

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

**REF NO:** M/134/17/CLP

**LOCATION:** Little Thatch  
93 Middleton Road  
Middleton on Sea

**PROPOSAL:** Lawful development certificate for the proposed temporary siting of 1 No. caravan.

**DESCRIPTION OF APPLICATION**

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

**DESCRIPTION OF SITE AND SURROUNDINGS**

Detached dwelling with gardens to front and rear

**RELEVANT SITE HISTORY**

|             |                                                                        |                                    |
|-------------|------------------------------------------------------------------------|------------------------------------|
| M/133/17/PL | Demolition & erection of 1 No. dwelling to existing ground floor slab. | ApproveConditionally<br>06-06-2018 |
| M/123/17/HH | Two storey extension to existing building. Re-submission of M/71/17/HH | ApproveConditionally<br>06-06-2018 |

None relevant.

**REPRESENTATIONS**

**Representations received:**

One Objection -

The applicant states in his email dated 6th March 2018 at point 3 :

' The caravan will be removed from the site within two months of the building being fully reoccupied following completion of the proposed construction works '

Our concern is that whilst we can fully understand the request for the use of such a mobile home it has been placed in a particularly prominent position. As the project will be 'self build' involving providing accommodation for two families we are concerned that point 3 leaves the removal of the mobile home in effect open ended with no end date or even a suggested timescale. The phrase 'fully reoccupied' leaves it very open ended.

**Comments on Representations received:**

This application is for a lawful development certificate. The use of the caravan would only be permitted development if occupied by the builder whilst building works are undertaken. The current location of the caravan is considered to be acceptable and can be controlled to

remain there by highlighting it in the site plan attached to any permission.

#### **CONSULTATIONS**

##### **Consultations responses received:**

None

##### **Comments on Consultation responses:**

None

#### **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 Parts 4 and 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 10m long by 4m 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**

Section 9 states

Building and engineering sites

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which permission under Part III of the Act of 1947 has, if required, been granted) if that use is for the accommodation of a person or persons employed in connection with the said operations.

Part 4 TEMPORARY BUILDINGS AND USES Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended states

A. Permitted development

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

A.1 Development not permitted

Development is not permitted by Class A-

(a) the operations referred to are mining operations, or

(b) planning permission is required for those operations but is not granted or deemed to be granted.

A.2 Conditions

Development is permitted by Class A subject to the conditions that, when the operations have been carried out.

(a) any building, structure, works, plant or machinery permitted by Class A shall be removed, and

(b) any adjoining land on which development permitted by Class A has been carried out shall, as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

Under Part 5 Caravan Sites Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended 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.

The proposal would comply with these requirements since planning permissions M/123/17/HH and M/133/17/PL for development at the site has been granted.

#### **CONCLUSIONS**

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 Parts 4 and 5 of the Town and Country Planning Act General Permitted Development Order 2015 as amended.

It is also considered that its use, as described in the applicant's e-mail dated 06-03-2018, as temporary accommodation by Mr Barbary (the self-builder) and his family during the proposed construction works would constitute permitted development. However occupation prior to commencement and completion of works would not constitute permitted development.

The consent is recommended for approval on this basis.

#### **RECOMMENDATION**

##### **PP NOT REQUIRED**

**The Arun District Council hereby certify that on 19th December 2017 the use and operation 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 be lawful within the meaning of section 192 of the Town & Country Planning Act 1990 on the basis that planning permission for development at the site has been granted under M/123/17/HH and M/133/17/PL**

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#### **FIRST SCHEDULE**

**Provision of a caravan measuring 10m by 4m in floor area with an internal height not exceeding 3.048m, for the duration of building works associated with approved development under planning references M/123/17/HH and M/133/17/PL, at the site at Little Thatch, 93 Middleton Road in the position edged red on the attached plan, for occupation**

