PLANNING STATEMENT IN SUPPORT OF PROPOSED

CERTIFCATE OF LAWFULNESS IN RESPECT OF THE

SITING OF A MOBILE HOME TO PROVIDE ANCILLARY

ANNEXE ACCOMMODATION UNDER THE PROVISION OF

THE CARAVAN ACT AT:

82 STATION ROAD,, GIDEA PARK, ROMFORD, RM2 6DA

REVISIONA

Applicants - Brenda Klein

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INTRODUCTION

This planning statement accompanies a lawful development certificate proposed usage application relates to the proposed siting of a mobile home within the garden of a domestic dwelling a 82 Station Road in Romford. As per the submitted elevational plans, the proposed structure would be a single storey one bedroom unit with a separate sitting and dining area.

The application seeks confirmation that the proposed mobile home falls within the definition of a 'caravan' as set out in the Caravan Sites & Control of Development Act 1960, as amended by the Caravan Sites Act 1968. The mobile home would be a timber framed structure with its external walls clad in cement board and its roof tiled. as demonstrated on the submitted elevations, the structure would be constructed in two halves, with the final act of construction being the fixing of the two parts together on site. The structure would rest under its own weight on adjustable concrete pads. The steel lifting chassis would include lifting eyes/hooks to enable the structure to be lifted by crane.

As it is contended that the proposed mobile home falls within the definition of a caravan, it would not be operational development as defined in the Town & Country Planning Act 1990, and therefore would not be subject to planning control or the permitted development restrictions set out in Class E of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 2015, as amended.

It is a well-established principle that when deciding whether or not a structure is deemed to be a caravan or, as in the case under consideration here, a twin-unit caravan, the commonly applied 'size', 'construction' and 'mobility' tests should be considered. Each of these is considered further in this statement below, with reference to appeal decisions or case law where relevant. Consideration is also given to whether there would be any material change in the use of the land where the proposed mobile home would be sited.

Legislative Definition of a Caravan

Subsection 29(1) of the Caravan Sites & 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 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.

Subsections 13(1) and (2) of the Caravan Sites Act 1968 define twin-unit caravans as follows:

(1) 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 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), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of *the Caravan Sites* & *Control* of *Development Act* 1960 *by reason only that it cannot lawfully be so moved on a highway when assembled.*

(*2) For the purposes of Part 1 of the Caravan Sites* & *Control of Development Act 1960 (revised October 2006), 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 (exclusive of any draw bar): 65'7" (20.00 metres);

(b) width: 22'3" (*6.80 metres);*

(c) overall height of the living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3.048 metres).

Prior to 1998 there was some debate as to whether mobile homes should or should not be considered as buildings with regard to planning legislation. The issue was settled following the judgement handed down in the case of Measor v Secretary of State for the Environment, Transport and the Regions (1998), where the Judge stated:

In my judgement, it would conflict with the purpose of the Act and common sense to treat mobile caravans as 'buildings' as of right. While I would be wary of holding that, as a matter of law, a 'structure' that satisfied the definition of, for

example, a mobile home under section 13(1) of the 1968 Act could never be a building for the purpose of the [Town & Country Planning] Act 1990, it seems to me that by reference to the definitions in the [Caravan Sites & Control of Development] Act 1960 and the 1968 [Caravan Sites] Act it is clear that in the present case the caravans lacked that degree of permanence and attachment to constitute buildings.

Despite the Courts being careful not to state that a caravan or mobile home could never be a 'building', generally they are not. The Measor principle has been restated and reaffirmed in a number of cases since 1998. In 2002, for instance, the Judge in the case of Massingham v Secretary of State for Local Government and the Regions stated:

The judgement in the Measor case restated the approach to the definition of a building for the purposes of development control which had been well settled in previous cases including Barvis Ltd v Secretary of State. In acknowledging that it would be wrong to say that a mobile home could never be a building, in

this case I am in no doubt that the mobile home fails the tests of permanence and attachment established by the courts.

