

Planning Statement in Support of a Certificate of
Existing Lawful Use (CLEUD)
Use of a Mobile Home as a Single Dwellinghouse

Prepared by: Peter Hall MRICS M.Sc. B.Sc. (Hons) (Director)

Submitted to: Mid Sussex District Council

Site Address: At The Stud Bungalow at Wyndham Farm (Gratten Lane, Wineham Lane,
Henfield, BN5 9AN.

1. Introduction

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

The certificate is sought to confirm that the mobile home located at the application site has been used continuously as a self-contained dwellinghouse (Use Class C3) for a period of more than 4 years.

The purpose of this statement is to demonstrate that the evidence submitted satisfies the legal test that the use has become lawful through time immunity, and that enforcement action is now out of time.

2. Relevant Legal Framework and the Four-Year Rule

2.1 Lawful Use Through Passage of Time

Before legislative changes introduced in 2024, the construction or creation of a single dwellinghouse, including material change of use to a residential dwelling, acquired immunity after 4 years under:

- Section 171B(1) of the Town and Country Planning Act 1990 – relating to operational development; and
- Section 171B(2) – relating to a material change of use to a dwellinghouse.
- For applications seeking lawfulness before 2024, the above 4-year rule continues to apply.

2.2 Standard of Proof

The applicant must demonstrate, on the balance of probability, that:

- The mobile home has been continuously occupied as a single dwellinghouse.
- For a period exceeding 4 years prior to the date of this application.
- With no material breaks in occupation and no evidence of abandonment.
- And that the Council could no longer take enforcement action during that period.

Case law, including.

- FSS v Arun DC and Gabriel v SSE, confirms that precise, incontrovertible proof is not required — a robust cumulative evidential picture is sufficient.
- R (oao East Sussex CC) v SSCLG & Ian Brown [2009] EWHC 3842 (Admin) Reinforced that the test is not “beyond reasonable doubt”—only “more likely than not”.

2.3 Continuity of Residential Use

Key cases include:

- Thurrock BC v SSETR & Holding [2002] EWCA Civ 226 Confirmed that continuous use requires no material breaks, but minor or temporary absences (holidays, hospital stays) do not break continuity.
- Impey v Secretary of State [1984] JPL 363 Clarified that a “dwellinghouse” is a place where a person lives regardless of construction type—mobile homes are included if used for domestic living.
- Gravesham BC v SSE [1984] 47 P&CR 142 Defined a dwelling as any unit providing facilities for day-to-day domestic existence; physical construction is irrelevant.
- Hillingdon LBC v SSCLG & Moss [2010] EWHC 835 (Admin) Reinforced that a mobile home can constitute a dwellinghouse for CLEUD purposes were used as someone’s main residence.

3. Planning Policy Context

Planning policy is not a determining factor in lawful development applications; however, for completeness, the national and local planning context is set out.

3.1 National Policy – NPPF

Although the National Planning Policy Framework (NPPF) is a material consideration in normal planning applications, it does not influence decisions on CLEUDs, which must be determined solely on the facts relating to the use and the relevant legal tests.

However:

- Paragraph 38 (decision-making) encourages pragmatic and positive approaches by LPAs.
- Government guidance (NPPG – Lawful Development Certificates) confirms that the assessment relies solely on the evidence.

3.2 Local Policy – Mid Sussex District Plan (2014–2031)

Relevant adopted policies that provide general context include:

- DP4 – Housing
- DP6 – Settlement Hierarchy
- DP12 – Protection of the Countryside
- DP15 – New Homes in the Countryside
- DP26 – Character & Design
- The Mid Sussex Design Guide SPD (2020) is also a material consideration in broader planning matters.

However, for CLEUDs, these policies cannot be used to justify a refusal; the only relevant issue is whether the use is lawful by virtue of time immunity.

4. Description of the Site and Mobile Home

The application concerns a mobile home located at the application site, within the jurisdiction of Mid Sussex District Council. The mobile home includes the following facilities:

- two bedrooms
- kitchen facilities
- bathroom/WC
- living area
- independent access and utility connections

The mobile home has functioned as a permanent, self-contained dwelling for the required 4-year qualifying period.

5. Evidence of Continuous Occupation (4+ Years)

The applicant is submitting a package of evidence to demonstrate continuous residential occupation for more than 4 years, including:

- Photographic evidence showing consistent residential use.
- Tenancy or occupation agreements, where applicable.

On the balance of probability, these documents collectively demonstrate uninterrupted residential use of the mobile home for a period exceeding 4 years.

6. Assessment Against the Legal Tests

6.1 Continuous Use

Evidence clearly shows continuous, uninterrupted residential occupation for greater than 4 years.

6.2 Use as a Dwellinghouse

The mobile home meets the definition of a dwellinghouse:

- Exclusive occupation
- Domestic living facilities
- Independent services

- Permanent residential character

6.3 Passage of Time – 4 Year Immunity

As the period of occupation occurred prior to 2024, the 4-year rule applies, and the Council is now time-barred from enforcing against the use.

6.4 Planning Policy Merits Not Relevant

Neither the NPPF nor the Mid Sussex District Plan policies affect the determination of a CLEUD. The sole considerations are factual evidence and the 4-year lawful use test.

7. Conclusion

The applicant has demonstrated, on the balance of probability, that:

- The mobile home has been used as a single dwellinghouse;
- For a period in excess of 4 continuous years prior to 2024;
- With no breaks in occupation;
- And that enforcement action would now be time-barred.

Accordingly, it is respectfully requested that Mid Sussex District Council grant a Certificate of Existing Lawful Use confirming the continued residential use of the mobile home as a lawful dwellinghouse (Use Class C3).