

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/09764
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	13 The Close, Gastard, Corsham, SN13 9PX
DEVELOPMENT DESCRIPTION:	Stationing of a mobile home within the residential curtilage of a dwellinghouse, for purposes ancillary to the main use of the host dwellinghouse.
RECOMMENDATION:	The certificate be granted

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a mobile home within the residential curtilage of a dwellinghouse, for purposes ancillary to the main use of the host dwellinghouse.

The planning merits of the proposal are not under consideration. The only issue is whether the proposed works constitute "permitted development" (PD) under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [hereafter referred to as "the GPDO"].

RELEVANT LEGISLATION AND POLICY

- The statutory framework governing CLP's is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). This section establishes that a proposed development or use is "lawful" if it would not constitute a breach of planning control. A CLP can be granted if the Local Planning Authority is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.
- Caravan Site and Control of Development Act 1960 (as amended)

CONSULTEE RESPONSES/REPRESENTATIONS

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

RELEVANT SITE HISTORY

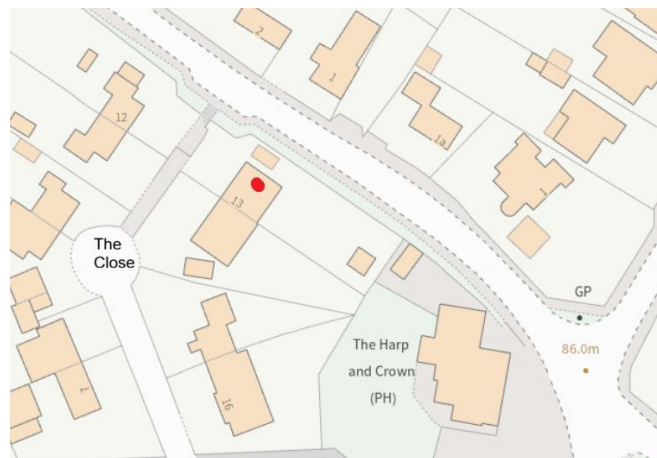
No previous certificates of lawful use or development have been granted on this site. Other planning history has been reviewed and is not considered relevant to the assessment of the proposed lawful ancillary use.

PRINCIPLE OF DEVELOPMENT

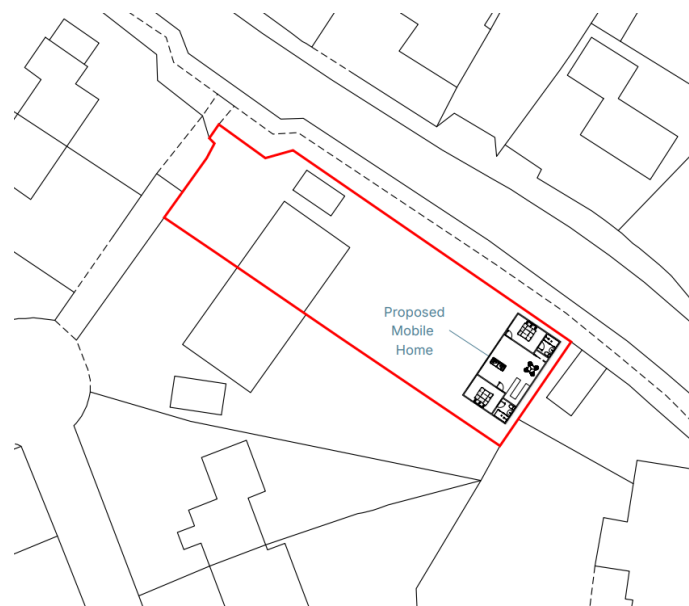
The Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular type of application or appeal process. Views expressed by third parties on the planning 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.

