

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/04594
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	Eric's Cottage, New Zealand, Calne, SN11 9JL
DEVELOPMENT DESCRIPTION:	Proposed Lawful Development Certificate for siting a caravan, (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) or a twin unit caravan (as defined by section 13 of the Caravan Sites Act 1968), for use ancillary to the main dwelling.
RECOMMENDATION:	Approve

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for a '*Proposed Lawful Development Certificate for siting a caravan, (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) or a twin unit caravan (as defined by section 13 of the Caravan Sites Act 1968), for use ancillary to the main dwelling.*'

The planning merits of the proposal are not under consideration. The only issue in this case whether the proposed works constitute development which requires planning permission within the meaning of TCPA 1990 Section 55 with relevant regard to the provisions of the Caravan Sites & Control of Development Act 1960, as amended by section 13(1) & (2) of the Caravan Sites Act 1968.

RELEVANT LEGISLATION AND POLICY

- Town and Country Planning Act 1990
- Planning Practice Guidance – Lawful Development Certificates
- Caravan Sites & Control of Development Act 1960;
- Caravan Sites Act 1968 (Definition of Caravan) (Amendment) (England) Order 2006.)

The statutory framework governing lawful development certificates for proposed uses is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). Lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

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

The site has the following relevant planning history:

Proposal / Summary
ENQ/2026/01311 - PD Enquiries Decision - PD Rights Intact Date: 16/7/2026 – Permitted Development Rights Check

DOCUMENTS AND EVIDENCE SUBMITTED BY APPLICANT

The submitted information/evidence consists of the following;

- Location Plan
- Site Block Plan
- Caravan Specification Statement

ASSESSMENT

The application relates to the proposed siting of a caravan within the garden of an existing dwelling and seeks confirmation that the proposal falls within the definition of a 'caravan' (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) or a twin unit caravan (as defined by section 13 of the Caravan Sites Act 1968), as set out in the Caravan Sites & Control of Development Act 1960, as amended by the Caravan Sites Act 1968.

Section 29(1) of the Caravan Sites and Control of Development Act 1960 defines a caravan as any structure designed or adapted for human habitation that is capable of being moved from one place to another, whether by being towed or transported on a motor vehicle or trailer, including motor vehicles so adapted, but excluding railway rolling stock on rails and tents.

The definition of a caravan is set out in section 29(1) of the Caravan Sites and Control of Development Act 1960 ("the 1960 Act"):

"caravan" means 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 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;*

This definition was extended by section 13(1) of the Caravan Sites Act 1968 to include twin unit caravans defined as,

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),*

Section 13(2) of the Caravan Sites Act 1968 confirms that,

For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a)length 20m

(b)width: 8m

(c)overall height of living accommodation measured internally from the floor at the lowest level to the ceiling at the highest level 3.05m

“Development” is defined under section 55(1) of the Town and Country Planning Act 1990 as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of buildings or other land.

The Town and Country Planning Acts 1990 defines a “building” as including any structure or erection, and any part of a building so defined, but excluding plant or machinery comprised within a building.

The Certificate of Proposed Use seeks to establish that the siting of a caravan (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) or a twin unit caravan (as defined by section 13 of the Caravan Sites Act 1968), for use ancillary to the main dwelling is lawful. Lawfulness is not sought for the siting of a specific model of caravan, or any particular structure purported to be a caravan, rather the lawfulness of the siting of a caravan for ancillary purposes in principle.

Whilst no specific model or dimensions have been provided, the applicant has confirmed that any model will fall within the definitions of a caravan under section 29(1) of the Caravan Sites and Control of Development Act 1960 or section 13 of the Caravan Sites Act 1968 and is therefore not considered to be a ‘building’ under the Town and Country Planning Act 1990.

Uses ancillary to the main residential use of the dwelling within its curtilage do not require a change of use. Use of the caravan for accommodation in connection with the residential occupation of the dwelling would not introduce a new land use or alter the planning unit. Use of a caravan for ancillary annexe accommodation would not amount to a material change of use.

CONCLUSION

On consideration of the evidence submitted, the LPA is satisfied that the siting of a caravan as set out in the relevant legislation above, for use as ancillary accommodation in connection with the main house as one planning unit would not involve operation development or a material change of use requiring planning permission and a certificate can be granted accordingly

RECOMMENDATION.

That the Certificate of Lawfulness for Proposed Development is **GRANTED**

Sufficient evidence has been provided to demonstrate, on the balance of probability, the proposal would not involve undertaking building operations or a material change of use requiring planning permission, and a certificate can be granted accordingly.