

DELEGATED DECISION REPORT

SMD/2024/0343
Valid 24/07/2024

RIDGEFIELDS FARM LEEK
ROAD
CELLARHEAD

LAWFUL DEVELOPMENT
CERTIFICATE APPLICATION
FOR THE PROPOSED
PROVISION OF A TWIN UNIT
MOBILE HOME (NOT
OPERATIONAL
DEVELOPMENT) WITHIN THE
GARDEN OF THE LAWFUL
DWELLING HOUSE FOR USE
AS ADDITIONAL
ACCOMMODATION BY ONE
HOUSEHOLD (NOT A
MATERIAL CHANGE OF USE)

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Will the mobile home sit within the grounds of a domestic curtilage, ancillary to its use?
- Will the introduction of the mobile home result in operational development?
- Will the proposed changes result in material change of use?

DESCRIPTION OF SITE

The application relates to a detached dwellinghouse and its associated curtilage within the open countryside, outside of the boundary of Cellarhead. Permission was granted for a replacement dwelling under reference SMD/2019/0049. The decision notice set a number of conditions including removal of permitted development rights. The relevant part being the restriction of additional outbuildings within the curtilage; the reason being, to enable the Local Planning Authority to control development on the site in the interests of a) protecting the openness of the Green Belt b) protecting the residential amenities of neighbouring properties and c) protecting the character and appearance of the area and d) in the interest of Highway Safety where only development of special exemption is usually allowed. The house is in a relatively isolated rural location and forms one of scattered detached dwellings and farms along the A500.

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 under a non operational development.

The applicant intends to site a twin unit mobile home within the residential land of the house, for ancillary residential use. The supporting information states the caravan would be 12m by 6.8m, featuring an apex roof that will have a ridge height of 3.7m. It will serve a family member who is in need of care and support of the family. All utility supplies would be shared with the existing dwelling house; and the Land occupied together with the other residents as one single 'family household/unit'.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

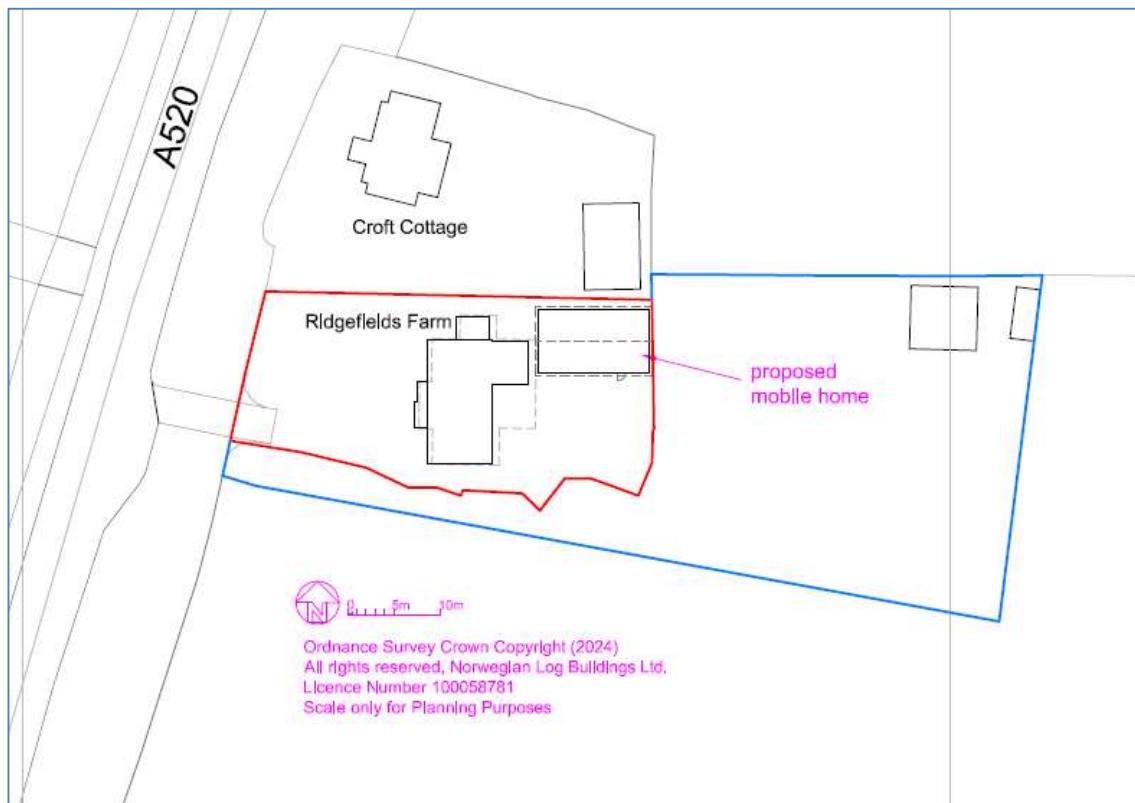
CONSULTATIONS

Public Comments No comments received

Town / Parish Comments Awaited

OFFICER COMMENTS

The land edged red includes the dwelling's curtilage and surrounding garden as shown below:



The curtilage matches the site layout that was approved under the replacement dwelling SMD/2019/0049. I am satisfied that the caravan is to sit within the domestic grounds associated with a dwelling house (Class C3) and the whole of that is used lawfully for purposes ancillary use or for uses that fall within the same use class that do not result in physical and functional separation on some smaller area.

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

Operational development refers to the carrying out of building, engineering, mining or other operations in, on, or under land, or the making of any material change in the use of any buildings or other land. Essentially, development that will result in some physical alteration to the land itself, as opposed to material changes of use which did not interfere with the actual physical characteristics of land. Consideration is whether it is a caravan and operation development and if so, would require formal planning consent.

According to Section 29 of the Caravan Sites and Control of Development Act 1960, 'caravan' is defined in 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, on 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.

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 'Norwegian Log' product detailed in the submitted plan is a structure designed for human habitation that would be capable of being moved from one place to another on a timber chassis. It would be 6.8m x 14m and no higher than 3.05m. From the submission, 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 . The applicant has submitted a number of appeal decisions that advocate and rehearse that approach.

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 and the dwelling house.

The proposal makes it clear that the caravan would only be occupied by the home owner's family member who will be dependent and rely on the care of the occupants in the main dwelling – that in itself is strong evidence that there will be a functional link.

It is said that the caravan occupant and those of the main dwelling will all live together as one household sharing storage, meals, garden, and one utility supply – this made all the more likely because of the family relationship. 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. The position of the caravan immediately next to the dwelling's rear gable suggests a shared use of the planning unit and an ancillary building.

Therefore on this 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

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: Lisa Li

Recommendation Date: 10/09/24

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council