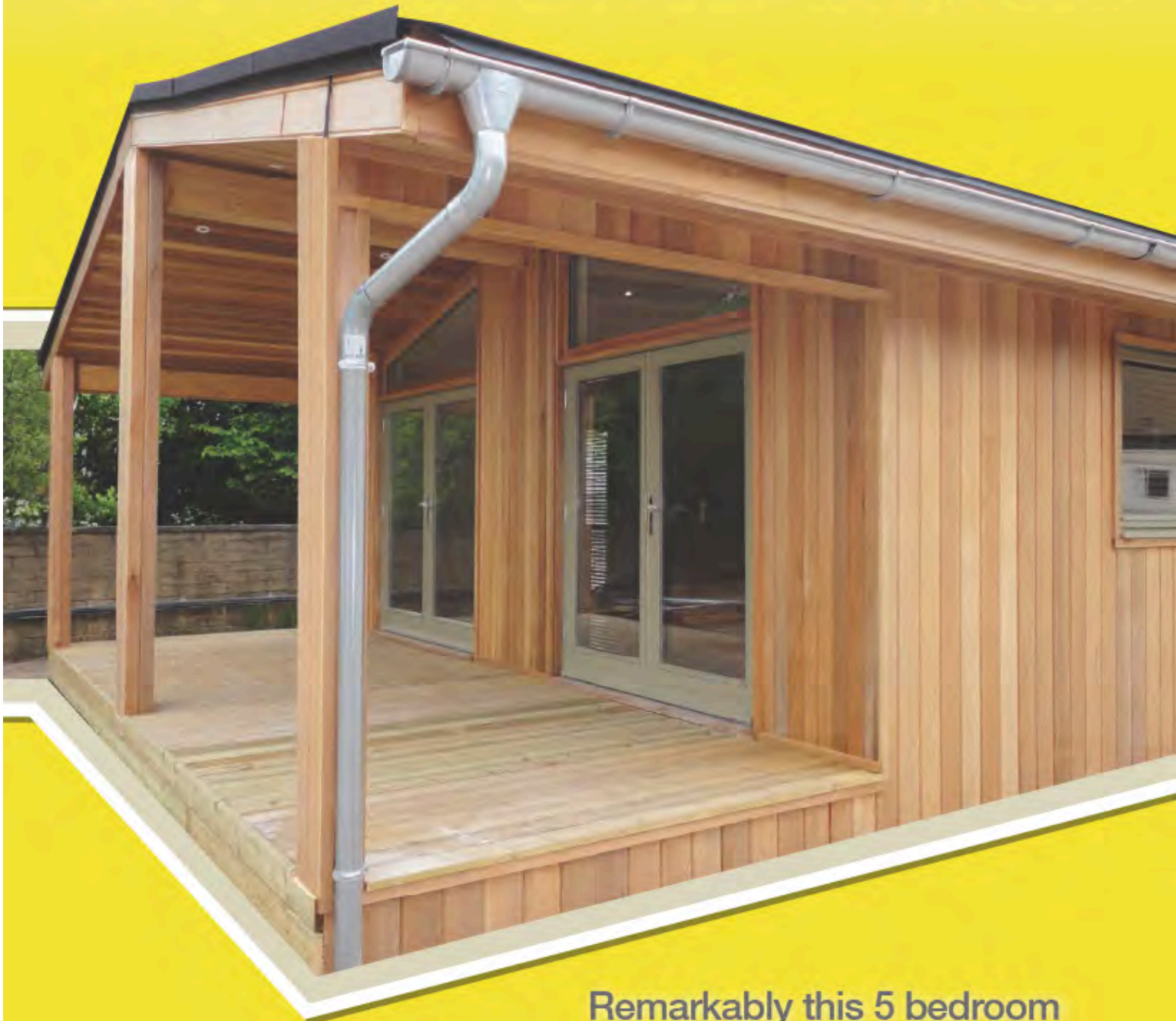


# Planning Free Mobile Home

A guide to residential caravans in gardens



Remarkably this 5 bedroom garden lodge required no planning permission!

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## Disclaimer

This book is designed to provide information and motivation to its readers. The author and publisher are not offering it as legal, planning, or other professional services advice.

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# Chapter One

## General Information

## Introduction

Welcome to 'Planning Free Mobile Home' the comprehensive guide to using a mobile home or static caravan as a residential annexe in your garden.

It's surprisingly true that laws relating to touring caravans, the type you tow behind a car, also apply to mobile home and static caravans: a type that can be significantly larger and suitable for year-round residential accommodation.

Historically mobile homes have little architectural beauty and bear connotations of lower quality living standards. However, modern designs and build methods can offer all the luxury of a conventional build.

You may have seen mobile homes and static caravans being transported along the motorway and think of the practical impossibility of delivering the structure into your back garden or down a local road, this need not be a problem. Caravans, even large mobile homes, can be assembled on site if access is restricted.

Building a residential 'granny annexe' as a mobile home is fantastic way to avoid the need for planning approval altogether and substantially increase the value and use of your property.

### Key Factors

#### **Location**

The Caravan must be in the 'Curtilage' of a dwelling house. This is the drive or garden, not an adjoining paddock or farmland, for example.

#### **Use**

The use must accompany the house, used by a family member or guest accommodation for example and not rented as a private residence or a separate dwelling or business premises.

#### **Structure**

The actual structure must conform to the legal definition of a 'caravan' based on its size, mobility and construction method.



## Basic Overview

### **Mobile homes in gardens, described in a sentence**

Caravans, including mobile homes up to 65x22ft, can be sited in the direct garden of a house without planning permission if they are used by members of the household as additional living space not as independent accommodation.

### **Two Citations for Explanation**

These two citations give a clear, general explanation of the Law. A caravan can be used in a garden for extra living accommodation without the need for planning approval but a caravan used as a separate residence may not.

*Communities and Local Government Circular 01/94. Paragraph 29*

*"A caravan within the curtilage of a dwelling house may have a number of ancillary uses for which planning permission would not be required. For example, it could be used for additional living accommodation, provided that it remained part of the same planning unit as the dwelling house and the unit remained in single family occupation."*

*Office of the Deputy Prime Minister's 'Planning Guide for Householders'*

*"Planning permission is needed if you want to divide off part of your house for use as a separate home (for example, a self-contained flat or bed-sit) or use a building or caravan in your garden as a separate residence for someone else."*

### **Basic Conclusion**

A mobile home can be used in a garden without planning but you will need to justify how the use of the caravan supports the use of the house and how it will not become a separate or independent dwelling. For example the people who sleep and wash in the mobile home will use the cooking facilities of the main house. The structure must also be located in the actual garden, not surrounding land.

## Overview of the Law – Caravans in Gardens

A caravan, be it a touring or static caravan or a large twin-size mobile home, 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, but there are Laws that regulate the 'Use' of land.

