

15 May 2017

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

Reference MHP: 2017_0016

Dear Sirs

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED REPLACEMENT OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT WILD THORN FARM, ASHBOURNE ROAD, BOTTOMHOUSE, LEEK, ST13 7EY

I have pleasure in submitting an application for a Lawful Development Certificate, in order to establish that the proposed siting of a replacement caravan for ancillary residential use, within the garden grounds of Wild Thorn Farmhouse, would not require an express grant of planning permission. Section 192 of the Town and Country Planning Act 1990 states that when an application has been made under that section, if the Planning Authority has been provided with sufficient information to demonstrate that the proposed 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.

There has been a caravan sited on the land for 18+ years, and this was used by the previous owners as a residential 'annex' to the main dwelling. The proposed replacement caravan will comply 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 has been designed for human habitation;
- It is capable of being moved from one place to another; and
- Its maximum dimensions do 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).

No operational development, as defined by Section 55(1) of the 1990 Act will take

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place.

With respect to the proposed use of the land, the application property (Wild Thorn Farmhouse) is occupied by the applicant, Cara Tissandier, her brother Ryan Tissandier and her partner, Christopher Smith. The replacement caravan will be for the use of Ryan Tissandier, who will use it to sleep in, and as an office. All three of the residents (the applicant, her partner and her brother) are co-owners and workers in the farming enterprise, and will occupy the site as a single 'family unit'. There is absolutely no intention that the caravan will be made available for separate, independent, residential use; the water, gas and electricity supplies will all be shared with the main property, as will the existing drainage system. The caravan will not have its own utility metres or postal address and all bills will be sent to Wild Thorn Farm. The provision of all meals will be shared, as will laundry facilities, storage of domestic items, housekeeping etc. The caravan will also 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 192, any concerns regarding potential impact on the character or appearance of the area, or neighbouring amenity, are not matters that the Authority can attach any weight to.

The current application has been submitted electronically through the 'Planning Portal' (reference PP-06070488) and comprises the following:

- The completed application form;
- The required fee of £192.50;
- The following drawings:
 - Site Location Plan (1:1,250 @ A3);
 - A Block Plan (1:100 @ A0);
- 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, the current application for a **Certificate of Lawfulness of Proposed Use or Development** (CLOPUD) is submitted on the basis that the siting of a replacement 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. Once the evidence provided has been considered, I hope that the Council will be able to determine the application timeously, and issue the Certificate applied for.

Please do not hesitate to let me know if you wish me to provide more information on any point.

Yours sincerely

A handwritten signature in black ink that reads "Michael Hyde." The signature is written in a cursive, slightly slanted style.

Michael Hyde MRTPI
MH Planning Associates