ASSESSMENT

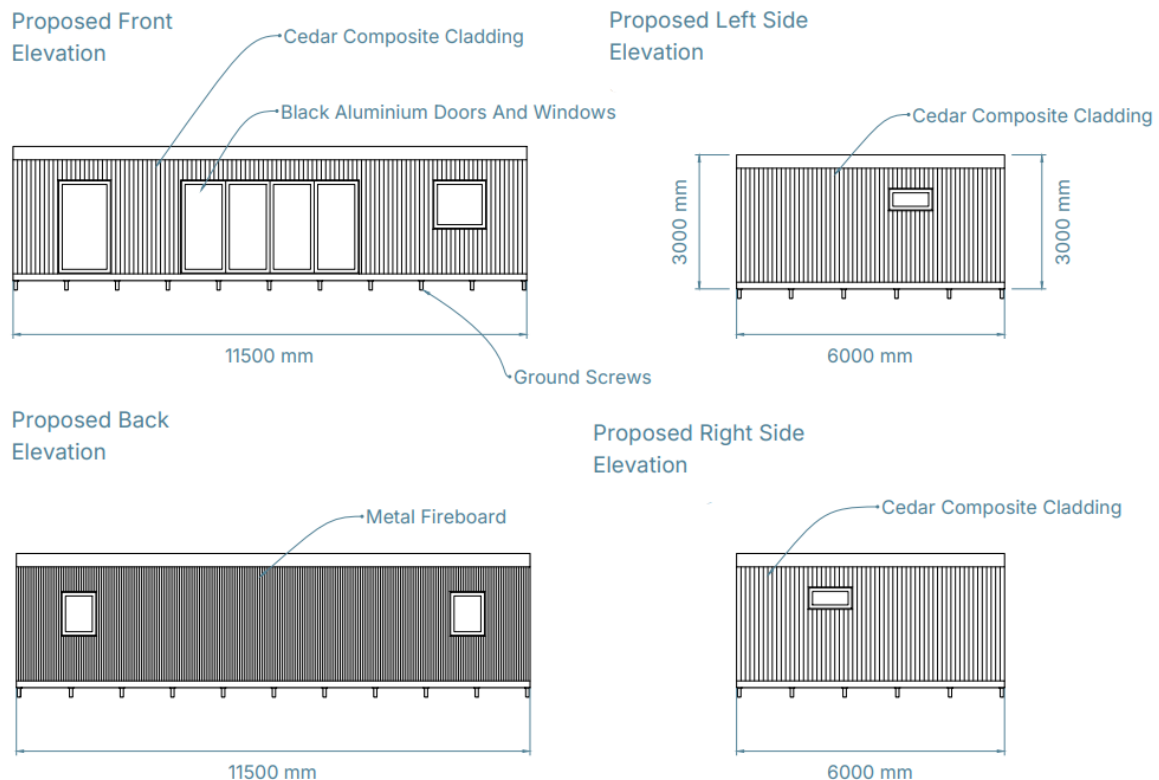
The application seeks a Certificate of Lawful Proposed Use or Development under Section 192 of the Town and Country Planning Act 1990 for the stationing of a single-unit mobile home within the residential curtilage of the host dwelling at 13 The Close, Gastard, marked in red on the plan below:



The host dwelling is a two-storey semi-detached property with an established domestic garden. Submitted plans indicate that the mobile home is proposed to be sited at the very bottom of the garden, along the southeast boundary - submitted site plan is shown below:



The building would measure approximately 6m by 11.5m with a flat roof of 3m in height and would be finished in cedar composite cladding as shown by the submitted elevations:



The accompanying planning statement states that access and parking for the mobile home would be via the existing arrangements for the main dwelling, with no separate access, curtilage or facilities proposed.

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.

There are two issues to be determined (1) whether the mobile home falls within the description of a caravan and (2) 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.

Definition of a Caravan

Part 3, paragraph 13 of the Caravan Sites Act 1968 states the size, moveability and construction tests as follows;

- (1) *A structure designed or adapted for human habitation which—*
 - (a) *is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*
 - (b) *is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),*
- 2) *Does not exceed 20m by 6.8m and height of 3.05m.*

The proposed mobile home would have maximum external measurements of 11.5m by 6m with a maximum internal floor to ceiling height of 3m. This falls within the parameters in the Caravan Sites Act 1968 stated above.

