

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AL/125/25/CLP

LOCATION: 9 Old Canal Residential Park
Lidsey Road
Bognor Regis
PO22 9PN

PROPOSAL: Lawful Development Certificate for the installation of solar panels on the pitched roof of a mobile home.

DESCRIPTION OF APPLICATION

Lawful Development Certificate for the installation of solar panels on the pitched roof of a mobile home.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

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.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- Schedule 2, Part 14, Class A, which relates to the installation, alteration or replacement of

microgeneration solar PV or solar thermal equipment on a dwellinghouse or a block of flats or a building situated within the curtilage of a dwellinghouse or a block of flats.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The proposed solar panels are considered to fall under Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted Development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on -

- (a) a dwellinghouse or a block of flats; or
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or (in the case of a pitched roof) the roof slope when measured from the perpendicular with the external surface of the wall or (pitched) roof slope;

(b) (in the case of solar PV or solar thermal equipment on a pitched roof) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

(ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

The building known as 9 Old Canal Residential Park, sits within a caravan park; a search of the planning and site history indicates there are no restriction on permitted development.

The building in question, a mobile home, does not benefit from these permitted development rights. Part 14 of the General Permitted Development Order does not include provision for mobile homes; this is not disputed by the applicant. The application must, in light of this, be determined in regard to whether the solar panels would amount to development.

Section 55(1) of the Town and Country Planning (General permitted development) (England) Order 2015 (as amended) defines 'development' as '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'.

Section 336(1) of The Town and Country Planning Act 1990 (as amended) defines "building"... includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;'

It is acknowledged that the mobile home could be moved elsewhere if required, however, they are still structures required to be erected and as such are 'buildings' as defined by the act. It is also established in relevant case law that size, permanence, and physical attachment are key factors in concluding whether something constitutes 'building operation'. No one factor is decisive, and the three should be considered in turn as a matter of fact and degree. This was established by the court presiding over the Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co in 1949.

The mobile home, while technically moveable, must be considered to have a relevant degree of permanency. Historical imaging shows a caravan has been situated at this location since 2005, at the latest (imaging is not available between 2002-2004). There is no reason to suggest that the mobile home, which is the subject of this certificate, would not be able to have been in situ for this length of time, or could not be in situ for this length of time in the future.

In terms of size, the mobile home is clearly large enough size to be permanently habitable.

It is not contested that the mobile home could be moved, however the movement of the mobile home would not be a minor operation, realistically requiring machinery and skilled workers, owing to its size and fixings.

On the basis of the information submitted, the mobile home would constitute the erection of a 'building' and therefore, the proposal would amount to a 'building operation' and 'development' within the meaning of Section 55(1). There is no provision for the installation of solar panels (which would constitute a material change) to a building of this type under Part 14 of the General Permitted Development Order. Planning permission is therefore required.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 16 December 2025, the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would not have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of failure to comply with Schedule 2, Part 14, Class A of the General Permitted Development Order 2015 (as amended). Furthermore, the mobile home would constitute the erection of a 'building' and therefore, the proposal would amount to a 'building operation' and 'development' within the meaning of Section 55(1).

FIRST SCHEDULE

The installation of solar panels on the pitched roof of a mobile home as shown on the following:

- Location Plan
- Proposed Solar Panel Plan and Section
- Planning Statement

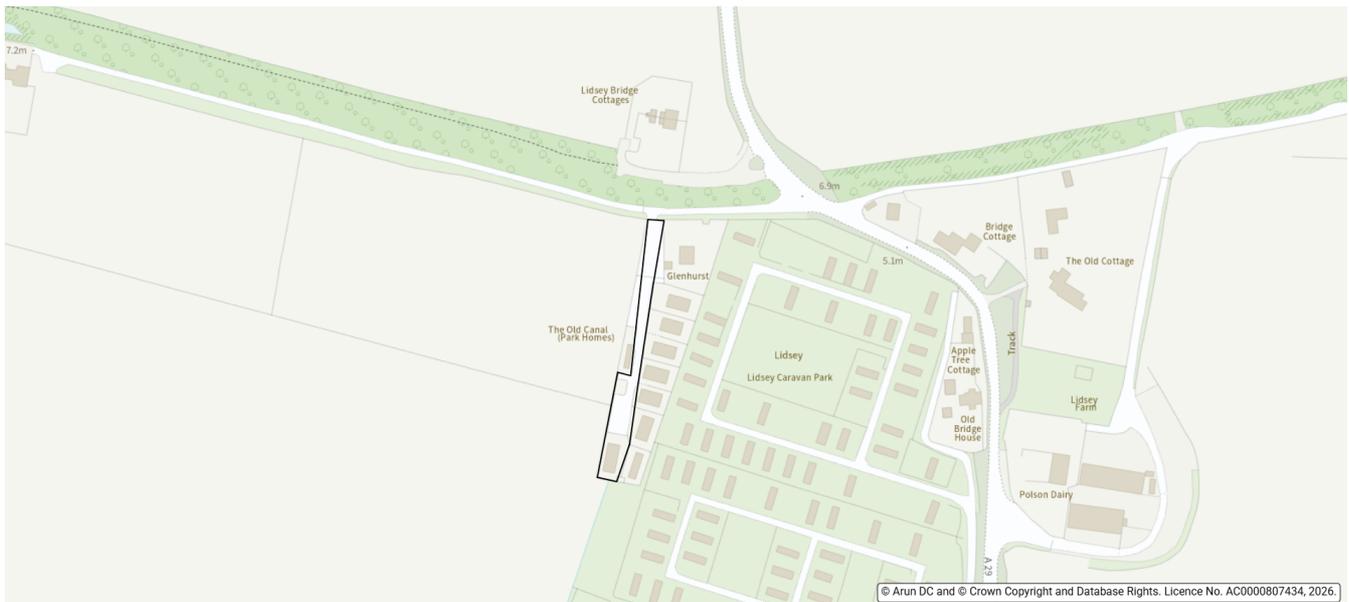
SECOND SCHEDULE

9 Old Canal Residential Park, Lidsey Road, Aldingbourne, PO22 9PN.

EXTENT OF USE

Lawful Development Certificate for the installation of solar panels on the pitched roof of a mobile home.

AL/125/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015