

APPLICATION FOR LAWFUL DEVELOPMENT PROPOSED USE DELEGATED REPORT

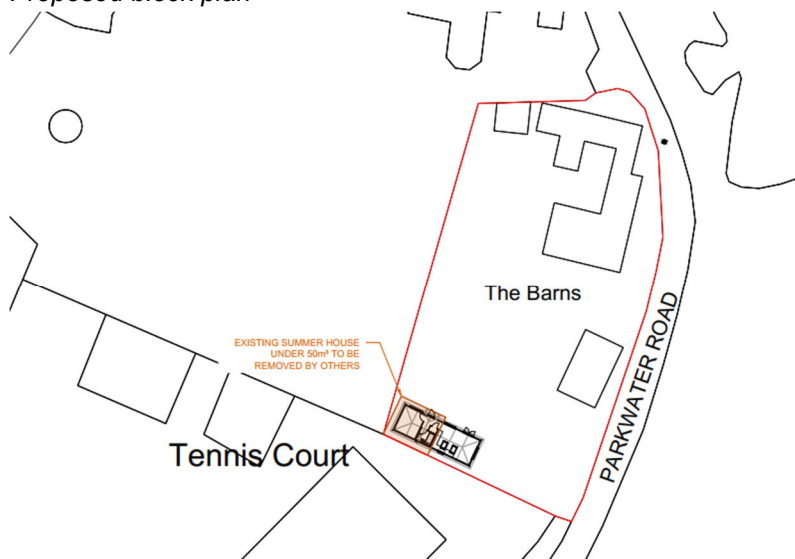
APPLICATION REFERENCE:	PL/2025/09196
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	THE BARNS, PARKWATER LANE, WHITEPARISH, SALISBURY, SP5 2QR
DEVELOPMENT DESCRIPTION:	Use of Land to Station a Mobile Home
RECOMMENDATION:	Approve

PROPOSAL

The application is for a Certificate of Lawfulness for a proposed use to station a mobile home to provide ancillary accommodation within the domestic garden of The Barns.

The proposed mobile home would be sited in the southwest corner of the site, close to the boundaries, on an area of land partially covered by an existing summer house.

Proposed block plan



SITE DESCRIPTION

The application relates to The Barns, a two storey, detached and extended dwelling that sits on the northern side of the site. There is a 1.5 storey detached garage/workshop on the east boundary and a summer house in the south west corner.

The application site lies approx. 1.1km south east of the Large Village of Whiteparish as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 23 (Spatial Strategy for the South Wiltshire Community Area).

Residential neighbour 'Yew Tree Farm' surrounds the north, west and south boundaries. Opposite Parkwater Road (east boundary) is an area of ancient woodland.

The application site is subject to the following planning policy constraints:

- New Forest Protection Sites (New Forest Special Area of Conservation, New Forest Special Protection Area and New Forest Ramsar site)
- Ancient woodland adjacent to the site
- Mottisfont Bat Special Area of Conservation 7.5km buffer
- River Test Catchment
- Nationally designated SSSI 375m south of the site
- Special Landscape Area (save policy C6 from Salisbury District Local Plan)
- Flood zone 1

RELEVANT LEGISLATION AND POLICY

The Town and Country Planning Act 1990, (as amended) Section 192
Caravan Site and Control of Development Act 1960 (as amended)

REPRESENTATIONS

There is no legal obligation to consult third parties, including Town/Parish Councils or neighbouring properties, for this type of application.

PRINCIPLE OF DEVELOPMENT

The Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular type of application or appeal process. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use, or activity in question, are therefore irrelevant when determining the application.

This Lawful Development Certificate for Proposed Use relates to the proposed siting of a caravan within the curtilage of an existing dwelling (The Barns, Parkwater Lane, Whiteparish, Salisbury, SP5 2QR) to operate as ancillary to the use of the main dwelling. The proposed caravan would be sited within the garden of the host dwelling and would measure 11.2m in length and 3.8m in width and 3.03m internal height, as stated within the accompanying drawings. The proposal does not include the provision of any separate curtilage, access or parking for the caravan.

ASSESSMENT

The applicant seeks a Lawful Development Certificate to use the private residential curtilage of their home to site a caravan for use as residential accommodation ancillary to the main dwelling for the family of the existing residents of The Barns.

In order for a Lawful Development Certificate to be granted under Section 192 of the 1990 Act, the onus is on the applicant to demonstrate that the development would be lawful.

