

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

REF NO: AW/128/21/CLP

LOCATION: 40 Barrack Lane
Aldwick
PO21 4DB

PROPOSAL: Lawful development certificate the proposed siting of a mobile home/caravan within the residential curtilage.

DESCRIPTION OF APPLICATION

Application for a Certificate of Lawful Proposed Development for the siting of a mobile home/caravan within the residential curtilage.

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 and use of land will be assessed against the Caravan Sites Act 1960 pertaining to caravan site licenses, Part 5 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended pertaining to the use of land as a caravan site and the definition of a caravan as set out in Part 3 of the Caravan Sites Act 1968.

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 sitting of a mobile home on land within the residential curtilage of a dwelling house is considered to fall under-

The definition of a caravan is set out in Part III of the Caravan Sites Act 1968 as

13.-(1) 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 as not having been) a caravan within the meaning of by reason only that it cannot lawfully be so moved on a highway when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression " caravan " shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing following limits, namely-

(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).

(3) The Minister may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

(4) Any statutory instrument made by virtue of subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

The proposed caravan would be 6.36m long by 3.92m wide and has an internal floor height up to 2.5m and therefore falls within this criteria provided.

Part 5 of the Town and Country Planning Act General Permitted Development Order 2015 as amended Section 9 states:

A. Permitted development

The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.

A.1 Condition

Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site shall be removed as soon as reasonably practicable.

A.2 Interpretation of Class A

The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

The proposal would fall within both of these parts of the General Permitted Development Order provided that the planning permission has been granted for the construction works and that the caravan is removed from the site once the works are completed.

Caravan Sites and Control of Development Act 1960 Schedule Cases where a Caravan Site Licence is not required states that-

Use within curtilage of a dwellinghouse-

A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.

The land forms part of the residential curtilage of a dwelling house and it has been stated that its use will be ancillary to the main dwelling house, it therefore falls under this criteria.

The property known as 40 Barrack Lane is a detached property and is not listed or within a conservation area.

Examination of the site history reveals no restrictions to the properties permitted development rights.

The proposed siting complies with relevant sections within the GPDO and is considered permitted development and as such does not require the submission of an application for full planning permission.

As such ,it is considered that the proposed structure is a caravan within the meaning of Section 29 of the 1960 Act and, in this case, Section 13 of the 1968 Act as set out above in the legislative background section of this report.

The proposed unit is considered to meet the requirements of the Caravans Site Act 1968 and Caravan Sites and Control of Development Act 1960 and Part 5 of the Town and Country Planning Act General Permitted Development Order 2015 as amended.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 29th April 2021 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990.

FIRST SCHEDULE

**The proposed siting of a caravan/mobile home is considered to fall in compliance with Caravans Site Act 1968 and Caravan Sites and Control of Development Act 1960 as detailed on the following documents:-
Part 5 Class A of the GDPO**

The development hereby approved shall be carried out in accordance with the following approved plans:

- Block Plan**
- Location Plan**
- Proposed Floor Plan**
- Proposed Front Elevation**
- Proposed Back Elevation**
- Proposed Side (right) Elevation**
- Proposed Side (left) Elevation**

SECOND SCHEDULE

40 Barrack Lane, Aldwick

EXTENT OF USE

Siting of caravan/mobile home within residential curtilage for residential use ancillary to the main house.

AW/128/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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