The siting of a caravan within the garden of a property does not require express consent provided a 'material change of use' has not occurred. Gardens are used for the enjoyment of the main dwelling house. If a caravan is parked in a drive or sited in a garden and used by members of the household in connection to the enjoyment of the house or as extra accommodation for visiting guests, provided the occupants continue to use the facilities of the house, then the siting of the caravan has not changed the 'use' of the land. However, if for example a caravan is sited in a garden and used as business premises, separately rented or used as a primary independent dwelling, with no relation to the main house, the local planning Authority could decide that an unauthorized 'material change of use' has occurred, for which planning permission will be required.

Mobile Homes and Caravans can be sited and used in a garden without the need for express planning consent. If the use is not considered part of, or incidental to, the house, then a 'material change of use' may have occurred. If the caravan is not considered to conform to the definition of a caravan then 'building operations' may have been carried out. In either case, planning permission will be required.

### Key Legal References

*Section 55(1) of the Town and Country Planning Act 1990 defines 'development', which requires planning permission, as carrying out of building and other operations or making of any material change in the use of any buildings or other land.*

*Under s 55(2)(d) of the Town and Country Planning Act 1990 the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not to be taken to involve development of the land.*

*The Caravan Sites and Control of Development Act 1960 Schedule 1. Cases where a Caravan site License is not required. 1. Use within curtilage of a dwellinghouse. A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.*

## Common Questions

### **If I couldn't drive a small car to my back garden, how would a massive 20 x 6 meter 5 bedroom mobile home be moved in and out?**

Mobiles Homes can be assembled onsite from prefabricated panels and the mobility off-site and down a non-specific road is hypothetical.

This is best answered in 'The Appeal Decision; Brightlingsea Haven Limited v. Morris 2008' where it stated *'It is the structure that must conform to the law not the means of access to where the structure actually is, and whether it may have difficulty in reaching a road.'*

It is now common practice to build or assemble caravans in hard to access back gardens. The structure must remain movable and capable of transport down a hypothetical road, even if access to a road may require craning over buildings or complicated procedures. The structure need not have direct access to a road to be deemed a 'caravan'. In terms of construction, Mobile Homes can be assembled onsite from many prefabricated pieces so long as they conform to the construction and mobility test. Other caravans like touring and static caravans need not meet the construction tests but must remain movable. For large mobile homes it is recommended a kit-form caravan is purchased from a specialist reputable manufacturer as opposed to building one independently.

### **Why would I want to live in a Caravan? I've stayed in caravans at holiday parks; they look horrible and are freezing cold in the winter!**

Many people think of mobile homes and static caravans as having substandard comfort, dreary designs and paper-thin walls. However, they are not all like this. Modern mobile homes can offer all the luxury of conventional residential living. They can be built to the same insulation values as a normal house and come in a variety of designs and styles.

### **How big can a 'caravan' be?**

Although the maximum size of a caravan is limited to 20 x 6.8m in the Caravan Sites Acts, it is still considerably large, with enough space for over five bedrooms, toilets, kitchen and living spaces. A caravan can be significantly larger than most buildings capable of obtaining planning approval as annexes.

### **Why not just have outbuildings? Homeowners have rights to build outbuildings without planning permission. Why would I consider a Mobile Home?**

Many homeowners are familiar with the 'Permitted Development Right' to have sheds and other outbuildings in a garden without the need for planning approval (The Town and Country Planning General Permitted Development Order 2008). However, the development rights for outbuildings don't allow living accommodation and a structure with a kitchen and bathroom is not allowed.



### **What's the most common problem?**

The main problem that occurs with the Local Authorities (if the boundary of the garden and compliance with the Caravans Sites Act is not in question) will be the argument that if the caravan has all the facilities for independent living it is therefore capable of being used as a separate dwelling and a separate planning unit will have been created. Consequently, the use of the land will have changed from a single dwelling or incidental to the enjoyment of the dwelling. However, this argument is not supported by Case Law. All caravans have the facilities for independent living by their very definition. There is no law that states that a caravan with full living facilities constitutes development. This applies more to buildings than caravans. One possibility to overcome this argument is to independently sign an 'affidavit/statutory declaration' stating that the use of the caravan will be not be as a separate dwelling.

### **What about farmland? Can I put a caravan in a field?**

The answer is yes, but you can't use the caravan as accommodation. It must be used in association with the use of the land. On farm land the caravan must be used for farming activities, storage or a rest area required by health and safety for workers. It cannot be used residentially as living accommodation without approval because the 'use' of the land would have changed from agricultural to domestic and a 'material change of use' would have occurred. A mobile home can, however, be used as accommodation for a limited 28 days of the year. There is no clear wording within this law that states the caravan needs to be moved off-site when not inhabited.

### **Should the Council be contacted?**

You don't have to contact the Council but it is recommended, especially in cases of large mobile homes. If all the circumstances are satisfied and Lawful, then you can get a letter of confirmation from the Council, either an informal reply to a letter or via an official Lawful Development Certificate, which involves completing the application documents, exemplified in this book.

### **Why not just apply for planning permission for an annexe?**

Statistically there will be a high chance of refusal. When residential annexes are granted planning permission they are frequently smaller 1-2 bedroom buildings. Mobile homes can be 20 x 6.7 metres and have over 5 bedrooms, significantly larger than a building likely to be granted conventional planning approval. Additionally there is no restriction on style. Planning permission will often require that the style and finish is 'in keeping' with the area. Whilst, a mobile home can be finished to your preferred taste.

## Different Types of Caravan

The legal definition of a caravan covers a wider range of structures than conventional touring caravans. A 'caravan' is any structure designed for human habitation that is capable of being transported. The term 'caravan' applies to touring caravans, motorhomes, static caravans and twin-unit mobile homes and park homes.

**Touring Caravans.** These are the ones we see towed behind cars. Designed for occasional recreational use. They are built to BS EN 1645 and must meet the requirements for the construction and use of road vehicles.



*Image: Touring Caravans*

**Motor-caravans** incorporate the living accommodation similar to that of a touring caravan onto a motor base vehicle and are therefore designed specifically for touring. They are built to BS EN 1646 and must be road legal.



*Image : Motor-Caravans*

## Planning Free Mobile Home

**Static caravans**, also called holiday caravans and single units, are designed for recreational use not yearlong residential accommodation. They are not directly towed on roads but transported in one complete section on a HGV trailer. They are built to BS EN 1647.



*Image : Static Caravans*

**Park Homes** refers to single and double unit caravans designed for residential use and built to BS 3632.

**Mobile homes** refer to caravans that are designed for residential use and are not to be directly towed on roads by a vehicle. They do not have to meet any BS standards but they must meet the mobility and size test and additionally the construction test for twin units.



