

From: Andrew Clarke
Sent: 30 January 2025 17:23:39 UTC+00:00
To: "'Michael Hyde'" <mh@mhplanning.co.uk>
Cc: "'Karen Henderson'" <karen@drkh.co.uk>
Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Dear Mike,

I refer to the above application. As you note it was my intention to determine the application by tomorrow (31/1) however, upon review there are a couple of matters which require addressing and for which I invite your comments upon.

Firstly in respect of definitions of the Caravan Act 1960 (accepting that any proposed caravan would be a single unit caravan) s. 29(1) states that:

"caravan" means 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,'

The contents of the application are noted, in particular your evidence relating to the mobility test and the quote for the moving of the existing structure, however, there is no reference to how the structure may be towed or transported by road. The evidence solely relates to the movement of the structure in one piece (which is accepted) and the proposal indicates it been craned and placed in the adjacent paddock before being returned to the site (albeit in a different location). No evidence as to the ability of the structure to be moved in one place by road has therefore been received and currently the application does not prove, on the balance of probability, that the structure would comply with all elements of the definition of the Caravan Act 1960. I'd be grateful for your comments and I am happy to accept additional information in this respect prior to determining the application.

Secondly, and potentially of more importance, relates to the principle of the development being address through a s.192 application. For clarity Section 192(2) of the Town and Country Planning Act 1990 states that:

*'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 shall issue a certificate to that effect; and in any other case they shall refuse the application'*

Noting the wording in bold it is necessary to consider the lawfulness of the proposed development on the date of the submission of the application (rather than at its determination or any point in the future). The relevant date is therefore 28th November 2024. At that time the structure subject to the application (and there appears to be no dispute the structure the subject to the application is that already in situ upon the site) was already upon the site and has been considered unauthorised development (through the refusal of s.191 application DM/24/2004.) The proposed development subject of the current application could therefore not take place as the structure subject to the application was already upon the site and was unauthorised. It would

therefore not have been possible for the proposed development to have taken place on 28th November 2024. That being the case the proposed development would lie outside of the scope of a s.192 application and no certificate could be issued.

I would invite you to make representations and submit evidence (noting the it is not possible to amend the description of the proposed development or materially amend the substance of the application) with respect to the above and will hold the determination of the application in abeyance pending your comments.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
Planning Investigation and Enforcement
Mid Sussex District Council, Oaklands Road
Haywards Heath, West Sussex, RH16 1SS
Tel: +44 (0)1444 477332
Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex



From: Michael Hyde <mh@mhplanning.co.uk>
Sent: 23 January 2025 15:57
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Cc: 'Karen Henderson' <karen@drkh.co.uk>
Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Hello Andrew

Thanks for getting back to me and for confirming that the Certificate will be able to be issued. On that basis, I have no objection to agreeing a short extension if time until Friday 31 January 2025.

Regards

Mike Hyde

Michael Hyde MRTPI
MH Planning Associates
www.mhplanning.co.uk
m: 07816 907203
New Office Address: 63 West Princes Street, Helensburgh, G84 8BN

From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Sent: 23 January 2025 15:53
To: 'Michael Hyde' <mh@mhplanning.co.uk>
Cc: 'Karen Henderson' <karen@drkh.co.uk>
Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Dear Mike,

Apologies for the update in respect of this matter. I was seeking advice from colleagues on the matter and have only just received this. In short I am content that the proposal as stated in the description of the application would be lawful based upon the information provided and therefore will be seeking to approve the application and issue the certificate. However due to the delay in receiving advice this won't now happen until early next week. I'd therefore be grateful if you could agree to the attached Extension of Time request to cover the additional determination period.

Thereafter, and once the certificate is issued, we will write to your client in relation to the current outstanding breach of planning control to confirm timescales for the cessation of the breach and that should it not be ceased that formal enforcement action is likely to follow.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
Planning Investigation and Enforcement
Mid Sussex District Council, Oaklands Road
Haywards Heath, West Sussex, RH16 1SS
Tel: +44 (0)1444 477332
Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex



No ID? You can apply for free voter ID
Find out more at
electoralcommission.org.uk/voterID
or call 0800 328 0280

From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: 20 January 2025 16:59

To: 'Michael Hyde' <mh@mhplanning.co.uk>

Cc: 'Karen Henderson' <karen@drkh.co.uk>

Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Hi Mike,

Thanks for the email and happy new year to you too. I was content at the site visit that the proposed siting is within the original curtilage of the dwellinghouse so on that element the development would be lawful. I need to review the evidence on the other elements and aim to do asap and thereafter hope to give an indication of my recommendation in the next day or so noting a decision is due by Thursday.

Kind regards

Andy Clarke BSc (Econ), PGDip

Senior Planning Officer

Planning Investigation and Enforcement

Mid Sussex District Council, Oaklands Road

Haywards Heath, West Sussex, RH16 1SS

Tel: +44 (0)1444 477332

Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex



From: Michael Hyde <mh@mhplanning.co.uk>

Sent: 20 January 2025 11:59

To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Cc: 'Karen Henderson' <karen@drkh.co.uk>

Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Hello Andrew (and Happy New Year!).

I was just wondering how your site visit on 10 January 2025 went? If you need any more information from me don't hesitate to ask.

