

**APPLICATION FOR A CERTIFICATE OF
LAWFULNESS OF PROPOSED USE OR
DEVELOPMENT FOR THE SITING OF A
CARAVAN FOR ANCILLARY RESIDENTIAL
USE, LAND AT THE BARN, NYES HILL FARM,
WINEHAM LANE, BOLNEY, WEST SUSSEX
RH17 5SD**

SUPPORTING STATEMENT

Submitted on behalf of Mrs Karen Henderson



MH Planning
Associates

APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT FOR THE SITING OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT THE BARN, NYES HILL FARM, WINEHAM LANE, BOLNEY, WEST SUSSEX

SUPPORTING STATEMENT

1. Introduction:

1.1 This application is submitted under the provisions of Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991).

1.2 This section states that if any person wishes to ascertain whether:

- (a) any **proposed use** of buildings or other land, or
- (b) any operations proposed to be carried out in, on, over or under land,

would be lawful, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question.

1.3 If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted, or begun at the time of the application, they should issue a Lawful Development Certificate to that effect.

1.4 The application is submitted in order to seek **Mid Sussex District Council's** formal confirmation that the proposed siting of an ancillary residential caravan, within the garden grounds of The Barn, Nyes Hill Farm, Bolney, would be lawful having regard to the provisions of the 1990 Act.

2. Site Description:

2.1 The application site is a single residential planning unit that comprises The Barn, Nyes Hill Farm, Bolney, and its garden grounds, as outlined in red on the submitted location plan.

3. Relevant Planning History:

3.1 In October 2022 a planning application for the "change of use of land to residential garden and retention of part-built garden annexe building" was submitted (LPA reference DM/22/3185).

3.2 Planning permission was refused, on 12 December 2022, for the following reasons:

1. *By virtue of its scale, design and siting the building represents a new unit of residential accommodation in an unsustainable rural location. It is therefore contrary to policy DP6, DP12 and DP15 of the Mid Sussex District Plan 2014-2031, Policy BOLBB 1 of the Bolney Neighbourhood Plan and the contents of the National Planning Policy Framework.*
2. *By virtue of the scale, design and siting, the building causes harm to the character and appearance of the rural area in which it lies and is contrary to policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031 and policy BOLE2 of the Bolney Neighbourhood Plan and the contents of the National Planning Policy Framework.*
3. *By virtue of the siting of the building within an Ancient Woodland buffer zone the development is considered to cause potential harm to the Ancient Woodland contrary to policy DP37 of the Mid Sussex District Plan 2014-2031, policy BOLE1 of the Bolney Neighbourhood Plan and the contents of the National Planning Policy Framework.*

3.3 A subsequent appeal was dismissed on 5 September 2023 (PINS reference APP/D3830/W/23/3319363). The appointed Inspector considered that the main issues were:

- Whether the occupiers would have reasonable access to local shops and services by means other than the private car,

and the effect that the proposed development has and/or would have on:
 - The character and appearance of the surrounding rural area, and
 - The nearby ancient woodland.

3.4 Following the dismissal of the Section 78 appeal an application for a Certificate of Lawfulness in respect of the “siting of a caravan within the grounds of the main dwelling” was submitted (LPA reference DM/24/2004). This application was refused, on 15 October 2024, for the following reason:

1. *Based on the information available to the Council and on the balance of probabilities the structure that has been constructed constitutes a building as the joining of the two sections was not the*

final act of assembly. As such the building represents operational development, as defined by section 55(1) of the Town and Country Planning Act 1990.

The building is not located wholly on land which is either within the residential curtilage of the existing dwelling, in the same planning unit as the existing dwelling or within land that is used for residential purposes. As such the works constitute a material change of use of the land in which the building is located, as defined by section 55(1) of the Town and Country Planning Act 1990.