*Image : Mobile Homes*

**Other Vehicles** such as motorised caravans or converted coaches can also be caravans but any form of tent is not.

## The Legal Definition of a 'Caravan'

**Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined 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 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 system, or (B) Any tent"*

**Section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that:**

*"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 and other devices; and*

*(B) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".*

### **Amendment of the definition of caravan 2006**

*(a) Length (exclusive of any drawbar) 20m (65.6FT)*

*(b) Width: 6.8m (22.3ft)*

*(c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)*

## Conforming to the Definition of a Caravan

Case Law has given further understanding on the definition of a 'caravan'. Case Laws are new interpretations of Law that are made in Court and can therefore be cited as precedents. To be deemed a 'caravan', a habitable structure must conform to a size and mobility test. This is an evaluation of how the caravan could be moved and a measurement of its physical size. A further 'construction' test applies to twin-unit mobile home type caravans.

*"There are 3 tests to be applied to the park home: a construction test, a mobility test and a size test."  
Appeal Decision by the Secretary of State (Erewash Borough Council 2002)*

### **Size Test**

Less than 20m x 6.8m. Less than 3.05m when measured from internal floor to internal ceiling.

### **Mobility Test**

All caravans must be movable in one whole unit when assembled. It is not necessary for a caravan to be towed, only that it is capable of being moved by road. It is the structure that must possess the necessary qualities, not the means of access to any particular road. \*

### **Construction Test For Twin Unit Caravans Only**

There should be two sections separately constructed. The act of joining the two sections together should be the final act of assembly. There is no requirement that the process of creating the two separate sections must take place away from the site.

\*Amendment of the definition of caravan 2006

\*Byrne v. Secretary Of State and Arun [1997] 74 P & C R 420.

\*Carter and Another -v- Secretary of State and the Carrick District Council [1994]

\*Brightlingsea Haven Limited v. Morris and others 2008 EWHC 1928 (QB)

\*Appeal Decision by the Secretary of State (Erewash Borough Council 2002)

## Planning Law for Caravans in Gardens – Legal References

Readers may ask where is the actual law written that says a caravan or mobile home can be sited and used in a garden? There are Legal references regarding the use of caravans in gardens but there is in fact no direct Law preventing a caravan being kept in someone's garden.

A caravan sited in a garden is regarded as 'chattel' this is an article of movable personal property. There is no permitted development right for caravans in gardens, just as there is none for garden furniture or a car. All are considered articles of movable personal property. Caravans are not buildings.

The question is not, where is the planning law that allows the use of caravans in gardens? But rather how is the use of a caravan kept outside of planning control? The answer; the structure must conform to the definition of a caravan, the location must be the actual garden and the caravan must be used in association with the house, it cannot be an independent dwelling.

### Key Legal References

- Section 55(1) of the Town and Country Planning Act 1990 defines 'development', which requires planning permission, as carrying out of building and other operations or making of any material change in the use of any buildings or other land. Stationing a caravan is not a building operation and, providing a caravan is used as part and parcel of the house and garden, it doesn't constitute a material change of use.
- Under s 55(2)(d) of the Town and Country Planning Act 1990 the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not to be taken to involve development of the land.
- The Caravan Sites and Control of Development Act 1960 Schedule 1. Use within the curtilage of a dwellinghouse. A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.

## Noteworthy Citations

### 1- Parliamentary Questions

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister  
(Jim Fitzpatrick)

22 Nov 2005

Column 1491. Column 1491-1492  
(Extracts)

This reference is to Parliamentary Questions concerning the use of caravans in gardens by gypsy travellers. In addressing these concerns, the Secretary of State made the following conclusions about the general 'use' of caravans in gardens.

*"A caravan is not a building. Stationing one on land is not itself "operational development" that requires planning permission, although associated works such as the provision of infrastructure and hygiene facilities may well be. Under planning law, householders can park caravans in their gardens or driveways indefinitely, provided that no material change of use of land occurs. However, in certain circumstances, the placing of a caravan on land may change the principal use of that land, which would amount to development in the form of a material change of use of land. It is for that reason that the use of land for an occupied caravan generally requires planning permission. A householder is entitled to use caravans as extra accommodation without planning permission, provided that the occupants continue to use the house, for example, the kitchen or bathroom. If, on the other hand, a caravan is there for another purpose not incidental to the enjoyment of the main dwelling, known as the dwelling house—for example, it is inhabited quite separately from, and independently of, the dwelling house—planning permission for change of use of the land would, generally speaking, be required. As it would result in the creation of a new planning unit, such permission may well not be granted in a residential area."*

*"current law allows flexibility for local authorities to determine the merits of any case as to whether the stationing of a caravan or caravans constitutes development requiring planning permission. Examples that might be considered ancillary could include uses such as storage, home office, additional sleeping accommodation and garden shed. A separate residence is clearly not ancillary to the use of the main dwelling house."*



## 2- Letter from the Office of the Deputy Prime Minister

The following extract is taken directly from a letter to a resident's action group (CW10) from a Planning Policy Adviser at the Office of the Deputy Prime Minister.

*"Each local planning authority has to take a view on whether any particular activity amounts to 'development' within the meaning of section 55 of the main Act. There are two types of development—'operational', such as building or engineering work, and 'material change of use of land'. A boat or vehicle would be a chattel rather than a building or a structure, so could only be considered as development if it represented a material change of use of land (eg, if someone set up a commercial boat-repair business in what was supposed to be his back garden). Similarly, a caravan, as defined under section 29(1) of the Caravan Sites and Control of Development Act 1960, as modified by section 13(1)(b) of the Caravan Sites Act 1968 is not a building. However, if someone started using one as a self-contained dwelling within the curtilage of a dwelling house the local planning authority would require a planning application for change of use of land. Putting one dwelling into the curtilage of another is always a material change of use."*

## 3- Communities and Local Government Circular 01/94 Paragraph 29

This is a 1994 Communities and Government Circular regarding the use of caravans by gypsies. Although a 2006 paper referring to traveller and gypsy sites has preceded this circular, its general comments on the use of caravans in gardens can still be cited as relevant.

*"A caravan within the curtilage of a dwelling house may have a number of ancillary uses for which planning permission would not be required. For example, it could be used for additional living accommodation, provided that it remained part of the same planning unit as the dwelling house and the unit remained in single family occupation."*

## How Can a Caravan be Unlawful?

Although the Town and Country Planning Act makes reference to caravans and Case Laws are used, there is no direct and clear Articles of Law for the use of caravans in gardens because caravans are not technically buildings and like cars for example, are outside of planning control.

A caravan does not need to meet criteria set within planning law, rather meet criteria to remain outside of it. If the structure is not deemed a caravan or the use of it is regarded as non-incidental, then it will fall within planning control.

