

DELEGATED DECISION REPORT

SMD/2021/0754
Valid 05/01/2022

RESERVOIR HOUSE PUDDY
LANE
STANLEY

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED MOBILE HOME IN
GARDEN

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Is the proposal operational development requiring planning permission?
- Will the mobile home comprise a change of use of the land?

DESCRIPTION OF SITE

The proposed site comprises a detached dwellinghouse and its associated curtilage, situated in the Bagnall and Stanley ward. Additionally, the proposed site is on greenbelt land, where only development of special exemption is usually allowed. The Bagnall 7 Public Right of Way runs along the North and West curtilage of the site. To the South of the site is a Staffordshire Moorlands Nature Conservation Site, including the Stanley Pool Biodiversity Action Site. The closest neighbour at the address Heatherstones, The Avenue is located to the South-West of the site. The aforementioned neighbour is separated from the site by a pocket of open greenbelt countryside. The Puddy Lane highway runs adjacent to the proposed site on the South.

PROPOSAL

This application seeks approval for a certificate of lawfulness for proposed development under Section 192 of the Town and Country Planning Act 1990 for a proposed mobile home within the domestic curtilage of the parent dwellinghouse. The applicants propose to use a caravan or moveable unit for purposes that are ancillary to the dwellinghouse within the planning unit, including as a home office, craft room and an occasional annexe for visitors. The proposed mobile home would have a length of approximately 4.3 metres and a width of 3 metres. The exterior is constructed from high density composite cladding with realistic wood effect and features both wheels and a detachable tow bar, allowing it to be moved easily.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Public Comments

No comments received.

Town / Parish Comments

N/A

OFFICER COMMENTS

What is the character/nature of the existing use?

The land edged red includes all land under the applicant's ownership. It appears to include the dwelling's curtilage, surrounding garden and wider land. It is apparent that the dwelling, immediately surrounding land and area obviously forming the garden form one planning unit, however it is not so apparent whether that should also include the wider land surrounding the obvious domestic curtilage, which can be seen on the aerial map below.



In any event, the suggested mobile home location is within land that has been accepted as being the residential, domestic planning unit. The primary or prevailing use of that unit is that of a dwelling house (Class C3) and the whole of that is used lawfully for purposes ancillary to that use or for uses that fall within the same use class that do not result in physical and functional separation.

Would the introduction of the proposed mobile home be operational development or is it a caravan and therefore a use of land?

'Caravan' is defined in Section 29 of the Caravan Sites and Control of Development Act 1960 as 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 other 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.

Section 13 of the Caravan Sites Act 1968 states that twin-units are composed of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices, and should not exceed 60 feet in length, 20 feet in width and 10 feet in height overall (size later changed see below).

The size limitation of caravans as originally set out in the Caravan Sites and Control of Development Act 1960 was updated through The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006. The Order introduced the following maximum dimensions:

- Length (exclusive of any drawbar): 20 metres (65.616 feet)
- Width: 6.8 metres (23.309 feet)
- Height measured internally from the floor at the lowest level to the ceiling at the highest level: 3.05 metres (10.006 feet).

The dimensions of the proposed twin unit mobile home do not exceed these size limitations.

The product specification submitted to the Council demonstrates a structure designed for human habitation that would be capable of being moved from one place to another via wheels or a detachable tow bar. It would be 4.3m x 3m and no higher than 3.05m. It would be a caravan as defined by the Caravan Act 1960 and its introduction and use would amount to the use of land rather than operational development.

Will the proposed changes result in material change of use?

It is well established in planning law that if a caravan is used within the same planning unit for purposes that are ancillary to the primary use and that it does not result in a physically and functionally separate planning unit- a material change of use will not occur. It is also held at s.55 (2)(f) of the Town and Country Planning Act that uses of land within the same use class are exempt from the meaning of development .

Ancillary status is a matter of fact and degree and it is a matter of there being some functional link between the use and the primary use, in this case between the caravan / mobile home and the dwellinghouse.

The proposal makes it clear that the caravan would only be occupied by visitors of the owners of the dwellinghouse, as well as being a home office and craft room. Thus, there is strong evidence that there will be a functional ancillary link. It is said that any occupants of the mobile home would be family or friends of the habitants of the main dwelling. It is not part of this proposal to use the caravan as a single stand alone, self-contained residence that would be physically and functionally separate from the dwelling. Extra space for the parent dwelling is the purpose of the addition of a mobile home, thus demonstrating that it would not be considered as a change of use of the land within the domestic curtilage. I note that the mobile home would not be a building or structure, it would just be placed on the land and easily moveable. On that basis the proposed use would not result in a material change of use and a certificate of lawfulness should be made out in those terms.

CONCLUSION / PLANNING BALANCE

The proposed mobile home will meet the above permitted development requirements and therefore a Certificate of Lawful Development can be issued under Section 192 of Town and Country Planning Act 1990. The proposed Use, as described in the applicant's evidence, would be lawful on the date of the application because it will not the result in a "material change of use".

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 02/03/2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council