

TOWN & COUNTRY PLANNING ACT 1990

SECTION 192

**APPLICATION ON BEHALF OF MR J ROBINSON FOR A DETERMINATION
WHETHER THE SITING OF A CARAVAN FOR RESIDENTIAL PURPOSES
ANCILLARY TO THE USE OF THE DWELLINGHOUSE No 5 THE PRIORY,
CRICKLADE, SN6 6DG WOULD BE LAWFUL DEVELOPMENT**

STATEMENT OF CASE ON BEHALF OF THE APPLICANT

Prepared by

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Our Reference: ADM.LPC4415

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1.0 INTRODUCTION

- 1.1 This application is made on behalf of John Robinson of No 5, The Priory and is seeking a Certificate of Lawful Proposed Use or Development to confirm that a caravan can be stationed on the garden of this property without the need for planning permission. It follows the approach advised by Helen Burns, Planning Liaison Officer of Wiltshire Council in an email dated 13th November 2025 and this statement will set out the reasons why it is considered that the siting of a caravan for residential purposes ancillary to the use of the host dwelling would not require the benefit of planning permission.
- 1.2 It is not proposed to submit details of the proposed caravan as arrangements have not been finalised with any provider. Instead, the application is reliant upon the definition of a caravan, within the Caravan Sites and Control of Development Act 1960, Section 13, which refers to twin-unit caravans and defines them as being 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 it, when assembled, physically capable of being moved by road from one place to another (whether being towed, or being transported on a motor vehicle or trailer). The length referred to in this legislation is 20m, with a maximum width of 6.8m and an overall height of living accommodation, measured internally from the floor of the lowest level to the ceiling at the highest level being 3.02m. I should add that it is not the applicant's intention to site a caravan of the maximum size with the more probable dimensions being 10m x 6m with a maximum external height of 3.05m, all within the limits set by the legislation.

2.0 LOCATION AND DESCRIPTION OF THE SITE

- 2.1 The Priory is located to the north of Cricklade, north of the river, on the west side of the road that leads to the north-westward junction of the A419.
- 2.2 No 5 The Priory is located to the rear of No 4, (not the No 5 shown on the OS plan) with its principal elevation facing north. Vehicular access to the property is taken from the High Street to the north of the house and in that area are a number of outbuildings used for residential storage purposes. One of these

is located to the northwest of the house and comprises a timber shed that measures 7.2m x 4.6m with a height to eaves of 2.4m and 3.6m to ridge, a volume of 99.36m³. This building was erected in the late 1970s on a concrete slab and it has been used continuously since it was erected for the storage of garden equipment and machinery, incidental to the use of the residential property. It is easily accessible from the house and from the parking area to its east and clearly represents part of the residential curtilage of No 5. The house and the land of which the garden store forms part has been within the same family for 125 years and the applicant could provide a statutory declaration to confirm this part of the landholding has been used for garden for a considerable length of time, well in excess of the 10 years necessary for it to become lawful. In fact, he has an old painting confirming the garden use.

3.0 THE PROPOSAL

- 3.1 The applicant seeks a Certificate of Lawful Proposed Development under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of caravan for residential purposes ancillary to the use of the dwellinghouse, No 5, The Priory.
- 3.2 The accommodation needs of the applicant's family would comprise a caravan which meets the requirements of Section 13 of the Caravan Site Act 1968 (amended in 2006) in all regards, notably size, mobility and construction.
- 3.3 The caravan will be occupied by John Robinson who has lived at 5, The Priory since 1973, after undertaking works to the building and at No 4 where he was brought up. No 4 was owned by his mother, Mrs Evelyn Robinson, who died in 2009.
- 3.4 It is the applicant's intention that he will sleep in the caravan and that his daughter and her family will reside in No 5, The Priory. The applicant will take his main meals with his daughter and her family, and his laundry would be undertaken there. He would be able to look after his grandchildren when their parents are at work, thereby providing multigenerational living to help with childcare and his family will be able to help him as he gets older.

- 3.5 For the avoidance of doubt, this application refers to a caravan as defined within the Caravan Sites Act, that is often referred to as a lodge, log cabin and a variety of similar names.

4.0 THE CASE FOR GRANTING A CERTIFICATE OF LAWFULNESS FOR THE PROPOSED USE

- 4.1 This application solely concerns whether or not the stationing of a caravan falls within the definition of within the Caravan Sites Acts would be a use of land within the curtilage of No 5 The Priory and, secondly, be ancillary to the enjoyment of the dwellinghouse. If the answer is yes, then Section 55 (2) (d) of the Town and Country Planning Act 1990, the stationing of any caravan does not amount to development and therefore does not require the benefit of planning permission.
- 4.2 The applicant is not seeking a determination as to whether or not operational development is involved. The application is based on the premise that whatever caravan is stationed on the land, it will meet the mobility, construction tests and the size requirements set out in Section 13 of the Caravan Sites Act 1968 (as amended).