The question is then how can a caravan be considered development or change of use or something requiring planning? The circumstances must adhere to three criteria.

### **Definition of a Caravan**

- The structure must be a 'caravan'. If a structure fails the test criteria – mobility, size and construction for twin-units, then it may be deemed a building or that unlawful building activities have taken place and in these instances planning approval will be required.

### **Use**

- If the use of a caravan is not considered to be part of or incidental to the use of the house and has become a separate dwelling, providing all the normal facilities for day-to-day living, then regardless of the 'chattel' nature of the caravan, it could be considered a material change of use or a separate residential planning unit. Thus the caravan would require permission. This is a contentious issue, as caravans must also be designed for human habitation - meaning possessing the qualities that allow domestic habitation, ie shelter, resting, washing and cooking facilities. This is a quandary that still remains a grey area of Law, although the general approach of the Courts is that it is the actual use of a caravan that is the determining factor to decide whether permission is needed, rather than the nature of its facilities giving potential to be occupied as a self-contained residential unit.

### **Location**

- If the location of the caravan is considered not to be within the residential curtilage of the dwelling then it will require planning permission.

## Definition of Dwelling House

The most commonly referenced definition of a dwelling house for planning purposes is *Gravesham Borough Council v Secretary of State for the Environment (1982) 47 P&CR 142* "The distinctive characteristic of a dwelling house is its ability to afford to those who used it the facilities required for day-to-day private domestic existence."

## Definition of Curtilage

The definition of a 'curtilage' or 'domestic' curtilage is usually a garden, but can include parking areas, access roads, vegetable plots, children's play areas, and stables (where the horses are kept for pleasure rather than agricultural use). The domestic curtilage is not necessarily marked off or enclosed, but it should be clearly attached to the house or serving the purpose of the house in some useful and intimate way. When all the land surrounding a property is garden and drive, assessing the domestic curtilage is clear. It's the boundary of the parcel of land around your house, the front, back and side gardens, usually with some sort of boundary such as a fence or a wall between your curtilage and your neighbors. It will often be indicated on the house Deeds.

The matter becomes more complex with larger plots, gardens with surrounding land that is not directly part of the garden or farm complexes where there is no distinction when the domestic curtilage ends and the agricultural land begins. Courts have provided interpretation on the factors to be taken into account in determining what constitutes a curtilage. The definition of 'curtilage' is given in *Sinclair-Lockhart's Trustees v Central Land Board 1950* as

*"ground which is used for the comfortable enjoyment of a house.... And thereby as an integral part of the same, although it has not been marked off or enclosed in any way. It is enough that it serves the purpose of the house... in some necessary or reasonably useful way."*

It has also been held in *Dyer v Dorset CC 1989* that the definition in the Oxford English Dictionary is adequate for most purposes. That definition is:

*"A small court, yard, garth or piece of ground attached to a dwellinghouse and forming one enclosure with it, or so regarded by the law, the area attached to and containing a dwellinghouse and its outbuildings."*

In *James v Secretary of State for the Environment 1990* it was held that there are three criteria for determining whether land is within the curtilage of a building, namely:

- (1) physical layout
- (2) ownership, past and present
- (3) use or function, past and present

## Definition of Incidental

The Town and Country Planning Act 1990 and the Caravan Sites and Control of Development Act 1960 both use the term '*Incidental to the enjoyment*' with reference to the use of a structure or caravan in association with the main house.

The term 'incidental' is not defined in planning law. A dictionary definition reads "*happening as a minor accompaniment to something else.*"

In general planning terms incidental means accompanying something. Often referred to as 'ancillary use' - meaning supporting. The use of the caravan must accompany or support the use of the dwelling house, this way a 'change of use' of the land has not occurred. If a caravan is used in connection with the house and not say a business operation or rented as holiday accommodation, then the use of the caravan may be described as being 'incidental to the primary uses of the dwelling house'.

An alternative interpretation is sometimes advised. Living, sleeping, eating and washing are often referred to as 'primary' uses of a residential property. If a caravan is used for such purposes by members of the household as part of the overall use of the house, there will not be a material change of use requiring planning permission of the property as a whole.

Authorities can often be concerned a caravan or mobile home could be used as an separate dwelling as it may have all the facilities that allow independent living. This is further complicated by the legal requirement that a caravan must be '*designed or adapted for human habitation*'. Meaning capable of being lived in.

Although a caravan can have full living, sleeping, washing and cooking facilities (designed for habitation) and be used in a residential manner on an on-going basis under the primary use of the house, the use should accompany or depend on the house in a vital or non-trivial way.

Each situation of use is unique. A clear example of where permission is unlikely to be required would be resident family members who sleep and wash in the caravan but have meals, store belongings and conduct daily activities in the dwelling house. The caravan itself might also depend on the services and access to the main dwelling.

An example of a material change of use and/or non-incidental use would be use by a person who has had no previous association or relationship with the property owners and the caravan has its own access and service connections.

## Hardstanding

Most touring and static caravans can be supported on axle stands and don't require substantial hardstanding. However, if the site terrain is unsuitable or a larger mobile home is used, then a concrete hardstanding may be advised.

Laying a new hardstanding is normally considered to be an engineering operation requiring planning permission. However, there is a government order which gives planning permission to lay a hard surface within the curtilage of a dwelling house and so no application to the council is required, providing the criteria are met. This is called 'permitted development' and the right is set out in the Town and Country Planning (General Permitted Development) Order 1995. The order grants permission for:

Development consisting of –

- (a) the provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house as such; or
- (b) the replacement in whole or in part of such a surface.

There is a condition to this Right which says that where the hard surface would be over 5 sq metres and be between the principal elevation of the house (normally the front) and a highway, either the hard surface has to be porous or run-off water has to drain into a porous area within the curtilage (again, this is usually for front gardens and doesn't apply to caravan in rear gardens). Bear in mind, permitted development rights can be taken away by a condition on an earlier planning permission or by the council making what is called an 'article 4 direction'. In most cases using this Right is straightforward. But, where land is sloping, so a levelling of the earth or cut-and-fill is required, or where considerable excavation is necessary, the extent of work can go beyond the permitted development right. There is no set rule and it is a matter of judgement for councils and inspectors to decide in each case what is within the scope of permitted development. In appeal cases, excavation of 50 cubic metres and one end of a hard surface being 2 metres above adjoining ground level have been deemed outside the permitted development right. On the other hand, excavation of 25 cubic metres and cutting 1.2 metres into a slope, have been considered within. The government publication, *Guidance on paving front gardens*, says hard surfaces will typically be 200-250mm deep and illustrations show a hard surface system over 330mm deep.