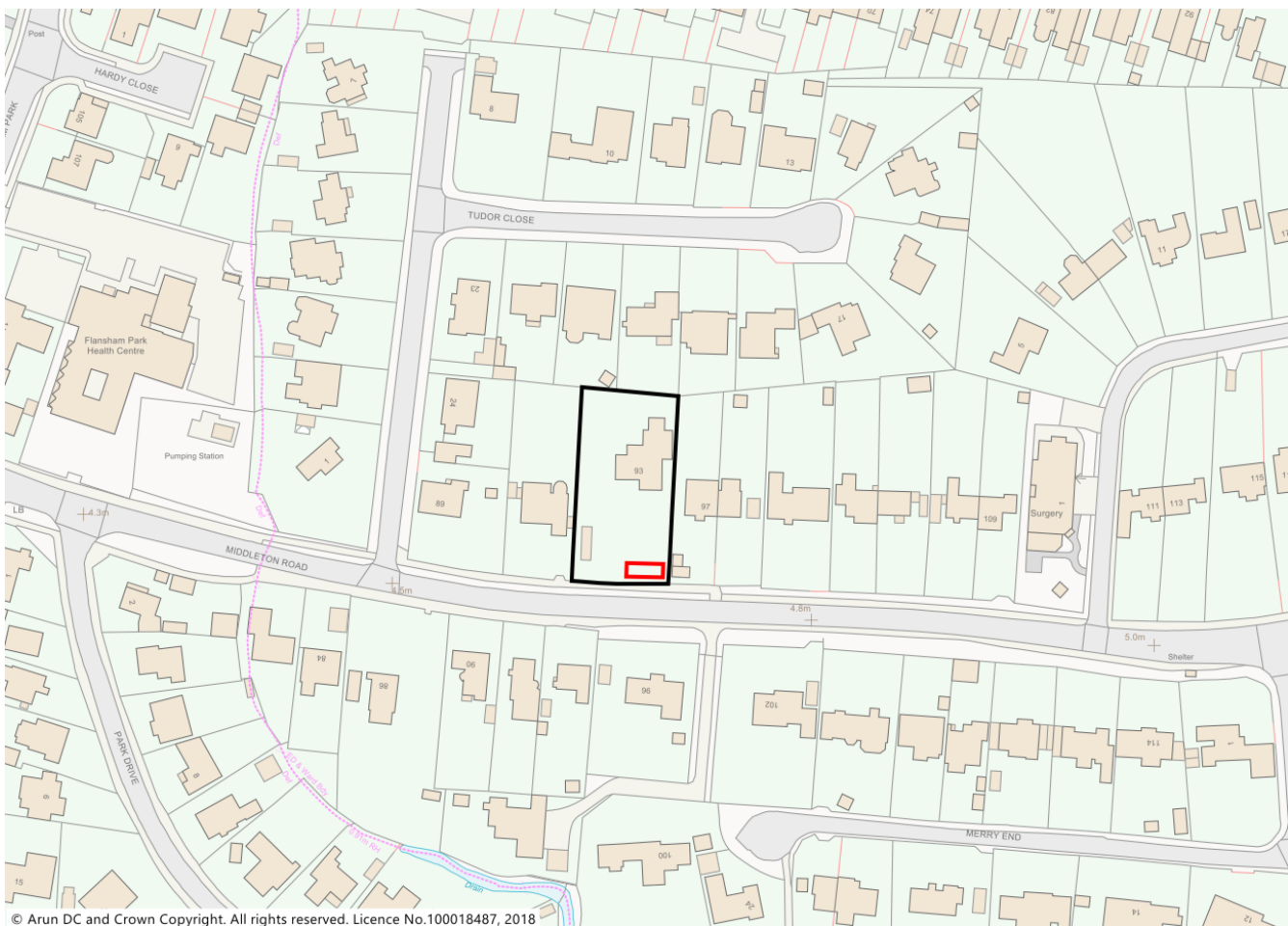
by the builder and his family for the period of construction works at Little Thatch, in accordance with Parts 4 and 5 Town and Country Planning (General Permitted Development Order) (England) Order 2015 as amended and the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968

## **SECOND SCHEDULE**

**Little Thatch, 93 Middleton Road, Middleton-on-Sea PO22 6DW.**

## **EXTENT OF USE**

The siting of mobile home for occupation by the builder and his family for the period of construction works at Little Thatch, 93 Middleton Road, Middleton on the basis that planning permission has been granted for development at the site under planning references M/123/17/HH and M/133/17/PL.



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