4. Supporting Statement and Evidence:

- 4.1 As the current application falls to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Similarly, as the policies of the Development Plan are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact on the character or appearance of the area, of the setting of the adjacent listed building, are not matters that the Council can attach any weight to.
- 4.2 Furthermore, in appeals which raise legal issues where the onus of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is the "balance of probability". As this test will accordingly be applied in any appeal against their decisions, planning authorities should therefore not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof beyond reasonable doubt. Moreover, the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the planning authority has no evidence to contradict or otherwise make the applicant's version of events less than probable, this is not in itself a valid reason to refuse the application.
- 4.3 Planning permission can only be required where **development** takes place, and development is defined in Section 55(1) of the Town and Country Planning Act 1990 as being:

"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."

- 4.4 This definition has two 'legs'; one involving permanent **physical alterations** to land, and the other **material changes of use** of buildings or land.
- 4.5 The structure that will be sited on the land will comply with the statutory definition of a single-unit caravan in every respect. No operational development as defined by Section 55(1) will need to take place.
- 4.6 Having regard to the above, the central questions to be asked when deciding whether or not to issue the Certificate of Lawful Use applied for will therefore be:
- a) Will the structure be a caravan as defined in the Caravan Sites and Control of Development Act 1960?
 - b) Will the caravan be sited within the garden grounds of The Barn, Nyes Hill Farm, Bolney? and
 - c) Will the caravan be used solely for purposes ancillary to the use of The Barn, Nyes Hill Farm, Bolney?

Each of these questions must be answered in the affirmative in order for a Certificate to be issued. Taking each of the questions in turn:

Will the Unit be a Caravan?

- 4.7 Section 29(1) of the **Caravan Sites and Control of Development Act 1960** simply 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 motor vehicle so designed or adapted but does not include:
- a) Any railway rolling stock which is for the time being on rails forming part of a railway system, or
 - b) Any tent."

Twin-Unit Caravans

- 4.8 The 1960 definition was subsequently modified by Section 13(1) of the **Caravan Sites Act 1968**, which deals solely with twin-unit caravans. Section 13(1) permits within the definition of a twin-unit caravan 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."

4.9 Section 13(2) of the 1968 Act further prescribes the following maximum dimensions for twin-unit caravans:

- a) length (exclusive of any drawbar); 60 feet (18.288 metres);
- b) width: 20 feet (6.096 metres);
- c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3.048 metres).

4.10 Finally, the **Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006** amended Section 13(2) of the 1968 Act to increase the maximum dimensions of a twin-unit caravan to:

- a) length (exclusive of any drawbar) - 65.616 feet (20 metres);
- b) width - 22.309 feet (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) - 10.006 feet (3.05 metres).

4.11 For the avoidance of any doubt the terms 'caravan' and 'building' are mutually exclusive, i.e., a structure that complies with the statutory definition of a caravan cannot also be a building. This fundamental point of planning law was confirmed in an appeal in respect of land at Upper Farm, Blue Bell Lane, Stoke D'Abernon, Cobham (PINS reference APP/K3605/X/11/2147586) (**Document 1**) where the Inspector stated:

"At the Inquiry it was established that, despite the terminology used in the application form, the Appellant considers that the 'static caravan' referred to therein was a 'building' rather than a 'caravan' for the purposes of the 1990 Act as amended by the time of the application. The terms are mutually exclusive, such that a unit of accommodation cannot be both a caravan and a building. Moreover, having regard to case law arising from the judgment in Measor v SSETR & Tunbridge Wells Borough Council [1999] JPL 182, a caravan cannot, for the purposes of the Act, be a 'dwellinghouse'."

- 4.12 Applying the provisions of the Acts a single unit caravan, as defined by Section 29(1) of the 1960 Act, needs only to be a structure that has been designed or adapted for human habitation, and 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). This known as the 'mobility test'.