Regards

Mike Hyde

Michael Hyde MRTPI

MH Planning Associates

www.mhplanning.co.uk

m: 07816 907203

New Office Address: 63 West Princes Street, Helensburgh, G84 8BN

From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: 19 December 2024 14:06

To: 'Karen Henderson' <karen@drkh.co.uk>

Cc: Michael Hyde <mh@mhplanning.co.uk>

Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Hi Karen,

That's fine. Friday 10th is good. I could do anytime from 8.30am.

Thanks

Andy Clarke BSc (Econ), PGDip

Senior Planning Officer

Planning Investigation and Enforcement

Mid Sussex District Council, Oaklands Road

Haywards Heath, West Sussex, RH16 1SS

Tel: +44 (0)1444 477332

Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex



No ID? You can apply for free voter ID
Find out more at
electoralcommission.org.uk/voterID
or call 0800 328 0280

From: Karen Henderson <karen@drkh.co.uk>

Sent: 19 December 2024 13:40

To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Cc: Michael Hyde <mh@mhplanning.co.uk>

Subject: Re: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Dear Mr Clarke,

I am sorry but I am in court undertaking Inquests on the 9th January. By any chance are you free in the morning of the 10th January or perhaps the afternoon of the 13th?

Best wishes,

Karen

On 19 Dec 2024, at 09:42, Andrew Clarke
<Andrew.Clarke@midsussex.gov.uk> wrote:

Hi Karen,

Not to worry. Apologies 7th isn't ideal, could you do the 9th? I'd be available all day.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
Planning Investigation and Enforcement
Mid Sussex District Council, Oaklands Road
Haywards Heath, West Sussex, RH16 1SS
Tel: +44 (0)1444 477332
Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex

[<image001.jpg>](#)

From: Karen Henderson <karen@drkh.co.uk>

Sent: 19 December 2024 02:28

To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Cc: Michael Hyde <mh@mhplanning.co.uk>

Subject: Re: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Dear Mr Clarke,

Many apologies for being slow to reply. I thought I had sent a reply when I initially received your email but found it in my drafts folder.

Is the afternoon of the 7th January suitable for you? If not can you kindly let me know your availability so I can make arrangements.

Kind regards,

Karen

On 18 Dec 2024, at 11:55, Andrew Clarke
<Andrew.Clarke@midsussex.gov.uk> wrote:

Dear Mike,

Thanks for the email, the contents of which are noted.

I'm still waiting for Karen to provide some dates in the new year when I can visit. If we could get this in the diary before the end of this week it'd be helpful in ensuring we make a decision by the target date of 21st January.

I look forward to hearing from her.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
Planning Investigation and Enforcement
Mid Sussex District Council, Oaklands Road
Haywards Heath, West Sussex, RH16 1SS
Tel: +44 (0)1444 477332
Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex

[<image001.jpg>](#)

From: Michael Hyde <mh@mhplanning.co.uk>
Sent: 18 December 2024 11:36
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Cc: 'Karen Henderson' <karen@drkh.co.uk>
Subject: RE: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Hello Andy

Further to the validation of the above application below are further details that show how the current breach of planning control will be remedied.

We have received confirmation that a crane will be able to come in off the main road and make a turn left before the barn on the left (orange dots). It will then be able to reverse back into the site towards the existing 'structure' (the green dots representing the temporary road surface that will be required).

<image002.png>

The temporary road will look like the image below and is essentially interlocking reinforced plastic panels.

<image003.png>

Once in place the crane will lift the structure and, as set out in paragraph 4.27 of my Supporting Statement, it will be moved off site. Once moved off its site, and into the adjoining paddock where it will rest temporarily, the current breach of planning control will have been remedied.

The next steps will be to reinstate the boundary along the original curtilage of the dwelling, and to move the ground screws so that they are wholly within the original curtilage.

Following this the structure, which will by definition be a single-unit caravan as defined 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) will be lifted and lowered onto the relocated ground screws. This will be lawful.

Regards

Mike Hyde

Michael Hyde MRTPI
MH Planning Associates
www.mhplanning.co.uk
m: 07816 907203
New Office Address: 63 West Princes Street, Helensburgh, G84 8BN

From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Sent: 12 December 2024 14:48
To: Karen Henderson <karen@drkh.co.uk>
Cc: Michael Hyde <mh@mhplanning.co.uk>
Subject: DM/24/2908 - Proposed siting of a caravan for ancillary residential use on land at The Barn - Site visit

Dear Mrs Henderson,

I hope you are well. In connection with the determination of the above application for a Certificate of Proposed Lawful Use, it will be necessary for me to make a site visit, primarily in respect of the proposed siting of the proposed caravan.

I'd therefore be grateful if you could provide some dates during the first two weeks of January 2025 when I may be able to visit. Any visit shouldn't take more than 30 minutes.

I look forward to hearing from you.

Kind regards

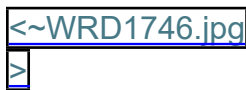
Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
Planning Investigation and Enforcement
Mid Sussex District Council, Oaklands Road
Haywards Heath, West Sussex, RH16 1SS
Tel: +44 (0)1444 477332
Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex

[<image001.jpg>](#)

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444

458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.



Virus-free. www.avast.com

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole

or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.