MH Planning Associates

25 April 2017

FAO Jane Colley
Planning Department
Staffordshire Moorlands District Council
Stockwell Street
Leek
Staffordshire Moorlands
ST13 6HQ

Reference MHP: 2017_0020

Dear Ms Colley

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE SITING OF AN EXISTING CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT CROSS ROADS COTTAGE, OVER THE HILL, BIDDULPH MOOR, ST8 7LA

Further to my e-mail of 20 August 2017, I now have pleasure in submitting an application for a Lawful Development Certificate in order to establish that the siting of a caravan for ancillary residential use, within the garden grounds of Cross Roads Cottage, would not require an express grant of planning permission. Section 191(1) of the 1990 Act provides that, when an application has been made under Section 191, provided that the Planning Authority has been provided sufficient with information to demonstrate that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, it must issue a Certificate to that effect.

The land outlined in red on the submitted plan is a functionally separate planning unit, comprising Cross Roads Cottage and its garden grounds. The caravan that has been sited on the land complies in every respect with the statutory definition contained within the 1960 Sites Caravans and Control of Development Act (as amended by the 1968 Caravans Act etc.), i.e.

- It will be designed for human habitation;
- It will be capable of being moved from one place to another; and
- Its maximum dimensions will not exceed:
  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).

MH Planning Associates
140 West Princes Street, Helensburgh, G84 8BH **Tel:** 01436 670872 **Mob:** 07816 907203
Web: www.mhplanning.co.uk **Email:** info@mhplanning.co.uk

No operational development, as defined by Section 55(1) of the 1990 Act has taken place.

With respect to the proposed use of the land, the application property (Cross Roads Cottage) is occupied by Mr Stephen and Mrs Jackie Ball, and their 5 children (aged 19, 16, 8, 7 and 5). The caravan will be occupied by Mr Ball's mother-in-law Barbara (aged 83) and father-in-law John (aged 79). Mrs Barbara Ball has had a hip replacement, has had two surgical operations, and suffers from frequent infections which require monitoring (her daughter Jackie is best placed to do this). Barbara also suffers with osteoporosis, because of being prescribed Tomoxifan in order to treat her breast cancer. Her hip replacement was not due to a fall, it was because the bone snapped resulting in the hip requiring intervention. Other bone density areas, (e.g. her other hip) are now being regularly monitored. Mr John Ball has recently been given the remission signal for prostate cancer, however he has recently become claustrophobic, which can lead to panic attacks. He is also a diabetic, and although this is controlled by a combination of diet and medication, a constant regime is required to maintain a good blood sugar balance.

Earlier this year Mr Ball's mother-in-law was found unconscious in bed by her husband, who naturally panicked. Mr Ball and his wife drove to his wife's parent's house (6 miles away) and managed to get his wife's mother to hospital. After the hospital visit, the family reflected on the incident. After considering a number of possible options, the family agreed upon a solution to their ongoing and future needs. This was the provision of an ancillary residential caravan, to be sited within the garden grounds of Cross Roads Cottage, to provide the accommodation that Mrs Ball's parents now urgently require. This arrangement will have a number of benefits. Primarily, as Mrs Ball's parents gets older, they will require a greater degree of day-to-day assistance. Rather than potentially having to go into care, their daughter and son-in law can become their primary carers, thereby enabling them to retain a degree of independence for as long as is possible. As well as providing care when necessary, they will also facilitate taking them out, to go shopping etc. and in doing so, do their best to make their lives more comfortable. Mrs Ball's parents will furthermore also be able to see their grandchildren more often than they can at present.

There is absolutely no intention that the caravan will be made available for separate, independent, residential use; the water supply, electrical supply and waste water systems would all be shared with the main building. The caravan will not have its own utility metres or postal address and all bills will be sent to Cross Roads Cottage. The provision of meals, laundry facilities, housekeeping, vehicle parking etc. will all be shared and the caravan will not be registered a separate unit of occupation with respect to the payment of Council Tax.

On the basis that at all times the occupation of the caravan will remain ancillary to the primary use of the land, no **material change of use** of land requiring planning permission will take place.

As the application falls to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the 2015 Development Management Procedure Order. Similarly, as the policies of the Development Plan (or the National Planning Policy Framework) are not relevant to the determination of an application submitted under the provisions of Section 191, any concerns regarding potential impact on the character or appearance of the area, or neighbouring amenity, are not matters that the Council can attach any weight to.

In conclusion, the current application for a **Certificate of Lawfulness of Existing Use or Development** (CLEUD) is submitted on the basis that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to "development" as defined by Section 55(1) of the Town and Country Planning Act 1990.

The application has been submitted electronically through the 'Planning Portal' (reference PP-06021282) and comprises the following:

- The completed application form;
- The required fee of £385.00;
- The following drawing:
  - Site Location Plan (1:1,250 @ A4);
- A Supporting Statement;
- The following Supporting Documents:
  - Document 1 - Transcript of House of Commons Debate (22 November 2005);
  - Document 2 - Homefield Appeal Decision (12 November 2009);
  - Document 3 - Homefield Costs Decision (12 November 2009);
  - Document 4 – 80 Buckingham Road Appeal Decision (19 February 2016);
  - Document 5 – Woodfords, Shipley Road Appeal Decision (20 Sept 2016)
  - Document 6 - Sandy Holt Appeal Decision (8 April 2013);
  - Document 7 - Waterworks Cottage Appeal Decision (23 November 2011); and
- A Statement of Ownership as required under the provisions of Article 39(2)(c) of the 2015 Development Management Procedure Order.

In conclusion, once the above evidence has been considered, I hope that the Council will be able to determine the submitted application timeously, and that a Certificate of Lawful Use for the siting of the proposed caravan will be able to be issued.

Yours sincerely

Michael Hyde.

Michael Hyde MRTPI
MH Planning Associates