The Mobility Test

- 4.13 With respect to the 'mobility test' it is only necessary to be able to demonstrate that the caravan, when assembled, is 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". "Capable" in this context refers to the ability to do something, but not necessarily doing it. The Act does not say that you have to be able to physically demonstrate that a caravan can be moved from one place to another, only that you must be able to show, on the balance of probabilities, that it is "capable of being moved".
- 4.14 The case of Wyre Forest District Council v Secretary of State for the Environment [1990] 2 WLR 517; [1990] 1 All ER 780; [1990] 2 PLR 95, HL remains a standard authority for using the statutory definitions found within the Caravan Sites Acts, as opposed to the ordinary and everyday meaning of the word 'caravan', when deciding whether in planning terms a lawful 'caravan' has changed into something that is not a caravan (i.e. a building). Permanent works, such as an extension or large porch, which fix the caravan to the ground, could mean that it would no longer come within the legal definition and could as a consequence be treated as a building. It was therefore held that if something falls within the statutory definition of a caravan, as provided for by the 1960 and/or 1968 Acts, it cannot also be a building, because of its element of mobility. The two definitions are thus mutually exclusive.
- 4.15 In Carter v SSE & Carrick DC [1991] JPL 131; [1995] JPL 311 (CoA) Carrick District Council had issued an Established Use Certificate in respect of a smallholding owned by the appellants, providing for the stationing of a caravan for human habitation. The appellants then replaced the original caravan with a form of mobile home; this was delivered by lorry in four prefabricated sections, each section was bolted together, and the structure was positioned on concrete blocks on an existing concrete base. The mobile home had no wheels or subframe; it rested on, but was not fixed to, the concrete blocks.
- 4.16 Planning permission to retain the mobile home was refused in June 1988

and appeals against two enforcement notices requiring the home's removal were dismissed on 27 April 1989.

- 4.17 Carter was an appeal of the decision of the High Court which in turn upheld the Secretary of State's decision. The appeal was dismissed. The Court of Appeal held that Secretary of State was entitled to find that the structure was not a caravan within the meaning of Section 29(1) of the 1960 Act. That section contemplates that the structure must be capable of being moved as a single unit; the whole of the structure, and not its component parts, must possess the quality of mobility. It must be capable of being towed or transported on a single motor vehicle or trailer; however it did not matter that the caravan could not lawfully be so transported, or if the actual roads leading to the site could not accommodate it.
- 4.18 In Measor v SSETR & Tunbridge Wells DC [1999] JPL 182 the High Court (Robin Purchas QC) held that 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.
- 4.19 Mr Measor purchased a motel standing in about 10.5 hectares of land in 1984. In January 1995 he applied for a Lawful Development Certificate for the stationing of 6 mobile caravans and 12 touring caravans for residential use. The application was refused in May 1995, and Enforcement Notices were served on him in July 1995. Mr Measor appealed against the notices, and an inquiry was held in November 1996.
- 4.20 The Inspector recorded that at the time of his inspection there were 15 caravans on the site and concluded that the relevant limitation period for taking enforcement action under the Town and Country Planning Act 1990 Section 171B(3) was 10 years from the alleged breach of planning control. In rejecting the contention that the caravans were buildings, and that there had been a change of use of those buildings to use as a single dwellinghouse, in which case a four year limitation period on enforcement would have applied under Section 171B(2) of the 1990 Act, the Inspector concluded that the caravans remained mobile or potentially mobile within the meaning of the Caravan Sites and Control of Development Act 1960 Section 29(1). His recommendation that the appeal be dismissed was accepted by the Secretary of State in August 1997.
- 4.21 Mr Measor subsequently applied for an Order under Section 288 of the 1990 Act, seeking to quash the Secretary of State's decision on the basis that the Inspector's conclusion that the caravans were not buildings was

not sustainable. The Deputy Judge stated that he would be wary of holding, as a matter of law, that a structure which satisfied the Section 13(1) definition could never be deemed a building for the purposes of the 1990 Act. However, it is generally the case that a mobile home would not satisfy the well-established definition of a building, with regard to the factors of permanence and attachment. It would be contrary to the purposes of the 1990 Act to hold that because caravans are defined as 'structures' in the CSA they must fall within the definition of 'building' in the 1990 Act.

4.22 For a caravan to be capable of being transported on a motor vehicle or trailer all that is required to pass the 'mobility test' is therefore that it must be able to be shown that, on the balance of probabilities, when assembled, it can be lifted off the ground and placed on either a motor vehicle or a trailer. Capable in this context therefore refers to the ability to do something, but not necessarily doing it, and an ordinary reading of the provisions would therefore point towards this being a hypothetical test of mobility.

