

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** EP/102/19/CLP**LOCATION:** 8 Willowhayne Avenue
East Preston
BN16 1PF**PROPOSAL:** Application for Certificate of Lawfulness for a Proposed Use - Use of land to station a mobile home/family annexe for use incidental to the main dwelling**DESCRIPTION OF APPLICATION**

Use of land to station a mobile home/family annex for use incidental to the main dwelling.

Summary of representations received:

The Angmering on Sea Estate Residents' Association wrote in expressing their concerns regarding the following:

- The size of the development and enlargement of footprint.
- The effect the proposal has on the estate as it could be considered to have a negative impact on the residential amenities.
- The limited parking then available at the site.
- Not in keeping with the surroundings

Whilst it is understood the concerns of the Angmering on Sea Estate Residents' Association when dealing with a Certificate of Lawfulness for Proposed Use the Council can only consider legal implications and as such the planning considerations that would be relevant and potentially reasons for refusal are not relevant and therefore not considered.

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 and Part 5 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

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 8.6m long by 3.9m wide and therefore falls within this criteria provided the internal floor height which is not specified in the application does not exceed 3.048m.

CASES WHERE A CARAVAN SITE LICENCE IS NOT REQUIRED

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

FIRST SCHEDULE

Cases where a Caravan Site Licence is not required

Use within curtilage of a dwellinghouse 1

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.

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.

CONCLUSION

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.

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 use applied for is therefore considered to be lawful.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 09/08/2019 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 30th July 2019

- 2912.19-HA-PLLP-OPT1:**
- PL LOCATION PLAN**
- PL BLOCK PLAN**
- PL PLAN**
- PL ELEVATION**
- HSBMH**

SECOND SCHEDULE

8 Willowhayne Avenue, East Preston, BN16 1PF

EXTENT OF USE

Siting of mobile home unit as incidental residential accommodation to the main house and single family residence at 8 Willowhayne Avenue, East Preston.

EP/102/19/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