Would the proposed caravan be within the curtilage of No 5 The Priory?

- 4.3 The garden storage building has been used for purposes incidental to the enjoyment of No 5 The Priory since it was erected in the late 1970s. Similarly, the land around it has been used for such purposes and in conjunction with the garden area to the north and west. With the land contiguous with the residential property, it represents part of the residential curtilage of the host dwelling. The planning applications submitted in 2018 and 2019, for a new access, showed this land within the red line, denoting the residential curtilage and a copy of this location plan is attached.
- 4.4 The courts have held that there are three factors to be taken into account when considering whether land is residential curtilage. There are
- (i) Physical Layout
 - (ii) Ownership
 - (iii) Use and function, past and present

I shall address these in turn.

(i) Physical Layout

- 4.5 The land on which the storage shed is located is to the front of No 5, close to its access and parking area. It is 25m north of the house in a place that is easily accessible. It is within the eastern part of the garden that comprises an area of approximately 0.2 hectares. The shed containing machinery and equipment used by the applicant for maintaining the land is located in a position where it can be easily accessed by the occupants of the host dwelling.

(ii) Ownership

- 4.6 The land on which the caravan is proposed is owned by the applicant and has been in his family for 125 years, incidental to the residential occupancy of originally No 4, The Priory and more recently (since 1995) for the exclusive use as garden for No 5. Prior to 1995, part of the garden was let for the growing of fruit and vegetables but that ceased in 1994.

(iii) Use and Function

- 4.7 The land on which the caravan will be sited is used as a domestic building and as part of the garden for No 5. This garden use has taken place for many years, well before the introduction of the Town & Country Planning Act. Such use has been continuous and with trees becoming established, the area to the north and west has become more of a woodland garden.

Is the proposed caravan for residential occupation ancillary to the enjoyment of No 5 The Priory?

- 4.8 It is intended that the caravan will provide sleeping, washing and living space facilities for the applicant whilst his daughter, her husband and children reside in the dwelling, No 5 The Priory.
- 4.9 Case Law in respect of proposals such as this is *Uttlesford DC v SSE & White* [1992] JPL 171. This established that the residential use of an outbuilding may be regarded as part and parcel of the use of the dwellinghouse, even if the outbuilding contains the facilities required for use as a self-contained dwellinghouse. It would not, necessarily, result in the creation of a new

planning unit separate from the main dwelling. The Court held that there was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

- 4.10 In this case, the caravan is to be occupied by the applicant but there will also be a strong interdependence between the caravan and the host dwelling. This will involve laundry and main meals being provided and shared with other family members living in the main house with the grandfather looking after his grandchildren whenever the need arises and, in time, his daughter's family caring for him in his old age. There would also be a technical and functional interaction in terms of shared post, groceries, energy provision, water provision, foul drainage and vehicle parking. There will not be any defined garden for the caravan but the whole area of land edged blue in the application would be used by the extended family, visitors and their friends. No subdivision of the curtilage is therefore proposed, there would be no separate tenancy agreement, and the caravan would not be registered as a separate unit of accommodation for Council Tax purposes.
- 4.11 There will be a high level of interaction between the occupant of the caravan and the family members occupying No 5. This provides sufficient evidence to show that on the balance of probabilities, the caravan will be used for purposes ancillary to No 5, The Priory. Consequently, the application site would remain a single planning unit that will remain in single family occupation.
- 4.12 Section 55 (2) (d) of the Town and Country Planning Act 1990 states that the following operations or use of land should not be taken for the purposes of act to involve the development of land – **'The use of any buildings or other land within the curtilage of the dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse as such'**.
- 4.13 For the reasons given above, the caravan is within the lawful curtilage of No 5 The Priory and its intended occupation is for purposes incidental to the enjoyment of the dwelling. The proposal does not involve a change of use and can therefore be carried out without the need for planning permission under Section 55 of the Town and Country Planning Act.

5.0 OTHER MATTERS

- 5.1 This application does not seek planning permission and so the development plan is not relevant to its consideration. Similarly, the Conservation Area designation is not applicable, neither is the flood zone or the fact that the site is within the North Meadow Inner Zone of Recreational Influence. Rather, the application falls to be considered on the conformity with the legislation. There is no statutory obligation on the applicant or the Local Planning Authority to notify anyone of the application to consult anyone or to afford anyone an opportunity to make representations on the application. S.192 applications are determined on the facts and the law rather than by reference to planning policies or planning merits, and to the fact that local planning authorities must issue a certificate if it is satisfied as to lawfulness.

6.0 CONCLUSIONS

- 6.1 Based on the evidence provided as part of this application, the stationing of a caravan falling within the description of such within the Caravan Site & Control of Development Act 1960, as amended by the Caravan Sites Act 1968, and sited within the curtilage of the existing dwelling No 5 The Priory, Cricklade, used for purposes ancillary 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.
- 6.2 On the above basis, I trust that a Certificate of Lawful Proposed Use or Development can be granted.