

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/04908
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	The Oaks, 21 Coppershell, Gastard, Corsham, SN13 9PZ
DEVELOPMENT DESCRIPTION:	The stationing of a mobile home within the residential curtilage of a dwellinghouse, for purposes ancillary to the Class C3 residential use of the main dwellinghouse.
RECOMMENDATION:	Approve

PROPOSAL

Under Section 192 of the Town and Country Planning Act 1990 (as amended) application seeks a Lawful Development Certificate for Proposed Use for the stationing of a mobile home within the residential curtilage of a dwellinghouse. The submission confirms that the mobile home would be used for purposes ancillary to the use and occupation of the main dwellinghouse.

The submission seeks formal confirmation as to whether the station of a mobile home on the land would be lawful and does not one that seeks express planning permission. Therefore, the planning merits of the proposal are not under consideration, and neither are the requirements of national or local planning policy. The only issue of consideration is whether the proposal constitute development requiring planning permission.

APPLICATION SITE

The application site is located on the north-eastern side of Coppershell, in the village of Gastard, approximately 2km to the south-east of Corsham, within the administrative boundaries of Wiltshire Council. The property comprises a detached, extended chalet-style Class C3 dwelling house arranged over two storeys beneath a pitched tiled roof, set within a generous level plot backing onto open countryside.

RELEVANT LEGISLATION

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.

Also of relevance in this instance is the specifications set out in the Caravan Sites Act 1968.

REPRESENTATIONS

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

ASSESSMENT

Is the proposal a material change of use

In both the description of development and within the supporting documents, the submission specifically confirms that the mobile home will be used by the applicant and used as ancillary occupation. Neither does the described operations suggest there would be a sub-division of the wider residential curtilage.

With regard to the level of accommodation being provided, it is unclear from the submitted floor plans as to nature of the accommodation, the supporting statement does make it clear that the mobile home would provide “all the amenities needed for independent day-to-day living”. This is taken to mean that living, sleeping, food preparation and bathroom. Nevertheless, and as is pointed out in the supporting text, the mobile home is not intending to be occupied as a separate dwellinghouse from that of The Oaks, with several shared facilities being identified (such as garden area, parking, address and post).

Accordingly, it is concluded that the mobile home would retain a family and functional link with the main dwellinghouse on the site and that there would be no material change of use.

The requirements of the Caravan Sites Act 1968

The proposal seeks to confirm that the proposal would satisfy the requirements of The Caravan Sites Act (TCA) 1968, Section 13(2) qualified the definition of a caravan, as defined within the Caravan Sites and Control of Development Act (CSCDA) 1960 Section 29(1).

Under the 1960 Act a caravan is defined below:

“‘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...”

In other respects, the 1968 Act set out three tests for a single-unit caravan, which the proposed structure will be assessed against.

- It is designed for human habitation.
- It is of the correct size.
- It is capable of being moved from one place to another, towed or transported (mobility).

Those proposal is considered against the tests within the 1968 Act in the sub-sections below.

Human habitation

The proposal in this instance is designed for human habitation as it includes primary living facilities such as bedroom and bathroom. It is also noted that mobile home includes appropriate insulation, natural light and ventilation. As such the proposal has satisfied the first test of the Caravan Act.

Size

Section 13(2) of the Caravan Sites Act 1968 qualified the definition of caravan in Section 29(1) of 1960 Act by introducing length, width, and height of living accommodation requirements. The maximum length is 20m, width is 6.8m, and overall internal height is 3.05m.

In this case, the proposed mobile home would not exceed the specified maximum dimensions. The following extract from the submitted documents:

	Maximum Legal Dimensions	Proposed Size
Length	20.0m	8.064m
Width	6.80m	4.00m
Internal Height <i>(measured from finished floor level to the highest point of the ceiling)</i>	3.05m	2.65m max. (external overall; internal less)

While it is noted that the proposal would be delivered to site in two pieces and assembled on site, it is also noted that there is no legal requirement on the number or size of components.

Capability of being moved

The third test is if the caravan is capable of being moved from one location to another.

It is noted that previously established caselaw has confirmed that the caravan does not need to be physically moved; it merely needs to demonstrate that the caravan could be moved as one unit if required. Accordingly, and whilst the submitted plans suggest that the mobile home would be positioned at the Southern end of the garden area, it remains the case that such a structure can also be lawfully sited anywhere within the residential planning unit.

The supporting statement confirms that the proposal in this instance could be potentially moved via a lorry. The statement also confirms that its placement will be on a screw pile foundation system, rather than being fixed down to the ground. Instead, the caravan will rest on these foundations under its own weight, as illustrated in the diagram below. This ensures a minimum ground clearance of 150mm, allowing for the use of lifting straps/ rigging to be positioned under the structure. As such, the caravan can be lifted by crane and placed on to a flatbed lorry.

In this case, it is concluded that the submission contains details of a mobile home that is capable of being moved.

CONCLUSION

In this case, the caravan would be situated entirely within the residential planning unit of the existing dwelling, forming an integral part of the planning unit. There is no suggestion that the applicant will not use the mobile home for any purposes that are not ancillary to the main dwelling, with a family and functional link with the main dwellinghouse being retained. Accordingly, there would be no material change of use.

In other respects, the described mobile home would comply with the requirements of the Caravan Sites Act (TCA) 1968, Section 13(2) qualified the definition of a caravan, as defined within the Caravan Sites and Control of Development Act (CSCDA) 1960 Section 29(1).

On the basis described above, the stationing of a mobile home on the site would be lawful within the meaning of s192 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION: That the Certificate of Lawfulness for Proposed Development be GRANTED.