The Planning Statement sets out that the caravan unit is to be used as ancillary accommodation. The mobile home will be occupied by the applicant's daughter who has additional needs and requires daily support from her family. The mobile home would allow some independence but with practical support. The planning statement confirms that meals, laundry and social spaces will be used in the main dwelling.

The land will continue to be used as a single planning unit for residential purposes, with no change of use proposed at any point. The unit will not have a separate address, and all access, utilities and services will be connected to the main house, such that the dwelling and the caravan unit will be occupied as a single planning unit in a single-family occupation.

There would be no subdivision of the curtilage, and the occupier will make use of shared facilities within the main dwelling, including the kitchen, laundry and shared amenity space. It will rely entirely on the existing property for essential services, including electricity, water supply, and drainage.

The basis for the claim is that the proposed use of land, ancillary to the main dwelling, is excluded from Class E Part 1 of Schedule 2 of the GPDO 2015 (as amended) and therefore it comes under the schedule of the Caravan Site and Control of Development Act 1960 (as amended).

The definition of a caravan was modified by Section 13 (1) of the Caravan Sites Act 1968 to include 'twin-unit caravans'. As such it is claimed that the caravan falls within the definition of a caravan and there would be no material change of use or operational development.

Details of the structure, including its size, composition, mobility and method of delivery have been submitted along with the confirmation of use. Within the Planning Act, the term caravan has the same meaning as for the purposes of the Caravan Site and Control of Development Act 1968.

Essentially it is any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether it is towed, or transported on a motor vehicle. There are two issues to be determined, whether the caravan falls within the description of a caravan and whether there would be a change of use of the land within the curtilage of a dwellinghouse for the siting of a mobile home and thus whether that amounts to development within the meaning of the 1990 Planning Act.

The caravan would be designed as a single unit and would be brought to the site by a lorry and craned into position. *"The Manufacturers' letter and lifting methodology within **Appendix F** confirms the Homelodge single unit mobile home proposed at The Barns would be constructed so that it could be transported by lorry or low loader as a single unit. Construction of the unit would be sufficient for it to be lifted in to and out of position again, without it breaking up. The unit is therefore capable of being moved by a single motor vehicle or trailer and/or crane and meets the mobility test."*

The submitted plan shows the unit in two bays and Appendix F states this method of on-site assembly may be used to meet Health and Safety regulations. If this were to be the case the unit would be delivered to site *"in prefabricated structural sectional form by lorry and assembled on site. Once assembled, the proposed unit can be lifted as a single volumetric unit. For clarity whether the unit is installed using Assembly Method 1 or Assembly Method 2, I confirm it would be identical and structurally capable of being removed from site as a single volumetric unit as shown by the attached Illustrative Caravan Lifting Methodology (for a Single*

Unit Two Bay Homelodge). This can be confirmed by an independent crane engineer and independent structural engineers report if required."

The planning statement confirms that *"the proposed unit would not be attached to the ground because it is fitted with metal shoes which would rest on padstones and is not bolted or fixed to the padstones."*

In this instance, it is deemed that the unit meets the required construction and mobility tests and would fall within the relevant size parameters in order to meet the tests of a caravan or mobile home and not an outbuilding. The Local Planning Authority therefore concur that the type and size of the caravan unit falls within the definition of a caravan.

The Local Planning Authority are satisfied that the site comprises a residential property with domestic curtilage and that the red line on the submitted location defines the extent of that planning unit. On the basis of the use of the caravan, as set out in the planning statement, the Local Planning Authority concur that the stationing of a caravan within the curtilage of the dwelling for use in connection with the occupation of the dwelling would not amount to a change of use and would not constitute development, for which planning permission would be required if used in the manner stated.

An application such as this can only be assessed on the basis of the stated purpose and if some other use of the caravan were to take place such that it is not used in association with the dwelling, then it would not benefit from the Lawful Development Certificate.

CONCLUSION

For the reasons given above, it is concluded, that on the evidence provided, that the stationing of a caravan, falling within the description of a caravan, and sited within the curtilage of the dwelling for use as ancillary to the existing dwelling would not constitute a material change of use of land and would therefore meet the relevant legislative requirements.

It is concluded, on the evidence provided, that the stationing of a caravan falling within the description of a caravan within the Caravan Site and Control of Development Act 1960 as amended by the Caravan Sites Act 1968 and sited within the curtilage of the existing dwelling for the purposes of providing an incidental and ancillary use to the occupancy of the existing dwelling would not constitute a material change of use of land or development, and would therefore be lawful without the grant of planning permission.

The Certificate Can Therefore Be Granted.