HUNTINGDONSHIRE DISTRICT COUNCIL

25/00169/CLPD

OFFICER REPORT

Case No: **25/00169/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Erection of a residential caravan**

Location: **16 Green End Great Stukeley Huntingdon**

Applicant: **Mr Robert Juggins**

Grid Ref: **522529 274319**

DESCRIPTION OF SITE AND APPLICATION

This application relates to land within the residential curtilage of 16 Green End, Great Stukeley. The application site is situated on the edge of Great Stukeley with open fields to the southeast. The site is accessed from a driveway from Green End to 16 which sits behind 18 Green End from the road.

The host dwelling is a two-storey detached dwelling with a sizable curtilage to the front and rear. In terms of constraints the site does not benefit from Listed Building status and is not in close proximity to any Listed Building. The site is not within a Conservation Area. The site is in Flood Zone 1.

This application seeks a Certificate of Lawfulness for the proposed siting of a caravan within the residential curtilage of 16 Green End, Great Stukeley a single residential planning unit, for residential use, would be lawful.

Officers note the previously refused application reference 24/01982/CLPD for a proposed caravan to be placed partially within the original residential curtilage and partially on the land to the northeast of 16 Green End, Great Stukeley. This application has amended the position of the caravan to within the curtilage of the dwelling.

NATIONAL GUIDANCE

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) (England) Order Amended 2015

Caravan Sites and Control of Development Act 1960

Caravan Sites Act 1968

PLANNING HISTORY

24/01982/CLPD - Lawful development certificate for proposed siting of a mobile home - Refused - 18.12.2024
21/01762/HHFUL - Single storey extension to dwelling - Permission - 01.10.2021
96/00477/REM - Erection of dwelling adj 16 Green End Great Stukeley- Details Approved - 05.07.1996
95/00871/OUT - Erection of a Dwelling adj 16 Green End, Great Stukeley - Permission - 10.10.1995

CONSULTATIONS

Due to the nature of the application no consultations were sought.

REPRESENTATIONS

No Representations have been received at the time of determination.

SUMMARY OF ISSUES

The local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter would be lawful. Planning merits are not relevant at any stage in this particular application and therefore cannot be taken into consideration when deciding if the proposal would be Lawful Permitted Development as set out under Section 192 of the Town and Country Planning Act 1990.

Unlike the granting of planning permissions, in the issuing of a Certificate of Lawful Permitted Development, the Local Planning Authority cannot impose conditions.

In determining this application, the local planning authority needs to ask, 'Had this proposed operational development commenced, on the application date, would it have been lawful for planning purposes?'

The application sets out that the stationing of a caravan on the land for purposes that are ancillary to the residential occupation of the host dwelling would not constitute development as defined in S55(1) of the Act.

Section 55 (1) of The Town and Country Planning Act 1990 defines development 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 any buildings or other land.

There are two main issues to consider when determining whether the application constitutes development under Section 55 of The Town and Country Planning Act 1990.

1) Does the proposal constitute a material change of use of the land?
2) Does the proposal constitute Operational Development (building, engineering, mining, or other operation)?
If the proposal does not constitute development, it will be lawful, and the certificate must be issued.

Use of the Land
The applicant has detailed within paragraphs 5.5 of the planning statement that "The land upon which the lodge is proposed is domestic curtilage."

The LPA holds records consistent with that submitted of the residential use of the land within the red line of the submitted location plan. Therefore, officers consider that the use of the land is residential in association with 16 Green End, Great Stukeley.

The caravan will be sited within the red line boundary submitted for residential use. Officers consider that a caravan for use in a residential capacity would not constitute a material change of use to the land and therefore would not constitute development.

Operational Development
There are 3 central questions to be answered in order to establish if the siting of a caravan for use an ancillary to the main dwelling would constitute development and the agent on behalf of the applicant has set these out in the accompanying supporting planning statement.

a) Will the 'unit' be a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended)?
b) Will the caravan be sited within the grounds of 16 Green End, Great Stukeley? and
c) Will the caravan be used solely for purposes ancillary to the use of 16 Green End, Great Stukeley?

Officers have considered the above questions as set out below against the relevant legislation;

a) Will the 'unit' be a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended)?

