

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/04300
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	The Little Bungalow, 16 Oakleaze, Minety, Malmesbury, SN16 9RD
DEVELOPMENT DESCRIPTION:	Proposed siting of mobile home assembled on site as single unit caravan (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) within the curtilage of a dwellinghouse, for purposes ancillary to the Class C3 residential use of the main dwellinghouse.
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 the proposed siting of a mobile caravan structure to provide for incidental annexe accommodation in relation to the residential property on the site.

The planning merits of the proposal are not under consideration. The issue is therefore, on the balance of probabilities that the proposed siting and use of the structure would be lawful and therefore not constitute development requiring planning permission.

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.

In determining whether the proposed structure constitutes a caravan in law, regard has been had to the definition of a caravan contained within Section 29 of the Caravan Sites and Control of Development Act 1960 (as amended) and the provisions relating to twin-unit caravans contained within Section 13 of the Caravan Sites Act 1968 (as amended).

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

14/08600/FUL – New Dormer Windows to Front and Rear Approved with Conditions
14/03546/FUL – Single Storey Extension to Side and Rear Approved with Conditions
PL/2022/08997 – Proposed Loft Conversion with Front and Rear Domer Approved with Conditions

DOCUMENTS AND EVIDENCE SUBMITTED IN SUPPORT OF THE PROPOSAL

The submitted information and evidence consist of the following;

- LDC Application Form
- Existing Site Plan
- Legal Compliance Statement
- Location Plan
- Personal Statement
- Proposed Site Plan
- Proposed Elevations
- Proposed Floor Plans
- Proposed Roof Plan
- Lifting Calculations
- Extended Methodology for Single Unit Assembly

ASSESSMENT

The application relates to the proposed siting of a mobile caravan structure within the residential curtilage of an existing dwelling and seeks confirmation that the proposal falls within the definition of a “caravan” as set out in the Caravan Site & 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 of the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”):

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, being structures composed of no more than two sections designed to be assembled on-site, which, once assembled, are still capable of being moved by road, even if they cannot legally be moved in that assembled state.

During the course of the application the applicant confirmed that the certificate was sought on the basis that the unit would be a single unit caravan.

“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 define 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. In *Cardiff Rating Authority v Guest Keen Baldwin’s Iron & Steel Co Ltd* [1949] It was established that whether something constitutes a building requires an assessment of three key factors considered in the round: size, permanence, and physical attachment.

Size Test

There is no specific size limitation for a single unit caravan, though falling within the twin unit limits are sufficient to demonstrate in respect of size that the unit is capable of being a caravan.

Construction Test

The revised information relating to the single unit caravan describes the installation method involving primary structural shell comprises an engineered steel base/floor structure together with complete insulated steel-framed wall panels and complete insulated steel-framed roof panels. The wall and roof panels are to be prefabricated off site and delivered to the application site ready for final mechanical assembly.

The evidence submitted demonstrates that the unit is relatively easily assembled from component parts and not built using building materials and building processes on site. The completed annexe is specifically designed and engineered to be lifted intact as a single unit using suitable lifting equipment and the lifting provisions incorporated within the engineered steel structure. The LPA is satisfied that the proposal would not involve the carrying out of building operations.

Mobility Test

In respect of mobility, the statutory requirement is that the structure is physically capable of being moved from one place to another. The evidence submitted demonstrates that the unit can therefore be removed and placed onto a suitable transport vehicle without demolition or destructive dismantling. The use of specialist lifting equipment does not negate the structure's mobility.

Permanence

There is no indication that the structure would be used for only a limited period, nor any evidence that it is intended to be moved. However, the unit is designed to rest on the ground

under its own weight and is not permanently fixed to the land. It is typically supported by small concrete pads and ground screws. These support systems provide stability while allowing the structure to be fully removed if required. Utility connections, including water, electricity and drainage, are provided separately and can be easily disconnected, ensuring the unit remains a moveable structure.

Whether suitable for Human Habitation

The applicant has submitted plans which show a structure designed with facilities necessary for day to day living. The structure as shown would be suitable for human habitation as required for caravan.

Material change of use

Annexe uses are considered as ancillary to the main residential use of the dwelling. Use of the structure 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 the structure for ancillary annexe accommodation would not amount to a material change of use.

The submitted information confirms that the structure would remain ancillary to the host dwelling and would not form a separate planning unit. There would be no separate curtilage, access arrangements, postal address or independent residential occupation. The proposed use would therefore remain ancillary to the primary residential use of the site.

CONCLUSION

On consideration of the evidence submitted, the LPA is satisfied that the structure proposed would comprise a twin-unit caravan formed from no more than two principal sections and satisfying the statutory tests of size, construction and mobility. The evidence demonstrates that the structure is capable of separation, lifting and transportation without demolition and would not be permanently affixed to the land. The proposed occupation would remain ancillary to the host dwelling and would not create a separate planning unit. On the balance of probabilities, the proposal would not amount to operational development or a material change of use requiring planning permission.

RECOMMENDATION

It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following use/development:

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