4.23 In an appeal in respect of land at 27 Elmfield Avenue, Teddington (PINS reference APP/L5810/X/15/3140569) (**Document 2**), when considering the 'mobility test' the Inspector noted in paragraphs 16 and 17 of his decision:

"The mobility test does not require a mobile home to be mobile in the sense of being moved on any wheels and axles it may have. It is sufficient that the unit can be picked up intact (including its floor and roof) and be put on a lorry by crane or hoist. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant. As a matter of fact and degree, I consider that the proposed accommodation once assembled would be capable of being moved intact within the terms of the statutory definition.

I note that the proposed unit would rest on concrete "pad stones" placed on the ground. As such, the unit's degree of physical attachment to the ground and the effect on mobility would be minimal or non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved. The mobile home would not acquire the degree of permanence and attachment required of buildings. The mobility test would be met."

- 4.24 In is particularly important to note here that the Inspector made it clear that “any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved”.
- 4.25 An appeal in respect of land at 28 Lodge Lane, Romford (PINS reference APP/B5480/C/17/3174314) (**Document 3**) also considered the ‘mobility test’, and here the appointed Inspector noted how temporary lifting beams would be able to be installed under the structure so as to enable it to be lifted safely as a single entity. This is consistent with the judgement in Carter v SSE & Carrick DC [1991] JPL 131; [1995] JPL 311) which clarified that for a structure to be a caravan for the purposes of the Caravan Sites Acts the fully assembled unit must be capable, as a whole, of being towed or transported by a single vehicle.
- 4.26 In the current case the proposed caravan would not be physically attached to the land (other than via service connections), to the extent that it would not be capable of being moved. It would rest, under its own weight, on a series of ground screws, meaning that it would always be able to be either towed or lifted, as single entity, if required.
- 4.27 The application is accompanied by a quotation that demonstrates, on the balance of probabilities, that the existing structure will be able to be lifted, as a single entity, and moved off site (**Document 4**). Once moved of site the current breach of planning control will have been remedied. Once the structure is returned to the site, it will meet the definition of a single-unit caravan as set out in S29(1) of the 1960 Act, i.e. it will be a structure that has been designed or adapted for human habitation, and which is capable of being moved from one place to another.
- 4.28 The ‘construction test’ and the ‘size test’ only apply to twin-unit caravans and so are not relevant in this instance. This is on the basis that the caravan will be moved to its intended location within the garden grounds of The Barn, from another location, as a single entity. This approach was confirmed in a very recent appeal decision in respect of land at New Oaks Farm, Ambleside (PINS reference APP/Q9495/C/23/3325144) (**Document 5**). Here the appointed Inspector found that the structure in question, notwithstanding that fact that it had been constructed on the appeal site, nevertheless fell within the 1960 definition of a single-unit caravan on the basis that it was capable of being lifted, placed on a trailer, and moved from one place to another, in the manner described by the National Park Authority's witness.

Will the Caravan be sited within the grounds of The Barn, Nyes Hill Farm, Bolney?

- 4.29 The application site is a single planning unit that comprises The Barn, Nyes Hill Farm, Bolney, and its garden grounds, as outlined in red on the submitted location plan. The proposed caravan will be sited within this planning unit. No part of the caravan will be sited within the additional 'triangle' of land that it was applied to change the use of in October 2022.

Will the caravan be used solely for purposes ancillary to the use of The Barn, Nyes Hill Farm, Bolney?

- 4.30 With respect to the proposed use of the land, the application property (The Barn, Nyes Hill Farm, Bolney) is currently occupied by the applicant. The applicant's dwelling as a limited amount of space and thus the proposed caravan will be used as additional sleeping accommodation for visiting family and friends.
- 4.31 There is absolutely no intention that the caravan will be made available for separate, independent, residential use; any water and electricity, connections would be shared with the main property, and any drainage would connect into the existing drainage system. The provision of meals etc. will be shared, and the caravan will not be registered a separate unit of occupation with respect to the payment of Council Tax.
- 4.32 Whilst the caravan might be seen as being *capable* of independent occupation, this is not the basis upon which a Certificate is being sought. There will be no physical or functional separation of land, and no separate planning unit will be created. On the basis that the occupation of the caravan will remain ancillary to the primary use of the land, no **material change of use** of land requiring planning permission will take place.