Size Test

The elevation drawing submitted with this lawful development certificate application shows that the proposed mobile home, when assembled, would have a length of 13m, a width of 6.8m and an internal height from floor to highest ceiling level of no more than 2.4m. The proposal would clearly be smaller overall than the maximum dimensions for a caravan as set out in subsection 13(2) of the Caravan Sites Act 1968 and therefore meets the requirements of the size test.

Construction Test

The proposed mobile home would be constructed from a timber frame with walls clad in cement board and the roof finished in light weight plastic roof tiles. The components of the timber frame would be prepared, manufactured and cut to size in a factory elsewhere prior to being transported to the site, along with the cement board for the cladding, internal partitions and the roof tiles, to then be assembled in two distinguishable parts, with those two parts then being connected as the final part of the construction process. So there would be some prefabrication of the main components

off site, but also assembly of two separate sections of the structure on site prior to being connected together.

Subsection 13(1) of the Caravan Sites Act 1968 defines the requirements to satisfy the construction test as simply that the structure is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices. It has been established through case law and relevant appeal decisions that there is no requirement within the Act for the two sections of a twin unit caravan to each be identifiable as caravans, or capable of habitation, before they are joined together. Equally, the Act does not require the process of creating the two separate sections to take place away from the site on which they are then to be joined together; it is only necessary that the act of joining the two sections together is the final act of assembly.

These principles have been confirmed in relevant appeal decisions, including appeal ref. APP/N1025/C/01/1074589 where the Inspector observed:

> *There is no requirement for the two sections to be each identifiable as caravans, or capable of habitation, before they are joined together (para. 5).*

> *A caravan can be delivered to site in* many *pieces, and there is no requirement* in *13(1)(a) that the process of creating the two separate sections must take place away from the site on which they are then joined together. It is necessary only that the act of joining the two sections together should be the final act of assembly (para. 6*).

In another relevant appeal decision ref. APP/B5480/C/17/3174314 the Inspector stated in respect of two halves of a mobile home being constructed on site, adjacent to one another and then finally bolted together, that:

> *There is no requirement that the process of creating the two separate sections must take place away from the land (para.8)*.

> *The two sections, having been completed alongside each other, were then connected securely by using a series of bolts along the lines of the walls and floor (para. 10)*.

> *The Council appear not to have appreciated that assembly can take place on*

site (para. 12).

The manufacturing/construction process described above therefore meets the requirements of the construction test.

Mobility Test

Subsection 13(1)(b) of the Caravan Sites Act 1968 states that a caravan is a structure which, when assembled, is physically capable of being moved by road from one place to another. However, it also states that such a structure shall not be treated as not being a caravan by reason only that it cannot lawfully be so moved on a highway when assembled. There is no requirement in the legislation for the mobile home to move on its own wheels; it is merely sufficient that the unit can be picked up intact or, in the case of a twin unit mobile home, as a whole and put on a lorry by crane or hoist. How difficult it is for that lorry to then reach the road, or the legality of actually transporting the load along the road, is irrelevant to the consideration of the mobility of a structure classified as a caravan under the Act.

Again, these principles are established through appeal decisions and case law. For instance in considering appeal ref. APP/N1025/C/01/1074589 the Inspector commented:

> *To fall within this definition [subsection 13(1)(*b)] *the structure must be capable of being moved by road from one place to another in its assembled state. It may be moved by trailer, but is not excluded from the definition merely because it would be unlawful to move it in such a manner on a highway. The fact that the private drive to [the appeal property] is too narrow to allow the passage of the Park Home in its assembled state along it is not the point. It seems to me that it is the structure that must possess the necessary qualities, not the means of access (para. 7)*.

Brightlingsea Haven Ltd & another v Morris & others (2008) held:

> *It is irrelevant to test where the structure actually is, and whether it may have difficulty in reaching a road.*

Furthermore, in considering appeal ref. APP/J1915/X/11/2159970 the Inspector concluded:

> *The test is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle... A lack of intention to move the unit around the site is not relevant to the main issue, and would apply to most 'static' caravans on any lawful caravan site (para. 5).*

The type of chassis structure proposed is illustrated in the photographs below.. The chassis would be fitted with lifting eyes designed to allow for the attachment of lifting straps/rig so that the whole mobile home structure can be lifted by its chassis base using a crane and placed onto a flatbed lorry for transportation.

