

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3007	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Existing		
Proposal:	Certificate of existing use for a mobile home.		
Site:	The Stud Bungalow, Wyndham Farm, Wineham Lane, Wineham, Haywards Heath, West Sussex, BN5 9AN,		
Validation Date	24 Nov 2025	Overall Expiry Date:	28 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	3 Feb 2026
Target Date:	19 Jan 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	6 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3007

The Stud Bungalow, Wyndham Farm, Wineham Lane, Wineham, Haywards Heath, West Sussex, BN5 9AN

Certificate of existing use for a mobile home.

Mr Robert Whitaker

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

None

TOWN/PARISH COUNCIL OBSERVATIONS

Twineham Parish Council made no response for this application

INTRODUCTION

The application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 for the retention of a mobile home known as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN

RELEVANT PLANNING HISTORY

DM/25/1851 - Certificate of existing use for part of stable building as residential accommodation on Land known as The Stud Bungalow. Permission 2025-09-08

SITE AND SURROUNDINGS

The application site is referred to as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN. It is located on the north-western hedged boundary of this site.

To the north of site, there are fields whilst to the south of the site are further buildings with a hedged boundary on the southern boundary with the access track beyond. To the east of the site is the parking area with equestrian school beyond and to the west of the site is hedging to Foal barn beyond. The site is accessed via a cul-de-sac access track also serving Wyndham Farmhouse, The Bothy, The Barn, The Foal Barn and Wyndham Farm. The wider site is used for equestrian and stabling.

The site is within the countryside.

APPLICATION DETAILS

The application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 for the retention of a mobile home known as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN

The application is supported by the following schedule of documents:

- 1) Supporting letter dated 17.11.2025 from the resident of the mobile home
- 2) Planning Statement form the applicant.
- 3) Aerial photograph of the site
- 4) Elevations and floor plans of the mobile home
- 5) Application Form

This information states that the mobile home has been used continuously as a self-contained dwelling house for more than four years prior to 2024.

LEGAL FRAMEWORK

Section 191 of the Town and Country Planning Act 1990 indicates that the burden of proof lies with the applicant. The relevant test is 'the balance of probability' and Local Planning Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events there is no good reason to refuse the application provided that the applicants' version is precise and unambiguous to justify the grant of a certificate. This section also indicates that 'if on an application under this section, the LPA 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 the application, they should issue a certificate to that effect; and in any other case they shall refuse the application'.

Time limits for enforcement set out in Section 171B of the Town and Country Planning Act 1990;

'(1) 'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of -

(a) in the case of a breach of planning control in England, ten years beginning with the date in which the operations were substantially completed, and
(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of -
(a) in the case of a breach of planning control in England, ten years beginning with the date in which the operations were substantially completed, and
(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

4) The preceding subsections do not prevent -
a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.'

It should be noted that Section 171B of the Town and Country Planning Act 1990 was amended by section 115 of the Levelling-up and Regeneration Act 2023. The amendments in part removed the previous enforcement period in (2) of section 171(B) which was four years and replaced it with a 10 year enforcement period.

Section 115 of The Levelling-up and Regeneration Act 2023 includes transitional arrangements for this change which state that the alterations to section 171(B) made by the 2023 Act

'do not apply where -

(a) in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act (5) (time limits), the operations were substantially completed, or
(b) in respect of a breach of planning control referred to in section 171B(2) of the 1990 Act (time limits), the breach occurred, before the day on which that section comes into force.'

The 2023 Act came into force on the 25th of July 2024. From the documents that have been submitted it is considered that the breach in question occurred in 2020, which was when the structure was used as accommodation.

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

The onus of proof is firmly on the applicant and the standard of proof is the balance of probability. If there are contradictions in the applicant's evidence on material issues, then the LPA would be entitled to refuse the certificate.

ASSESSMENT

As this is not a planning application, the planning merits of the development are not relevant. The test is to establish on the balance of probabilities that what is being sought in the LDC has occurred. The submitted evidence must be precise in order for the LPA to clearly say in a certificate, exactly what is lawful.