## Separate Unit Contention of Incidental Use

If the location of the caravan is clearly in the garden and the structure can be defined physically as a 'caravan', the main obstacle to the Council confirming lawfulness is often whether a caravan to be used for additional living accommodation, with all of its own facilities, would be a separate unit. Councils' fear is usually that one property will, in effect, be split into two living units.

The quandary is this. Practically every caravan commercially available has all the facilities that would allow it to be lived in. A mobile home caravan sited in a garden with all facilities is capable of being used completely independently. If it were actually to be used in that way, a separate occupation would be created and planning approval would be required. On the other hand, if the caravan is used as part and parcel of the overall occupation of the property, it should not be considered a material change of use under section 55(1) of the Town and Country Planning Act 1990. Unfortunately, this is a matter of interpretation.

Whether the caravan includes kitchens and bathrooms, as well as primary living accommodation, such as bedrooms and living rooms, should not, in itself, create a development control issue.

This view is backed up by case law.

The report of a court decision from 1982 says; *"the proper way of looking at this was to ask: what was ... the effect on the planning unit? ... You had to look further and say: for what purpose was the caravan to be stationed? If the ... purpose envisaged was not a material change of use of the land consisting of that particular planning unit, then it seemed that no breach of planning control existed".* The report goes on to say; *"He did not believe you could decide whether the material change of use had been made until you knew the purpose for which the caravan was to be used."*

A case decided in 1988 established that there is nothing in the nature of the typical residential caravan that makes its use incapable of being properly regarded as part of the use of land on which it stood.

In a 1991 legal decision (which actually involved the use of a garden building but the principle is the same) the court supported a planning inspector's decision that, where the facilities of a self-contained unit were present; *"He found no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling."*

Consequently, there is no apparent ground in law to refuse the stationing of a caravan on the basis of a material change of use by the nature of its facilities alone. It should be the use of the caravan, in association with the house, which is evaluated, not the mere presence of facilities or the potential use of the unit.

## Solution to the Separate Unit Contention

Many Councils accept caravans with facilities in gardens, to be used by members of the household, do not need planning permission. Where a Council does not so easily share this view, you may need to provide further evidence that the mobile home will not be used entirely separately to the main dwelling.

Your application for a lawful development certificate should include a description of the proposed use. The more connection there would be with the house, such as meals taken and laundry being done in the house, the greater the chance the Council will accept it. This can be given additional credence by submitting a statutory declaration (sworn statement), stating that the caravan will be used as part and parcel of the house and not as a separate dwelling house. This might help to give the council the comfort it needs to overcome its concern over separate occupation. If the Council does raise the separate unit contention, you can write setting out the basis for the alternative contention, that the existence of facilities does not necessarily create a separate unit.

The courts have held that:

- 1) in order to assess whether a change of use has occurred, it is necessary to consider the planning unit and the primary use of the unit;
- 2) the stationing of a 'typical residential caravan', used in connection with the use of the land on which it is placed, does not involve a material change of use;
- 3) in order to decide whether a material change of use would be made, the purpose for which a caravan is to be used must be known;
- 4) where the facilities of a self-contained unit are present, there is no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

There is no basis in law on which to conclude the stationing of a caravan or mobile home in a garden would be a material change of use merely because the caravan has facilities. It is the use of the caravan, in association with the house, which should be evaluated, not the presence of facilities or the potential use of the unit.

Our recommended solution to this issue is to provide an affidavit or statutory declaration. This allows a person to make a legal declaration under oath and in the presence of a lawyer. If you provide a legal declaration that the mobile home will not be used independently, this should help satisfy the Authority's concerns.

As a final resort, if a facility is removed from the mobile home, the kitchen for example, the Authorities will have to accept the occupant's dependency on the facilities of the main dwellings, any refusal of an LDC application after this measure has been conducted, would surely be incorrect.



## **Describing Incidental Use**

What is incidental varies according to the particular facts of each case, and to ascertain those facts, the proper approach is to investigate and judge each case on its merits, taking into account:

First, the degree to which each caravan is functionally connected with and subordinate to the use of the dwelling house. For example, to what extent do those who sleep in the caravans use facilities in the house? Do the caravans provide independent living accommodation or are their occupants dependent on facilities in the house, too?

Secondly, the relative scale of accommodation available in both the dwelling house and the caravan must be taken into account. For example, caravans providing sleeping accommodation for a small overflow of family members may well have a subordinate, functional link to the main house, but may not where the caravans provide more accommodation than the house itself.

Thirdly, account must be taken of the relative size of the dwelling house, its garden and the caravan. The larger the first two and the smaller the latter, the more likely it is that a subordinate, functional link exists.

Fourthly, the relationship between the occupants must be taken into account. Extended family groups are more likely to share functional links.

### **Common items of description**

Who lives in the house?

Who lives in the caravan?

What is the relationship between those people?

What size of rooms and what kind of facilities exist in the house and caravan?

Who uses what?

How are utilities such as electricity, gas, water and waste shared?

Are any payments shared?

Is rent paid?

What are the family's intentions for the proposed use of the caravans?

Time scales?

## Greenbelt and Conservation Areas

Many homeowners are familiar with 'permitted development rights'. This is the allowance to construct outbuildings, extensions, sheds etc. without the need for planning approval. However, these rights are often restricted to properties within greenbelt and conservation areas, areas of outstanding natural beauty or scientific interest. This does NOT restrict the use of mobile homes.

The crucial fact is that the use of a caravan is NOT a permitted development right or even 'development'. Caravans are not 'buildings' or 'structures'. So if there is a Law that restricts permitted development or applies to buildings or structures, it should not restrict the use of a caravan. There are some exceptions, for example, if a mobile home sited in open country land is considered harmful to the greenbelt.

## Article 4 Direction

The local planning authority may have removed the permitted development rights of an area by issuing an Article 4 direction. This is common in new housing estates. Unless specifically used to restrict the use of caravans the restriction will normally be upon 'permitted development', which does not include caravans, as caravans are not development.

## Restrictive Building Covenants

Restrictive covenants are basically a form of private planning control. They place restrictions on the development or use of land, for the benefit of another piece of land, and are enforceable by one landowner against another. In some cases, particularly modern housing estates, the developer may have placed a restricted covenant that states that caravans and motorhomes cannot be parked in the garden or drive. In these cases a caravan will not be allowed unless the original builder lifts or cancels the covenant, which can often be arranged.

## Orchards and Paddocks and Woodland

If there is a lack of distinction between the boundary and use of the garden and other areas of your property, for example an orchard area or field used to keep horses that are used by members of the household, then planning permission will usually be required, as the Council will often not conclude such areas are 'domestic' curtilage, even if they are parcel to your property as a whole. One recommendation is, before commencing with any caravan proceedings, to separately apply for planning permission for 'change of use' of these areas to residential curtilage or garden. This can be supported with a site map indicating the entire property boundary that can be drawn into new deeds for your property. Additionally the Land Registry can be contacted to confirm the registered 'use'.