Submitted Evidence

- 4.33 In order to support this line of argument the following documents are submitted alongside the current application:

Transcript of House of Commons Debate (22 November 2005)

- 4.34 This debate, in part, concerned the stationing of caravans belonging to gypsies and travellers within the curtilages of the residential properties that they had purchased (**Document 6**). Reference (on page 3) is made to paragraph 29 of former Circular 01/1994 which stated:

"Some kinds of activity will not fall within the definition of 'development' in Section 55 of the 1990 Act and will not therefore require planning permission. Any gypsy living in a dwellinghouse will not require planning permission to use a caravan within the curtilage of the dwellinghouse, provided that the purpose is incidental to the enjoyment of the dwellinghouse as such. A caravan within the curtilage of a dwellinghouse may have a number of ancillary uses for which planning permission would not be required. For example, it could be used for additional living accommodation, provided that it remained part of the same planning unit as the dwellinghouse, and the unit remained in single family occupation."

- 3.29 On page 6 of the transcript, in response to the question, "to what extent would the usage of a caravan fall outside the definition of being incidental to enjoyment of the dwelling house", it was stated that:

"A caravan is not a building. Stationing one on land is not itself 'operational development' that requires planning permission, although associated works such as the provision of infrastructure and hygiene facilities may well be. Under planning law, householders can park caravans in their gardens or driveways indefinitely, provided that no material change of use of land occurs. However, in certain circumstances, the placing of a caravan on land may change the principal use of that land, which would amount to development in the form of a material change of use of land. It is for that reason that the use of land for an occupied caravan generally requires planning permission. The hon. Lady asked whether adding extra caravans would still be incidental. A householder is entitled to use caravans as extra accommodation without planning permission, provided that the occupants continue to use the house, for example, the kitchen or bathroom. If, on the other hand, a caravan is there for another purpose not incidental to the enjoyment of the main dwelling, known as the dwelling house - for example, it is inhabited quite separately from, and independently of, the dwelling house - planning permission for change of use of the land would, generally speaking, be required. As it would result in the creation of a new planning unit, such permission may well not be granted in a residential area."

- 3.30 At a later point in the transcript (on page 8) it is confirmed that examples of ancillary uses could include uses such as storage, home office, additional sleeping accommodation and a garden shed. The original

transcript can be found at:

<http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051122/debtext/51122-39.htm>

Homefield Appeal Decision and Costs Decision (12 November 2009)

- 3.31 This appeal concerned a Lawful Development Certificate application to site two caravans on land within a residential curtilage, for use as ancillary accommodation incidental and subordinate to the residential occupation of the main dwellinghouse (**Document 7**). In allowing the appeal the appointed Inspector concluded that:

"The evidence for the appellants is that the caravans would be used by the two sons to provide their sleeping accommodation, "and for social purposes and entertaining friends". The supporting statement goes on to say that "the sons will, as now, take all meals in the main house, use laundry facilities and generally inter-react with their parents in the normal manner associated with family occupancy." As such, I consider the proposal is to use the caravans solely as living accommodation additional to that which exists at Homefield. The stated intention is that the caravans will not be used as independent units of accommodation but will remain very much part and parcel of the main dwelling. If the caravans were to be used as self-contained living accommodation, then it is likely that would amount to a material change of use of the land. But, so long as the caravans are sited within the residential planning unit, and so long as use of the caravans remains ancillary to the main dwelling, I am satisfied their siting does not result in any material change of use of the land."

- 3.32 In parallel to submitting their appeal against the refusal to issue a Lawful Development Certificate, the appellants made an application for an award of costs on the grounds that the Council had acted unreasonably. In making a full award in favour of the appellants the appointed Inspector found that by considering the proposal primarily in the context set by the 2008 [General Permitted Development] Order the Council failed to first address whether or not the siting of 2 caravans amounted to development (**Document 8**).