On site the mobile home would rest under its own weight on adjustable concrete pads, again illustrated in the photographs below. The concrete pads would sit on the ground, so there would be no permanent foundations and no excavation works beyond stripping back grass and any unwanted vegetation to provide a level area.



Illustration of proposed structural *chassis construction including concrete support pads*.



Illustration of proposed structural chassis construction including lifting eyes.

The proposed mobile home would be connected to services but, as is the case with any other static caravan connected to services, this does not preclude the proposal being classified as a caravan under the Act. In considering appeal ref. APP/L5810/X/15/3140569 the Inspector commented:

> *I note that the proposed unit would rest on concrete pad stones placed on the ground. As such, the unit's degree of physical attachment to the ground and the effect* on *mobility would be minimal* or *non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved (para. 17).*

So as a structure with no permanent attachment to the ground, and capable of being lifted and moved by road, regardless of the difficulty of reaching the road or the legality of moving the load on the road, the proposal meets the requirements of the mobility test.

Material Change of Use

From the above it is clear that the proposed mobile home meets the commonly accepted tests for being classified as a caravan under the Caravan Sites & Control of Development Act 1960, as amended by the Caravan Sites Act 1968. It is therefore not operational development. It must still, however, be considered whether there is any material change in the use of the land on which the mobile home is to be sited.

No separate self-contained accommodation is proposed that would be independent to the main dwelling. The use proposed is wholly ancillary to the dwelling to allow family and to occupy a non-permanent structure. The mobile home would have no separate address, post box, utility meters, services, parking, garden area/curtilage or access.

The proposed use of the mobile home would therefore remain ancillary to the main house. Issues surrounding the ancillary nature of domestic annexes and outbuildings have been explored through appeal decisions and case law. For example in Uttlesford District Council v SoS & White (1991) it was held that although an annexe contained all the facilities for day-to-day domestic existence and was capable of being used as a separate dwelling house, this did not mean that it had been so used. Factors of significance were the lack of separate utility meters, postal address and telephone line,

as well as the lack of any separate curtilage or access arrangements.

In considering appeal ref. APP/L5810/X/15/3140569 the Inspector commented:

> *The appeal site would remain a single planning unit and that unit would remain in single family occupation. Both the first two named elderly appellants have health problems and are becoming increasingly dependent upon the two younger appellants. The accommodation in the appeal unit would be used interchangeably with the accommodation in the main dwelling for socialising and practical support with day-to-day living needs. A completely separate self-contained dwelling unit is not being provided. I am satisfied... that there would be sufficient connection and interaction between the mobile home and the main house, such that there would be no material change of use of the land or planning unit requiring planning permission (para. 19).*

The land on which the proposed mobile home would be sited is, and always has been, used as part of the garden land associated with the dwelling. This is demonstrated on the submitted location and site plans within this application.

Therefore the proposed mobile home would be used for purposes ancillary to the domestic residential use of the main house and positioned on land which is part of the domestic garden to the main house. There would be no material change in the use of the land where the proposed mobile home would be sited.

Conclusion

The proposed mobile home is a structure which would be assembled in two distinct sections, with the final act of assembly being the joining of the two sections together on site. It would not sit on permanent foundations and can be lifted via a structural steel chassis, meaning that it would be moveable within the site and by road. The proposed structure would also be no larger than the maximum dimensions for a caravan permitted under the Caravan Sites Act 1968.

The proposed mobile home would be used for purposes ancillary to the domestic residential occupation of the main house to which it would relate, and would be sited within the existing residential garden of the main house.

As such the proposal can be classified as a 'caravan' under the definitions of the Caravan Sites & Control of Development Act 1960, as amended by the Caravan Sites Act 1968. Under the principles established through Measor v Secretary of State for the

Envionment (1998) the proposal is not a building for the purposes of the Town & Country Planning Act 1990; it would lack the degree of permanence and attachment necessary to be considered as such. There would therefore be no operational development requiring planning permission. Furthermore, the proposal would not result in the change of use of land requiring planning permission.

Further information can be found in accompanying documents submitted with the application.