## Key Case Law References

### CASE LAW:

High Court Decision 1997

**BYRNE v. SECRETARY OF STATE FOR ENVIRONMENT and ARUN**

[1997] 74 P & C R 420.

(Extracts: In all cases refer to the original documents)

**Abstract:** A structure was deemed not a 'twin-unit caravan' because it failed the construction and mobility test.

#### **On the definition of a 'Caravan'...**

*"The difficulty in identifying the nature of the development arises from the statutory definition of "caravan"... The form of the 1968 Act is... to deem something... as "a caravan"... if it satisfies firstly, the construction test and, secondly, the mobility test."*

#### **On whether the separate halves of a twin-unit need resemble a 'caravan'...**

*"There is nothing... to indicate that the separately constructed sections... were to be each identifiable as caravans."*

#### **On conforming to the construction test...**

*"Certainly, it is designed to be composed into two sections, then to be bolted together as the paragraph requires, but this argument disregards two words in the paragraph which seem to me to be of importance. The requirement is that the structure should be composed of not more than two sections "separately constructed". That means, in my judgment, that it was an essential part of the construction process in order to deem a structure as a caravan, that there should be two sections separately constructed'... 'The whole was not constructed by the method of first having two separate parts."*

## Key Case Law References

### CASE LAW:

**Appeal Decision by an Inspector appointed by the Secretary of State 2002  
Brentall v. Erewash Borough Council.**

(Extracts: In all cases refer to the original documents)

**Abstract:** A mobile home built onsite was deemed to conform to the definition of a 'caravan' as it satisfied the construction, size and mobility tests.

#### **On the definition of a 'Caravan'...**

*"There are 3 tests to be applied to the park home: a construction test, a mobility test and a size test."*

#### **On the BYRNE v. SSE and Arun Judgment...**

*"It was an essential part of the construction process... that there should be two sections separately constructed... They were not satisfied in that case because the log cabin concerned, composed of individual timbers... had not at any time been composed of 2 separately constructed sections which were jointed together onsite."*

#### **On correctly conforming to the construction test...**

*"Though the Park Homes was delivered by lorry in many pieces I see no requirement in section 13(1)(a) that the process of creating the 2 separate sections must take place away from the site on which they are joined together. It is necessary only that the act of joining the 2 sections together should be the final act of assembly. The appellant's evidence and photographs taken during the process of assembly... demonstrate that the two sections... Were constructed separately. In my opinion the process fulfilled the test of section 13(1)(a)."*

#### **On conforming to the mobility test, site access...**

*"It seems to me that it is the structure that must possess the necessary qualities, not the means of access. It is not necessary for it (a caravan) to be towed, only that it is capable of being moved my road."*

## Key Case Law References

### **CASE LAW: Appeal Decision**

**Brightlingsea Haven Limited and another v. Morris and others 2008 EWHC 1928 (QB)**

(Extracts: In all cases refer to the original documents)

#### **On conforming to the mobility test. Site Access...**

*"The two opposing constructions are these: whether the structure must be capable of being moved by road from one place to another, with no specific places or roads in mind, or whether the structure must be capable of being moved from where it is and moved by road to another place. I have concluded that the first construction is the correct one. My main reason is that it is consistent with the purpose of the Act that, if a structure is once a caravan, it should remain a caravan if it is itself unaltered, regardless of where it is. If a lodge meeting the requirements of the section and so a caravan is assembled on a site, it should not cease to be a caravan if it becomes boxed in by other lodges and cannot be got out because lifting apparatus cannot sufficiently approach... In my judgment the test which the structure has to pass is as follows. It must either be physically capable of being towed on a road, or of being carried on a road, not momentarily but enough to say that it is taken from one place to another. It is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road."*

#### **Carter and Another -v- Secretary of State for the Environment and the Carrick District Council [1994]**

**1 WLR 1212**

In this case The Secretary of State has taken the view that, to satisfy the definition 'a structure must be capable of being moved as a structure (that is, in one piece)...' This view was upheld by the Court of Appeal. The reasoning appears perhaps most clearly from the judgment of Russell LJ

*"In order to qualify for the description 'caravan' in section 29 it is therefore 'the structure' that has to possess two qualities. The first part of the section provides that it is necessary for 'the structure' to be designed or adapted for human habitation. This, in my view, clearly contemplates the structure as a whole, as a single unit, and not the component parts of it. The second quality which 'the structure' has to possess is mobility. The structure has to be capable of being moved by being towed or transported on a single motor vehicle or trailer. 'The structure' contemplated by the second part of the section is, in my judgment, precisely the same structure as that contemplated by the first part of the section, not a structure which has been dismantled before loading has taken place. In my view the second limb of the definition can therefore refer only to a whole single structure and not to component parts of it."*

## Conclusions and Summary

A mobile home will not require planning permission based on the follow criteria:

### **Location**

The caravan must be in the 'curtilage' of a dwelling house. This is the drive or garden, not adjoining paddock land, for example.

In *James v Secretary of State for the Environment* 1990 it was held that there are three criteria for determining whether land is within the curtilage of a building, namely:

1. physical layout
2. ownership, past and present
3. use or function, past and present

### **Definition of a 'Caravan'**

The actual structure must conform to the legal definition of a 'caravan' described in the Caravans Sites and Control of Development Acts 1960 and Associated Articles.

Appeal Decision by the Secretary of State (*Erewash Borough Council* 2002) determined that there are 3 tests to be applied to the park home:

1. construction test
2. mobility test
3. size test

### **Use**

The use must be incidental to the use of the house, meaning used in conjunction with. 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

# Chapter Two

Contacting the Council



## Does the Planning Authority Need Contacting?

The answer is No. If the proposed mobile home falls within the criteria of use, conformity and location, then the situation is outside of planning control and approval from the Authorities is not needed. We do, however, advise that in all cases a Lawful development Certificate is obtained for peace of mind.

## Contacting the Planning Authority

Your local planning authority (LPA) is there to help. Since there can be uncertainty over the lawfulness of stationing and using a caravan or mobile home, initially, you may want to write a letter detailing the location and use of the proposed caravan. If lawful you may want to apply for a lawful development certificate (LDC).

## Lawful Development Certificates

A lawful development certificate (LDC) is a statutory document confirming that the use, operation or activity named in it is lawful for planning control purposes. Once granted, the certificate will remain valid for the use or development described in it, on the land it describes as long as the use doesn't change. You must apply to the local planning authority (LPA) for such a certificate. In cases where a new caravan is to be sited in a garden the LDC for a 'Proposed' use is required. This is where you wish to confirm that what you are proposing would be lawful i.e. it would not require express planning permission. For example you may need to establish that what you have proposed does not constitute development.

