

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

REF NO: FG/72/22/CLP

LOCATION: 9 Cissbury Road
Ferring
BN12 6QJ

PROPOSAL: Lawful development certificate for the provision of a twin unit mobile home (not operational development) within the garden of the lawful dwelling house for the use as additional accommodation by family members as part of one household (not a material change of use).

DESCRIPTION OF APPLICATION

This application seeks to site a caravan, measuring 8m by 6m, with an internal height of 2.99m in the rear garden of the dwelling.

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 the definition of a caravan and the requirements of a site license, Section 13 of the Caravan

Sites Act 1968 which further defined Twin Unit caravans and Section 55 of the Town and Country Planning Act 1990, the meaning of development.

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

The definition of a caravan is set out in Section 29 of the Caravan Sites and Control of development Act 1960 as;

In this Part of this Act, unless the context otherwise requires;

"caravan" means 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 motor vehicle so designed or adapted, but does not include;

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent;

Which was further updated by Section 13 of the Caravan Sites Act 1968, which states;

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 or road 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).

The proposed caravan would be 8m by 6m, with an internal height of 2.99m and therefore falls within this criteria provided. It will be capable of being moved once constructed on site.

It was also concluded in the appeal decision APP/N1025/C/01/1074589 (Erewash Borough Council) that although the proposed log cabin may be formed of many pieces that so as long as the final act of

construction is the joining of 2 half parts to form the one whole caravan, then it would satisfy section 13 (1)(a).

Caravan Sites and Control of Development Act 1960 Schedule 1 Cases where a Caravan Site Licence is not required states that-

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.

Section 55 of the Town and Country Planning Act 1990 states;

Meaning of "development" and "new development".

(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.

(1A) For the purposes of this Act " building operations " includes;

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land;

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which;

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

As demonstrated by Sections 2(d) and (f) a proposed building within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwellinghouse is not constitute development, and any use falling within the same use class does not constitute a change of use. 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 9 Cissbury Road 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 and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 28th April 2022 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 by reason of compliance with the relevant criteria within Section 29 Caravan Sites and Control of development Act 1960, Section 13 of the Caravan Sites Act 1968 and Section 55 of the Town and Country Planning Act 1990.

FIRST SCHEDULE

The proposed siting of a caravan is considered to fall under Section 29 Caravan Sites and Control of development Act 1960, Section 13 of the Caravan Sites Act 1968 and Section 55 of the Town and Country Planning Act 1990.

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

- Planning Statement**
- Location Plan RL445/1**
- Block Plan RL/455/2**
- Floor Plan dated 21/4/22**
- 4x Elevational Dwgs dated 21/4/22**

SECOND SCHEDULE

9 Cissbury Road, Ferring.

EXTENT OF USE

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

FG/72/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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