The Caravan Sites and Control of Development Act 1960 defines a caravan as any structure designed or adapted for human habitation which is capable of being moved from one place to another whether being towed, or being so transported on a motor vehicle or trailer 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 modified by Section 13(1) of the Caravan Sites Act 1968 which deals with twin unit caravans. Section 13(1) permits 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 etc. (note: just because a unit could not be lawfully moved on the highway does not preclude it from being a caravan)

Section 13(2) goes on to state that 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 20 meters in length, 6.8 metres in width, and 3.05 metres internally from the floor at the lowest level to the ceiling at the highest level.

These three tests are known as the "Construction Test" "Mobility Test" and "Size Test."

Construction Test
Regarding the "Construction Test," the agent has detailed within paragraph 5.2 of the planning statement that "The mobile home is constructed of two distinct parts, prior to assembly. It is then constructed on site on a temporary support system of plinths which are removable and re-usable should the unit be moved to another location."

There is no requirement to construct the two sections of the proposal, which must form the final assembly into the whole unit, off site. As long as there are two final sections which can be joined together on the site to make the whole unit, the construction test is passed.

Plans have been submitted which show how the proposed unit will be constructed. It is considered that the proposed unit would meet the "Construction Test" set out in Section 13(1) a of the Caravan Sites Act 1968.

Mobility Test
Current appeal decisions demonstrate that the "mobility test" required by Section 13(1) b, requires that the completed unit only needs to be capable of being moved when assembled from one place to another by road. It does not have to actually be moved, and it does not have to be lawful in terms of compliance with highway legislation for example.

The submitted supporting statement details in paragraph 5.3 that "The Urban Marque Lodge is supported on raised plinths to enable beams to be inserted beneath in order for it to be lifted as a whole or in two parts by a crane from the site. Therefore, it meets the Caravan Act Mobility Test." Details submitted within the supporting statement and documents demonstrate that the unit would meet the "Mobility Test" as set out in Section 13(1) of the Caravan Sites Act 1968.

Size test
The third test to ascertain whether a unit meets the statutory definition of a caravan is the "size test." The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006, amended Section 13(2) of the 1968 Act to increase the maximum dimensions of a caravan to: (a) Length (exclusive of any drawbar) - 65.616 feet/20 metres (b) Width - 22.309 feet (6.8 metres) (c) Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) - 10.006 feet (3.05 meters)

According to the detailed plan UM1163/102 submitted the proposed caravan measures 16.7 metres in length by 6.7 metres in width and 2.33 metres to the internal roof and 3.35 to the ridge. Paragraph 3.2 of the planning statement confirms that the internal height once ceiling and insulation is in would be 3.05 metres.

It is agreed that on this basis, the "size test" is passed.

Conclusion - Three Tests
The applicant has included within the supporting information details of size, construction, and movability in line with the definition of a caravan under the act. Therefore, on the balance of probabilities based on the evidence submitted, the proposed unit meets the statutory definition of a caravan.

b) Will the caravan be sited within the grounds of 16 Green End, Great Stukeley?

16 Green End, Great Stukeley is a residential dwelling comprising a single planning unit. The applicant has provided a location plan edged red detailing the residential curtilage of 16 Green End. The planning statement confirms that the caravan will be placed within this land.

Therefore, officers consider that the siting of the caravan would not constitute development.

c) Will the caravan be used solely for purposes ancillary to the use of 16 Green End, Great Stukeley?

The planning statement states the following;

"The caravan would be occupied by the applicant's mother and father-in-law who are in old age and require a degree of day-to-day support which the applicant and his wife will provide. The caravan will share all public utility services, facilities, and the main house address. Meals and laundry will be undertaken in the main house."

On the basis that, at all times, the occupation of the caravan will remain ancillary to the primary use of the land, no material changes of use of land requiring planning permission will take place.

CONCLUSION

Taking the above into account, it is considered that the stationing of the caravan for use ancillary to the main dwelling in the circumstances set out above, would not constitute development under Section 55 of The Town and Country Planning Act 1990.

The application demonstrates that the proposal falls within the definition of a caravan as set out in Section 13(1) and 13 (2) of the Caravan Sites Act 1968 and The Caravan Sites and Control of Development Act 1960. The application also demonstrates that the proposal does not seek to materially change the use of the land (which is considered residential), therefore would not constitute development under Section 55 of The Town and Country Planning Act 1990.

Therefore, based on the submitted evidence and on the balance of probabilities, the siting of the caravan within the land edged in red of 16 Green End, Great Stukeley, for the purposes set out would constitute lawful development under the provisions of Section 192 of the Town and Country Planning Act (as amended).

Therefore, the certificate should be granted.

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CONTACT OFFICER:
Enquiries about this report to **Andrea Dollard**