## Informal Letters

You may wish to write to the Planning Authority on an informal basis asking in principle if a caravan or mobile home can be used in your garden without planning permission. The advantage of informal letters is you often receive a quicker response but the disadvantage being it's not a legally binding decision and it can later be disregarded if on closer inspection the situation is proven unlawful, for example the location is not later considered garden, but an 'orchard' for example.

In situations where a static caravan is being used for a short number of years on an occasional basis, you may consider an informal written response from the authorities is sufficient confirmation that the use is outside of planning control. For larger, more expensive, mobile homes that are for permanent use, then an application for a lawful development certificate is advised.

## Example Informal Letter

[Date]

[Council address]

Dear Sir

[FULL ADDRESS OF THE PROPERTY]

I am proposing to station a mobile home in the garden of my property above. A location plan is attached with the property edged red.

I understand I do not need planning permission to station a mobile home and would be grateful to receive your confirmation.

The mobile home would be stationed within the curtilage of my house.

The mobile home would be a [**type of caravan proposed**] which would come within the definition of a caravan in terms of its design, mobility, size and construction.

The mobile home would be placed on the land and would not be fixed to the ground.

The mobile home would be used for [**an annexe by a family member(s) / additional bedrooms / guest accommodation / staff accommodation / hobbies**] as an integral part of the overall use of the house as a single dwelling. It would share services, facilities and access with the house.

I believe the proposed use would not be a material change of use or would be incidental to the enjoyment of the dwelling house.

If you have any questions, please contact me. Otherwise, I look forward to receiving your confirmation.

Yours faithfully

[signature]

[your name]

## Example Response to Informal Letter no.1



### PROFESSOR CHRISTOPHER GIBSON

Professor Gibson and Mr Gibson  
1000 Road  
1000 Road  
1000 Road  
1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

1000 Road

Thank you for your letter of the 18<sup>th</sup> October.

I have been able to have another word with [Mr Gibson](#).

The position is this:-

A mobile home or caravan is regarded in law as a "chattel" in just the same way as a motor car is or a piece of furniture and there is no public law preventing it been kept in someone's garden or yard.

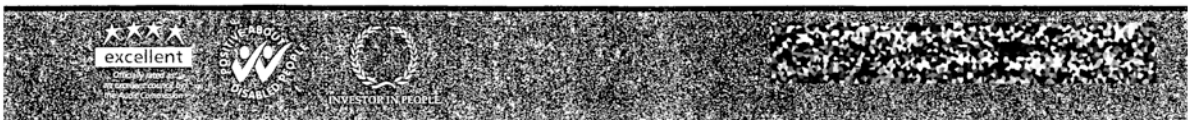
The law grants the right for a mobile home or caravan (provided it is not more than 20 metres long by 6.8 metres wide etc and that it consists of no more than two sections which need to be bolted together and provided it can be towed or transported on a trailer) to be occupied for purposes ancillary to the use of the dwelling, in your case the farmhouse.

Consequently if these conditions are met then the matter is not subject to planning law.

I hope this helps- there is quite a lot of information on the internet about these rules.

Yours sincerely

1000 Road



## Example Response to Informal Letter no.2

Date: 2 October 2011  
My ref: 01934 420370  
Your ref:  
Contact: Chris Nolan  
Direct dial: 01934 420370  
Email: [chris.nolan@cambridgeshire.gov.uk](mailto:chris.nolan@cambridgeshire.gov.uk)



Development and Conservation  
North Cambridgeshire  
Cambridge Road  
Willingham, Cambs  
CB23 7YD  
[www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

Mr & Mrs [Name]  
[Address]  
Lower Strada  
11, Church Street  
North Strada  
CB24 4BP

Dear Mr [Name]

### Siting of mobile home at **Lower Strada**.

Thank you for your letter dated 31 October 2011 in response to the letter from my colleague [Name] dated 29 September.

I can confirm that the condition (5) attached to planning approval [Reference] does not restrict the siting of a mobile home / caravan at **Lower Strada**. As I pointed out in our telephone conversation this morning, a caravan sited within a domestic curtilage does not need planning permission so long as it is used in connection with the use of the main house as a single dwelling.

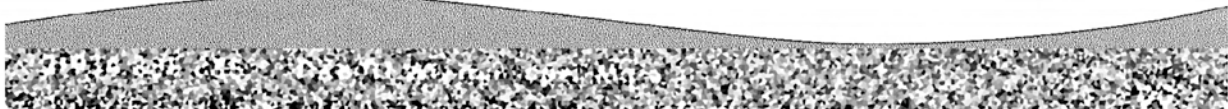
Condition 5 of planning approval [Reference] refers to 'ancillary buildings'. Caravans are chattels, and like all vehicles are not themselves subject to planning control. It is only their use and the use of the land on which they stand which are subject to planning control.

Provided therefore that the caravan at **Lower Strada** is used for purposes incidental to the enjoyment of the dwelling house as you state, then planning permission will not be required.

I hope this helps to clarify the situation. If you have any further queries please do not hesitate to contact me again.

Yours sincerely

Chris Nolan  
Deputy Area Management Service Manager  
Development and Conservation



## Application Pack Guide

To apply for a Lawful Development Certificate you will require:

- Cover Letter
- Application Form
- Site Plan (map)
- Floorplan and Elevations (optional)
- Application Fee

### How to find a Lawful Development Certificate form

For the siting of a new caravan/mobile home in a garden, you will need the application form; Lawful Development Certificate Application for a Proposed use. Either phone the Council planning office and ask them to post this form or alternatively one will be available on the Council website, usually the website will have a search box; search 'Lawful Development Certificate Application Proposed'. You will usually have to include 3 x copies of the application package.

### Writing a Cover Letter

Your application will require a covering letter that needs to summarise your situation. Each situation is different and the details of your specific use should be detailed. An example application letter is given overleaf. It should cover the main issues of location, structure and use. When detailing the use it's best to include as much detail as possible, in points, that can be used to demonstrate why occupants that may use the mobile home on a full time basis still rely on use of the main house.

### Information Pack

You are not required to supply an information pack; only the completed form and site plan is needed. However, we do recommend supplying more information to support your application. The information pack should cover the three main criteria of conformity and address the tests for each.

#### **Location:**

Physical layout. Ownership, past and present. Use or function, past and present

#### **Definition of a 'Caravan':**

Construction test, mobility test, size test

#### **Use**

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

## Example Application Letter

[Date]

[Council address]

Dear Sir

[FULL ADDRESS OF THE PROPERTY]

I attach an application for a certificate of lawfulness of proposed use in respect of stationing a mobile home at this property.

Enclosed are:

- Application form
- Supporting Document
- Location plan
- Cheque payable to the council in respect of the application fee
- [Statutory declaration]

The following constitute the grounds for making the application.