On the application form, the applicant is asked to enter the Description of Existing Use, Building Works or Activity and has been completed as follows: '*A mobile home has been on site and lived in for in excess of 4 years, please refer to the drawings and photo*'. The form then asks under what grounds the certificate is being sought. The applicant has selected that 'Where the use, building works or activity began before 25 April 2024, The change of use to use as a single dwelling house began more than four years before the date of this application'.

The applicant seeks a Certificate of Lawfulness on the basis that the use of the structure as a single dwellinghouse began more than four years prior to the date of the application. However, the structure is identified by the applicant as a mobile home. The applicant has referred to the structure as a mobile home in the application form and in an accompanying planning statement. For the four-year immunity period under section 171B(2) of the Town and Country Planning Act to apply, the change of use must relate to a building used as a single dwellinghouse. Guidance confirms that the four-year rule only applies to the change of use of a building to a dwellinghouse, whereas other changes of use - including those involving land or non-buildings - are subject to the ten year rule.

A mobile home, as defined under the Caravan Sites and Control of Development Act 1960, is not ordinarily regarded as a building for planning purposes. Consequently, the use of a mobile home as a residence does not, in itself, establish use as a "dwellinghouse" to which the four-year rule applies. The correct test is therefore the ten-year period for a material change of use of land, and the applicant's reliance on the four-year rule is not accepted as a valid bases for a lawful development certificate.

Notwithstanding the discrepancy above relating to the applicant describing the structure as a mobile home, the applicant has provided the following evidence in support of the application:

- 1) a supporting letter stating that on the 17th November 2025, the resident Derek McCoppin had lived there since the 4th February 2020.
- 2) An aerial photograph of the site dated 23rd April 2020
- 3) A Planning Statement

The supporting letter states that Derek McCoppin has been living in the mobile home from the 4th February 2020 and is dated the 17th November 2025.

The aerial photograph which has been provided has been taken from Google Earth Images. Following a site visit, the structure which was viewed on site does not appear to match that in the aerial photograph. Using Google Earth, aerial imagery was accessed and images of the site were checked. The most recent picture, dated 28th February 2025 shows a structure which matches the site plan and is included within the redline. It also matches with what has been viewed on site.

A previous image dated the 23rd March 2022, shows a different structure in a different position to the existing structure which was viewed on site, and appears to be proportionately smaller. The previous structure is outside the submitted redline on the site plan. Images dating back to the 6th August 2018 appear to show the same structure. Prior to this date, the images do not show a structure in this location. The image dated the 23rd April 2020 is the one which has been submitted by the applicant in support of this application. The applicant has since stated that the 'mobile home was replaced on the same day and was repositioned by a few metres and the residential occupation has been continuous and uninterrupted. No evidence has been produced to substantiate this claim or that the previous structure was a caravan.

It is also of note that two members of the Planning Investigations team visited the site on the 16th October 2025 on a different matter and noticed the structure. They were verbally informed that there was nobody living in it. Photographs were taken at the time which show its location and one photograph taken through the window suggests that it was not lived in.

CONCLUSION

It is considered that the applicant has not established on the balance of probabilities that the use described constitutes the lawful use of the land. The applicant relies on section 171B(2) of the Town and Country Planning Act 1990, asserting that the use of the structure as a single dwellinghouse commenced more than four years before the date of the application. However, the structure is identified as a mobile home, which does not ordinarily constitute a building for planning purposes. The four year rule applies only to a change of use of a building to a single dwellinghouse, whereas other changes of use, including those involving land or non buildings, are subject to the ten year period for immunity from enforcement. As a mobile home falls within the definition of a caravan under the Caravan Sites and Control of Development Act 1960 rather than a building, its residential occupation does not amount to use as a "dwellinghouse" for the purposes of section 171B(2). The applicant has therefore applied under the incorrect legal basis, and insufficient evidence has been provided to demonstrate ten years of continuous use. The Local Planning Authority is consequently unable to conclude that the use is lawful, and a Certificate of Lawfulness is refused.

Decision: Refusal

Case Officer: Tracie Axford