The planning statement notes that: *“The mobile home will be constructed on site using prefabricated components. Modern caravan construction often involves panelised or modular systems, and importantly, there is no statutory requirement for a caravan to be built off-site or delivered to the land in its finished form.”*

This principle has been repeatedly upheld in appeal decisions. At a recent appeal (ref: APP/R3650/X/25/3359353), in paragraph 8, the Inspector concludes: *“As a ‘single unit’ caravan is proposed, it is not necessary under section 13(1) of the CSA 1968 that it is ‘composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices’. In other words, assembling the prefabricated residential unit on the appeal site does not in this case mean that it is not a caravan with reference to the CSA 1968.”*

The caravan would be mounted on a screw pile foundation system resting on these foundations under its own weight, without being fixed down. As such the proposed caravan is not affixed to the ground through permanent works, and any connections to services are easily reversible. Legal precedent has established that such connections are deemed *de minimis* by the courts.

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 LPA therefore concur that the type and size of the mobile home unit falls within the definition of a caravan.

Use

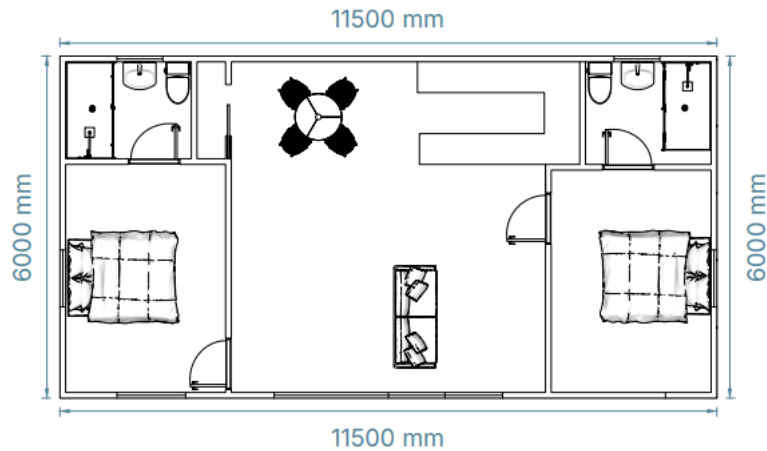
The second issue which needs to be assessed is whether there would be a change of use of the land within the curtilage of a dwellinghouse for the siting of a mobile home.

The submitted documents include several appeal decisions for lawful development certificates for similar proposals which attest to the use of garden land for the purposes of a mobile home ancillary to the main house being lawful without the benefit of planning permission.

The applicant has confirmed that the mobile home is intended for use as additional living space for family members, specifically the applicant’s mother and daughter. The mobile home would not function as an independent dwelling: it would share facilities with the main house, including cooking, laundry, socialising, and care arrangements. It would not have its own address, Council Tax registration, garden, or utilities. The unit is entirely dependent on the main dwelling, ensuring that the planning unit remains a single, unified entity.

Although the mobile home contains sleeping and bathroom accommodation, the plans suggest it does not include a kitchen:

Proposed Floor Plan



This reinforces its reliance on the main dwelling for full residential functionality. The proposal ensures that there would be no separate occupation and that the land would continue to be used as part of the single planning unit.

The LPA are satisfied that the site comprises a residential property and its 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 mobile home as set out in the planning statement, the LPA concur that the stationing of a caravan within the curtilage of the dwelling for use in connections 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 was to take place such that it is not used in association with the dwelling then it would not benefit from the LDC.

CONCLUSION

It is concluded, on the evidence provided, that the stationing of a mobile home 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 annexe to be occupied incidental 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.

RECOMMENDATION: That the certificate be GRANTED.