



# PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

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**Planning Statement / Evidence to verify  
application for:**

**Proposed Annex / Outbuilding under provision  
of the Caravan Act**

**At:**

**No. 108, Penistone Road, Waterloo,  
Huddersfield, HD5 8RN**

**Constructed by Planning By Design on behalf  
of Adam Page**

## The Application

Planning By Design (**The agent**) has been instructed to act on behalf of Adam Page (**the applicant**) to prepare and submit an application for a Lawful Development Certificate to Kirklees Metropolitan Council (**the Planning Authority**) for the Siting of a Mobile Home for incidental use under provisions of the Caravan Act (**the proposal**) at 108, Penistone Road, Waterloo, Huddersfield, HD5 8RN (**the site**), under the provisions of the Caravan Act.

## Introduction

This application is for a Certificate of Lawfulness for a proposed use or development under section 192 of the Town and Country Planning Act 1990 (as amended) to station a mobile home within the curtilage of a dwelling.

In *Measor v SOS* (1998), the High Court held that generally a structure that met the definition of 'caravan' for the purposes of the 1960 and 1968 Acts above would not generally be considered a 'building' for the purposes of the 1990 Act above because of the lack of permanence and attachment.

The meaning of development requiring planning permission is provided in section 55 of the Town and Country Planning Act 1990 (the Act) and comprises of two main elements;

- 1) Operational Development being “the carrying out of building, engineering, mining or other operation on, on, over or under land”
- 2) “The making of any material change of use of any buildings or other land”

This Planning Statement will provide justification as to why the siting of a mobile home for purposes ancillary to the main dwelling does not constitute operational development or a material change of use as per section 55 of the Act, and therefore does not require planning permission.

This report will also seek to address common misconceptions and answer questions that often arise with such applications.

In this statement, reference is made to mobile homes and caravans for the purpose of planning law they are one and the same thing.

As it is proposed the mobile does not constitute operational development, this application does not fall to be considered under Class E of Part 1 of Schedule 2 of the GPDO, which relates to operational development such as the erection of a garden shed or the building of a garage

## Operational Development

A caravan is by definition a “structure”, yet it is settled law that stationing a caravan on land – even for prolonged periods - is a use of the land rather than operational development, this

principle is embedded in the legislative framework, endorsed by the case-law<sup>1</sup> and routinely applied by the Inspectorate.

This is because a caravan is regarded as an article of movable personal property known as a 'chattel' and there is no public law preventing one being kept in someone's garden.

### **What is a Caravan?**

The definition of a twin unit caravan is found within section 13 of the caravan Sites Act 1968, and as amended in October 2006 (CSA)

In order for something to be considered a caravan/mobile home it has to meet three key tests as set out in the CSA, these are:

- Size;
- Mobility; and
- Construction

In the next section of this report the proposed mobile home will be assessed against the above three tests.

### **Size**

Section 13 of The Caravan Sites Act 1968 (amended 2006); prescribes the maximum dimension of a caravan. We have tests these maximum dimensions against the proposal and the applicant has confirmed that the scale of the new structure will be as follows:

- Length – 13 metres;
- Width – 5 Metres;
- Height – No higher than 3.05 metres.

### **Mobility**

Section 13(1) (a) of the Caravan Sites Act 1968 indicates that a caravan is a structure which, "when assembled, [is] 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)".

The caravan will not be fixed down, but rather rest on these foundations under its own weight. This provides a minimum ground clearance and allows for lifting straps/rig to be placed under the structure and therefore lifted by crane and placed onto a flatbed lorry.

The mobile home has been designed as such that once assembled have the structural integrity to be able to be craned or moved as a whole unit.

**Analysis:** The proposed citing of the mobile home will not be attached with permanent foundations to ensure that the unit will remain mobile while it is in situ. This will ensure that the unit will be transportable around the site which it will reside and also be moveable via road.

## Construction

A previously submitted Certificate of Lawfulness application has been submitted and refused by the Planning Authority under ref: : 2022/CL/93744/W. The basis for this refusal was due to the original scheme featuring a construction route which involved the attachment of a three modular unit. To ensure that the new unit will remain compliant with all provisions under the caravan act, the new unit will not be constructed via more than 2 compartments whilst being erected on site.

## Material Change of Use

For there not to be a material change of use, the mobile home must be ancillary/incidental to the C3 residential use.

Whilst there is no statutory planning definition of ancillary/incidental, there are 4 accepted 'incidental' tests, reported to the House of Commons (Hansard, for 22 November 2005) as arising from relevant case law. These are:

- 1) The relationship between the respective occupants;
- 2) The relative size of the house, its garden and the caravan;
- 3) The relative scale of accommodation in the caravan and the house;
- 4) The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.

**Relationship** – The mobile home is for the applicant's family and will not be subject to private market rental or used as a guesthouse

**Size/Scale of Accommodation** – The proposed caravan only results in a small increase in footprint, and the scale of the accommodation within the caravan is minimal, while providing necessary facilities the occupants require for a comfortable life.

**Function** – Typically, a caravan will be equipped with all the facilities required for independent day-to-day living. It does not follow automatically that once occupied there must be a material change of use simply because primary living accommodation is involved.

It is intended that the occupant will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities.

To confirm there will be no separate;

- Address,
- Post Box
- Utility meters,
- Services such as internet, phone line and television,
- Parking,
- Garden area or curtilage, and

- Access.

Without the main dwelling the mobile home would not be able to function.

The occupants of the mobile home will be an immediate family member of the applicant, this will enable the family to provide the much-needed care, therefore there will be a clear functional interchange of use between the main dwelling and the mobile home by all occupants.

Notwithstanding the above, the application must be assessed on the basis of the stated purpose and not what might potentially occur. An LDC can only certify the use applied for. If the caravan is not used in association with the dwelling, as described, and the functional link is severed, then it would not benefit from the LDC.

### **Conclusion**

The proposal falls within the definitions stated in the 1960 and 1968 Acts and by any reasonable interpretation is a mobile home, therefore is not operational development.

The applicant states that the mobile home will be used ancillary to the main dwelling, this is reinforced by the shared services, the scale of facilities contained within the mobile home and the fact the planning unit will remain as one.

For the reasons explained above and the case law and precedents put forward, it is considered the correct application of planning law should result in the granting of a Certificate of Lawfulness for a Proposed Use of land