

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

REF NO: A/38/19/CLP

LOCATION: The Honey Pot
Honey Lane
Angmering

PROPOSAL: Lawful development certificate for a proposed use of land to station a mobile home/annexe for use incidental to main dwelling.

DESCRIPTION OF APPLICATION

Siting of mobile home unit as incidental residential accommodation to the main house as a single family residence.

The application site is a detached dwelling set behind the road frontage on Honey Lane with a large garden to the front and rear.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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 1968 as amended and Section 55 of the Town and Country Planning Act 1990.

PART III

MISCELLANEOUS

"Twin-unit caravans.

(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 Part I of the Caravan Sites and Control of Development Act 1960 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 subsection if its dimensions when assembled exceed any of the following limits, namely
- (a) length (exclusive of any drawbar): 65.616 feet (20 metres);
- (b) width: 22.309 feet (6.8 metres);
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres)."

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 Part I of the Caravan Sites and 1960 c. 62.
Control of Development Act 1960 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.

Part (2) above has been amended by The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006

Amendment of the definition of caravan for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960(c)

2. Sub-section (2) of section 13 of the Caravan Sites Act 1968 (twin-unit caravans) shall be amended

(a) in paragraph (a) by the substitution for "60" and "18.288" of "65.616" and "20" respectively;
(b) in paragraph (b) by the substitution for "20" and "6.096" of "23.309" and "6.8" respectively; and
(c) in paragraph (c) by the substitution for "10" and "3.048" of "10.006" and "3.05" respectively.

And the Caravan Sites and Control of Development Act 1960:-

FIRST SCHEDULE

Section 2.

CASES WHERE A CARAVAN SITE LICENCE IS NOT REQUIRED

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.

CONCLUSIONS

The proposed unit is considered to meet the requirements to be considered a mobile home in line with the Caravans Site Act 1968 and Caravan Sites and Control of Development Act 1960. The Councils Solicitor has considered the application and in a written response concurs with this view.

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.

It is also considered that its use, as described in the planning statement attached, would be for dependant relatives of the owners of the house. As such for the purposes of the above acts the use would be 'incidental'.

The consent is recommended for approval. Informatives will be included.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 22/03/2019 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 have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990.

FIRST SCHEDULE

Siting of mobile home unit as incidental residential accommodation to the main house of

as a single family residence in compliance with Caravans Site Act 1968 and Caravan Sites and Control of Development Act 1960 as detailed on the following documents:-

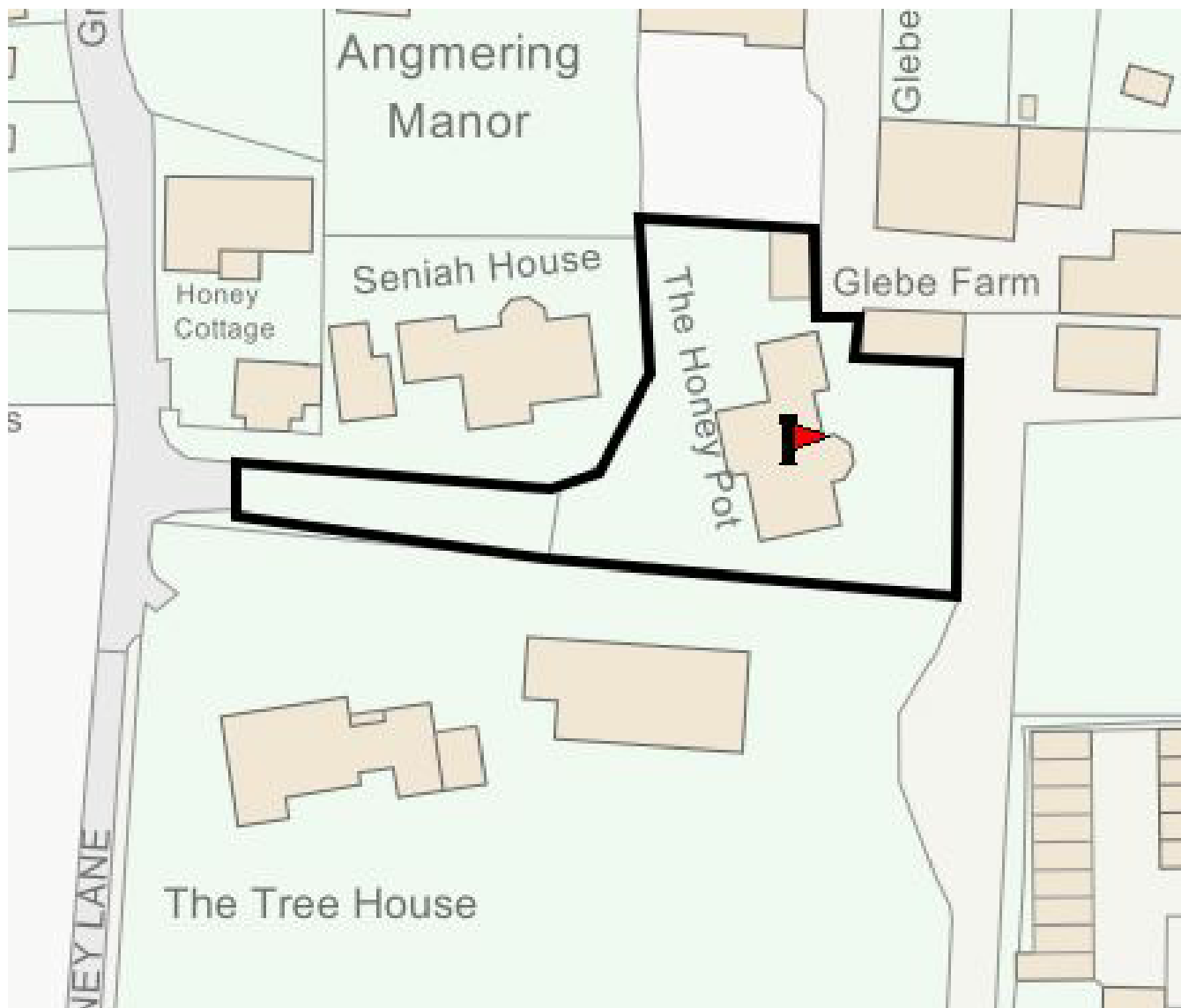
- "Use of land to station a mobile home (granny annexe)" Planning Statement received 19th December 2018
- PL Location Plan Dwg.No. 2757.18-HA-PLLP-OPT2 Rev 1 dated 13 November 2018
- PL Block Plan Dwg.No. 2757.18-HA-PLBP-OPT2 Rev 1 dated 13 November 2018
- PL Bays Dwg.No. 2757.18-HA-PLBAY-OPT2 Rev 1 dated 13 November 2018
- PL Plan Dwg.No. 2757.18-HA-PLPL-OPT2 Rev 1 dated 13 November 2018
- PL Elevations Dwg.No. 2757.18-HA-ELPL-OPT2 Rev 1 dated 13 November 2018
- Section Dwg.No. HSBMH dated 22/02/18

SECOND SCHEDULE

The Honey Pot, Honey Pot Lane, Angmering, West Sussex, BN16 4AB

EXTENT OF USE

Siting of mobile home unit as incidental residential accommodation to the main house and single family residence at The Honey Pot, Honey Pot Lane, Angmering.



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