Woodfords, Shipley Road Appeal Decision (20 September 2016)

- 3.33 In this decision, which also concerned the siting of a caravan for occupation by elderly parents, within the garden grounds of a dwelling, the appointed Inspector concluded (PINS Reference

APP/Z3825/X/16/3151264) (**Document 9**):

"Use of the caravan in the way set out in the supporting statement would not, in my view, result in a separate unit of occupation, in planning terms, and the use of the existing planning unit comprising the house at Woodfords and its grounds would remain in domestic residential use as a single dwellinghouse. The character of the use would not change. Whilst I can appreciate the concerns of the Council, the size of the caravan and the facilities provided, which would be found in most large caravans, do not cast substantial doubt on the applicant's explanation of the use that is proposed. On the balance of probabilities, I consider that that use proposed would be subordinate and ancillary to the use of the property as a single dwellinghouse. It would not result in a material change of use. For that reason, I conclude, on the evidence now available, that the Council's refusal to grant an LDC in respect of the siting of a caravan for ancillary residential use within the residential curtilage of Woodfords was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under s195(2) of the Act."

Heathfield House Appeal Decision (2 November 2017)

- 3.34 In this final decision, the appointed Inspector similarly concluded (PINS reference APP/A1530/X/17/3177321) (**Document 10**):

"It is clear that there would be a close family and functional link between the uses with the land also remaining in single ownership and control. Use of the caravan in the manner described would not involve physical or functional separation of the land from the remainder of the property. The character of the use would be unchanged. Thus, the use described would form part and parcel of the residential use within the same planning unit. Only if operational development which is not permitted development is carried out or if a new residential planning unit is created, will there be development. From the application, neither scenario is proposed. Accordingly, the proposal would not have required separate planning permission."

- 3.35 All of these appeal decisions conclusively demonstrate that the siting of a caravan, to be used for ancillary purposes (i.e. as an 'annex'), is not to be regarded as operational development, and does not bring about a material change of use of the land. Whether or not the caravan is capable of independent occupation is of no relevance; the assessment

of whether development is involved can only be made on the basis of how the caravan in question will actually be used.

- 3.36 Finally, whilst not in respect of the siting of a caravan, reference is also made to Uttlesford District Council v Secretary of State for the Environment & White [1991], one of the leading cases in respect of the use of an existing building within the curtilage of a dwellinghouse, for the provision of ancillary residential accommodation. Here it was concluded by Mr Lionel Read QC (sitting as a deputy judge of the Queen's Bench Division) that a building within the garden of a property could similarly be used as an integral part of the main residential use, without this representing a breach of planning control (i.e., a material change of use). As he noted in his judgement:

"... the Department's present view is that the use of an existing building in the garden of a dwelling-house for the provision of additional bedroom accommodation ... merely constitutes an integral part of the main use of the planning unit as a single dwelling-house and, provided that the planning unit remains in single family occupation, does not therefore involve any material change of use of the land."

- 3.37 Although the proposed caravan could contain the facilities required for independent living, there will be sufficient linkage between any occupants, and the occupants of the main dwelling, for the two to remain a single planning unit. As was observed in Uttlesford:

"... the elderly relative to be accommodated would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent she will be independent from the rest of the family. I find no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling."

4. Conclusions:

- 4.1 To summarise, the key elements of the current application are as follows:

- The additional accommodation provided would be within a single-unit caravan as defined in the 1960 Caravan Sites Act;
- The caravan would be sited within the lawful garden grounds of the existing dwelling;
- It would be when sited, and will thereafter remain, a movable structure;

- It would not be permanently affixed to the ground and no operational development would need to take place; only services would be connected;
- The use of the caravan would at all times be ancillary to the use of the planning unit that is The Barn, Nyes Hill Farm, Bolney;
- The provision of all meals, laundry facilities, etc. will be shared;
- The caravan would not be provided with its own separate curtilage; and
- The caravan would not have a separate postal address, it would share the existing dwelling's utility services, and it will not be registered a separate unit of occupation with respect to the payment of Council Tax.

4.2 For these reasons, and having regard to the submitted evidence, it is therefore clear that there would be no material change in the use of the planning unit, and thus no development as defined by Section 55(1) of the Town and Country Planning Act 1990 would take place. A Certificate of Lawfulness of Proposed Use or Development, under the provisions of Section 192 of the 1990 Act, should therefore be able to be issued.