertaken by a person carrying on business as a builder.*

2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—*
 - (i) affect only the interior of the building, or*
 - (ii) do not materially affect the external appearance of the building,*

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a . . . highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) 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;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.'

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 material facts should be assessed against the above three-fold test.

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 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 statement advises that the nature of the proposal gives enough room under the caravan to install lifting equipment and move the structure away. The statement further advises that *'The mobile home is assembled into two distinguishable parts on site and the final act of assembly is the bolting of the two parts together.'* A construction methodology has also been provided.

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 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 on 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

When assessing this application, it is also necessary to consider whether the proposed siting of the mobile home would constitute a material change in use of the land.

The stationing of a mobile home on a site would ordinarily amount to a material change of use requiring planning permission. However, section 55(2)(d) of The Town and Country Planning Act notes 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 is not to be treated as development. Accordingly, the stationing of a caravan on site in a manner that complies with section 55(2)(d) will not amount to development for the purposes of section 55 of the TCPA and will not require planning permission. The key question in considering whether section 55(2)(d) is satisfied is whether the use of the mobile home is genuinely incidental to the enjoyment of the dwellinghouse.

In *Uttlesford District Council v Secretary of State for the Environment* [1992] J.P.L. 171, it was held that the use of an outbuilding in the curtilage of an existing dwellinghouse for primary residential purposes does not involve a material change of use where it was used in conjunction with the primary dwelling. The essential question is whether the use of the curtilage building has created a separate planning unit. The fact that the outbuilding allowed for a semi-independent living space did not, on its own, result in the severance of the planning unit.

The Planning Statement advises that the mobile home would be used by the applicant's grandson in order to provide a greater level of independence and privacy. Plans show that the mobile home would provide 1 bedroom, a bathroom, a lounge and kitchen. As such, the proposal will allow for a semi-independent living space. The mobile home would be sited some 0.5 metres from the main dwellinghouse.

It is considered that 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 the said mobile home/ caravan continue to use the facilities of the house, then the siting of the mobile home 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.

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: Catherine Cardin