

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** R/196/24/CLP**LOCATION:** 21 Mill Lane
Rustington
BN16 3ED**PROPOSAL:** Lawful development certificate for the proposed use of land to station a mobile home granny annexe for use incidental to the main dwelling.**DESCRIPTION OF APPLICATION**

Lawful development certificate for the proposed use of land to station a mobile home granny annexe for use incidental to the main dwelling.

RELEVANT SITE HISTORY

R/129/24/HH	Part single, part two storey rear extension, first floor front extension, new front porch canopy, roof alterations and installation of side windows, following demolition of existing bay window and previous extensions.	ApproveConditionally 04-09-24
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REPRESENTATIONS**Representations Received:**

Rustington Parish Council

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) : 20 metres (65.616 feet);

(b) width : 6.8 metres (22.309 feet);

(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) : 3.05 metres (10.006 feet).

(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.

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

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.

Schedule 2, Part 5, Class A of the Town and Country Planning Act 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.

Condition

A.1 Development is permitted by Class A subject to the condition that the use is discontinued when the

circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable.

Interpretation of Class A

A.2 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.

CONCLUSION

The proposed unit would be 6.7m wide, 12.9m long, and an internal height of 3.02m and 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.

It is noted that Rustington Parish Council and 1 nearby occupier submitted representations on this application. Whilst these are noted, neighbouring amenity is not a consideration when assessing an application for a Lawful Development Certificate.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 9 October 2024 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 by reason of compliance with the relevant criteria within Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

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

- Location Plan
- PL Block Plan
- Bay 1 and 2 Sections

- **Proposed Bays**
- **Proposed Elevations A and B**
- **Proposed Elevations C and D**
- **Proposed Floor Plan**
- **Planning Statement**
- **Statement of Works**

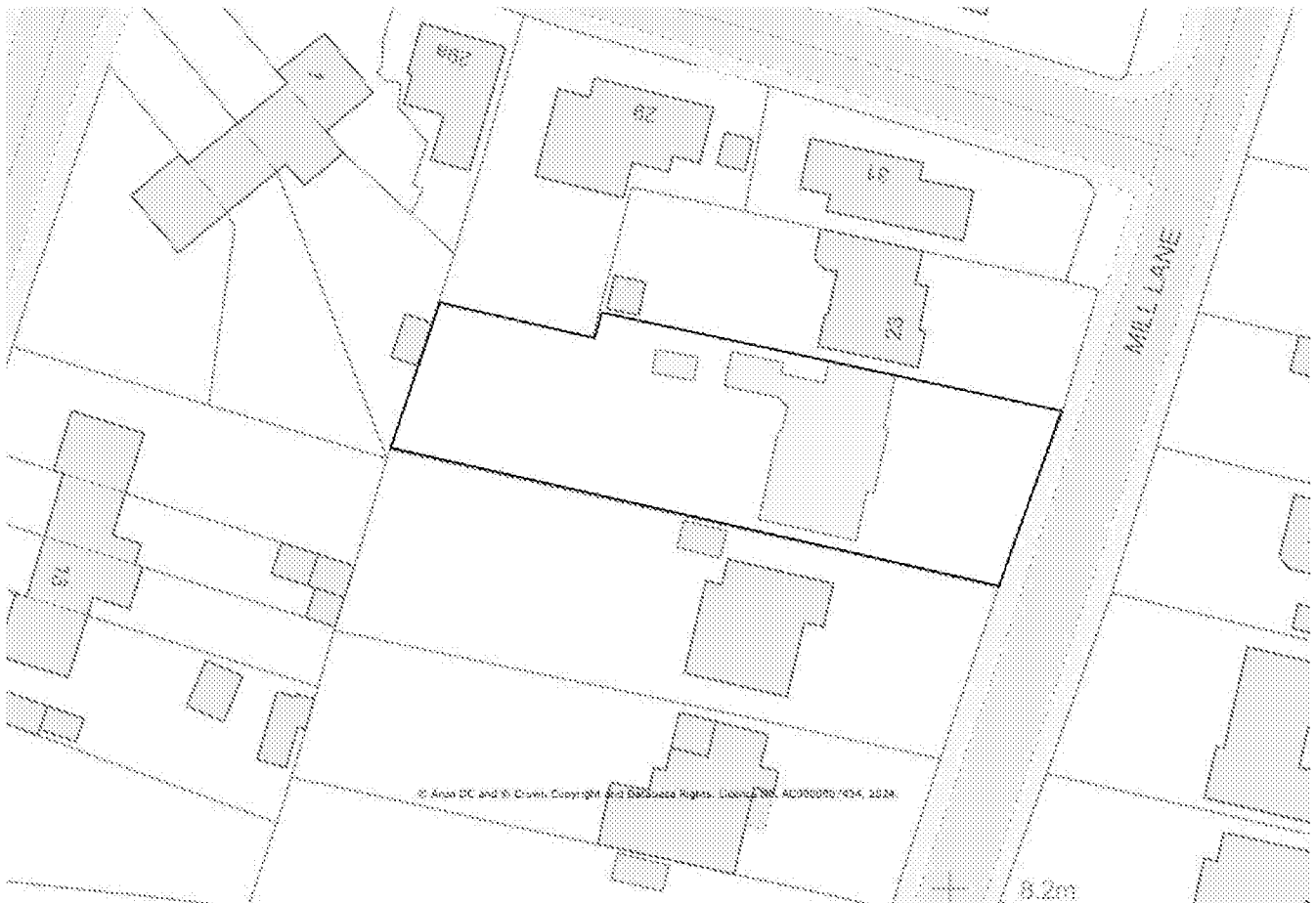
SECOND SCHEDULE

21 Mill Lane, Rustington, BN16 3ED

EXTENT OF USE

Siting of mobile home unit as incidental residential accommodation to the main house at 21 Mill Lane, Rustington

R/196/24/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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