

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0359	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Use of the land for siting a mobile home for ancillary use to the main dwellinghouse		
Site:	1 Wintergreen Way, Sayers Common, Hassocks, West Sussex, BN6 9ZQ, , ,		
Validation Date	11 Feb 2025	Overall Expiry Date:	25 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Apr 2025
Target Date:	8 Apr 2025	Recommending Officer Signature:	Anna Tidey

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

Signed and Agreed By:	Stephen Ashdown	Date:	8 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0359

**1 Wintergreen Way, Sayers Common, Hassocks, West Sussex, BN6 9ZQ, ,
Use of the land for siting a mobile home for ancillary use to the main dwellinghouse
Mr And Mrs Percy**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Tree Officer: None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Hurstpierpoint and Sayers Common Parish Council: No comment.

INTRODUCTION

The application seeks a lawful development certificate for the proposed siting of a mobile home at 1 Wintergreen Way, Sayers Common for ancillary use to the main dwellinghouse.

RELEVANT PLANNING HISTORY

DM/25/0358. Erection of an annexe for ancillary use to the main dwellinghouse. Yet to be determined.
DM/24/2330. Two storey side extension to be used as annex. Refused. Current at Appeal.
DM/21/2056. Discharge of planning condition nos. 3, 5, 7, 8, 9 and 17 relating to planning application
DM/19/3952. Approved September 2021.
DM/19/3952. The construction of 2 x 2 bed, 3 x 3 bed, 4 x 4 bed dwellings with associated access to B2218, landscaping and parking (Amended red line plan received 11 November 2019). Approved June 2020.

SITE AND SURROUNDINGS

No 1 Wintergreen Way is a 4 bed semi detached house, located on a shared access road off a new residential development off the old London Road in Sayers Common.

The house benefits from a frontage turning and parking space. A touring caravan is currently parked on land sited to the front of the close boarded boundary fence which encloses the rear garden. To the rear of this a separate garden cabin has been constructed with a raised deck. This is located below the canopy of trees which mark the southern boundary to the garden area at the side of the house.

The house is located outside the Built up Area boundary of Sayers Common and partly within Amber and Red Impact Zones for Great Crested Newts. The south western corner of the site lies within the 1 in 1000 year Surface Water Flood Zone.

APPLICATION DETAILS

The proposed ihus mobile home unit measures 6m by 8m approx. and has a flat roof reaching a maximum of 3.34m in height. The submitted plans show the twin-unit mobile unit will be located south of the house on land forming part of the residential curtilage and within the ownership of the property.

The submitted elevation plans show that the unit will have a flat roof, with a surrounding fascia above external walls finished with horizontal cladding with dark grey windows and doors positioned in the north, south and west facing elevations. Vertical external drainage pipes are located on the northern elevation of the unit.

The proposed floorplans show the internal space within the ihus unit to be subdivided into a living area with kitchenette, with a bedroom (with an internal measurement of 3.6m by 3.7m) and an ensuite shower room and cupboard.

The application has been accompanied by a detailed Planning Statement which contains details of the unit, including details of how the mobile home will comply with the criteria set out in the Caravan Sites Act 1968 and meet the three key tests:

1. Size
2. Mobility
3. Construction.

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

Regarding the mobility - The proposed caravan will be placed on a screw pile foundation system, and will rest on these foundations under its own weight. This design ensures a minimum ground clearance of 150mm, allowing for the use of lifting straps/rigging to be positioned under the structure. Consequently, the caravan can be lifted by crane and placed onto a flatbed lorry.

It is confirmed that the proposed caravan will not be affixed to the ground through permanent works, and any connections to services are easily reversible.

Construction - The proposed mobile home will be assembled on-site, with two distinguishable sections. The final act of assembly will involve the bolting of these two parts together.

The Planning Statement details the mobile home will be used as ancillary accommodation to the dwelling at No 1 for accommodation for the applicant's mother, with no separate address, post box, utility meters, services such as internet, phone and television, parking garden area/curtilage or access. The unit will allow the applicant to provide necessary care and support with a functional relationship between the main dwelling and the mobile home.

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 mobile home 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 mobile home.

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

The supporting statement states that the mobile home will be placed on a screw pile foundation system and will not be fixed to that, but will rest on these foundations under its own weight. 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 unit: 'will be assembled on-site, with two distinguishable sections, and the final act of assembly will involve the bolting of these two parts together. Drawing Ref: 2238.01.25.5, included in the application, illustrates the two sections that will be separately constructed on the application site and subsequently joined together on the same site as the 'final act of assembly.' The construction methodology is provided in detail in Appendix L.

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 proposal will not be attached to the ground on hardstanding but will 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 the 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 mobile home 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 mobile home will share the same access, facilities, services and garden as the main dwelling. The applicant has, through their Planning 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 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 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: Anna Tidey