1. The mobile home would be stationed within the curtilage of my house.
2. The mobile home would be a [**type of caravan proposed**] which would come within the definition of a caravan in terms of its design, mobility, size and construction.
3. The mobile home would be placed on the land and would not be fixed to the ground.
4. The mobile home would be used for [**an annexe by a family member(s) / additional bedrooms / guest accommodation / staff accommodation / hobbies**] as an integral part of the overall use of the property as a single dwelling. It would share services, facilities and access with the house.
5. The mobile home would not be used as a separate dwelling.
6. The proposed use would not constitute development requiring planning permission because the property would remain a single planning unit and either:
  - a. the use would be an integral part of the main use of the planning unit as a single dwelling house in single family occupation and, therefore, would not involve a material change of use of the land, or:
  - b. the use would be a use of land within the curtilage of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as such.

If you have any questions, please contact me.

Yours faithfully [signature] [your name]

## What is a Statutory Declaration?

A statutory declaration allows a person to make a legal declaration under oath and in the presence of a lawyer. They are commonly used when an individual needs to satisfy a legal requirement by affirming the truth of something.

### **Why do I need to make a statutory declaration?**

You don't have to make a statutory declaration. We do however advise you to include one within your application package. The authorities may be concerned about the 'use' of the caravan being incidental, especially if it has all the facilities that allow independent living, which it most likely will. Making a legal declaration should help satisfy the council in this matter.

### **Who can witness a statutory declaration?**

A statutory declaration is an important legal document and must therefore be verified. It will usually have to be administered by a commissioner for oaths (usually a court officer), a solicitor, or a notary public. A statutory declaration needs to be completely truthful and accurate. If a solicitor is acting for you in a legal matter and requires you to get a statutory declaration they will usually have to send you to another solicitor to do so. This is because in order for the statutory declaration to be completely valid it cannot be certified by a solicitor acting for you, on grounds of being impartial.

### **How much will it cost?**

Generally if you are asked to get a statutory declaration from a solicitor most solicitors will charge from £10 to £30 though there may be an additional fee if you also require certified copies.

### **False statements**

If you falsely make a statement in your statutory declaration that you know at the time to be untrue then, as with affidavit and oaths, you may well be sent to prison. It is therefore important that a solicitor informs you of your duty when signing the statutory declaration.



## Example Statutory Declaration

I [your full name]

of [your full address and postcode]

DO SOLEMNLY AND SINCERELY DECLARE as follows:-

1 [I / My wife/husband [full name of wife/husband] and I am/are] the [owner(s)] of [name/address of the house], shown edged red on the attached plan marked '[your initials]1'.

2 The property is used by [me/us] as a single dwelling house.

3 [I/We] are proposing to station a mobile home within the curtilage of [my/our] dwelling house.

4 The mobile home would be used by members of the household, guests or staff, only as an integral part of the use of the property as a single dwelling house and/or for purposes incidental to the enjoyment of the dwelling house.

5 The mobile home would share services, facilities and access with the house.

6 The mobile home would not be used as a separate dwelling.

AND I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

SIGNED AND DECLARED at

in the County of this \_\_\_\_\_ day of \_\_\_\_\_ 2012

Before me \_\_\_\_\_

Solicitor/Commissioner for Oaths

## Site Plans

You will need to include a site location plan with your application or letter. If you don't already have a map of your property you can purchase one with ease. Using the Internet, search for 'planning application maps' and you will find a number of companies that offer this service. A 1:500 Site Plan or a 1:1250 Location Plan is normally sufficient. You may want to indicate on the plan where the mobile homes will be sited and the boundary of your property. For site plans online we can recommend:

[www.streetwise.net](http://www.streetwise.net)

[www.getmapping.com](http://www.getmapping.com)

## Floorplans and Drawings

You don't have to include plans for the mobile home or caravan like you would do with a planning application, but if possible it's recommend, if the model and manufacturer has be chosen. Councils may request to see the plans to establish the fact that the unit has all the facilities that allow independent living and subsequently try to enforce the separate unit contention issue previously discussed. In these cases document in the cover letter that you haven't got a floor plan but the caravan will have a kitchen, bathroom and number of bedrooms and if there is concern of the caravan being used as a separate dwelling please refer to the statutory declaration enclosed. A LDC shouldn't bind you to a particular size or style of mobile home but supplying plans is recommended none-the-less.

## Costs

There will be a fee for an LDC application (usually £200-400) and often a fee is required for a written response to an informal letter also. As costs vary, it's advised to phone the Council, speak to the planning department, and ask for the fee for a LDC application or fee for a written informal response to a letter or pre-application advice. We do recommend paying when possible as the response is often more considered.

# Chapter Three

Example LDC Application

**EXAMPLE**

Application for a Lawful Development Certificate for a Proposed use or development.  
Town and Country Planning Act 1990: Section 192, as amended by section 10 of  
the Planning and Compensation act 1991.  
Town and Country Planning (General Development Procedure) Order 1995

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.  
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address	2. Agent Name and Address
Title: <input type="text" value="Mr"/> First name: <input type="text" value="Joe"/>	Title: <input type="text"/> First name: <input type="text"/>
Last name: <input type="text" value="Smith"/>	Last name: <input type="text"/>
Company (optional): <input type="text"/>	Company (optional): <input type="text"/>
Unit: <input type="text"/> House number: <input type="text" value="5"/> House suffix: <input type="text"/>	Unit: <input type="text"/> House number: <input type="text"/> House suffix: <input type="text"/>
House name: <input type="text" value="The House"/>	House name: <input type="text"/>
Address 1: <input type="text" value="Example Street"/>	Address 1: <input type="text"/>
Address 2: <input type="text"/>	Address 2: <input type="text"/>
Address 3: <input type="text"/>	Address 3: <input type="text"/>
Town: <input type="text" value="Town"/>	Town: <input type="text"/>
County: <input type="text" value="County"/>	County: <input type="text"/>
Country: <input type="text" value="Britian"/>	Country: <input type="text"/>
Postcode: <input type="text" value="EX1 PL5"/>	Postcode: <input type="text"/>

**3. Site Address Details**

Please provide the full postal address of the application site.

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference. (must be completed if postcode is not known):

Easting:  Northing:

Description:

*Two Storey Detached House with fenced garden.*

**4. Pre-application Advice**

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name:

Reference:

Date DD/MM/YYYY:  (must be pre-application submission)

Details of pre-application advice received?

**5. Lawful Development Certificate - Interest In Land**

Please state the applicant's interest in the land?

Owner:  Yes  No Lessee:  Yes  No Occupier:  Yes  No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application	
		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

If No to all the above, please give name and addresses of anyone you know who has an interest in the land:

Name	Address	Nature of interest in the land	Have they been informed of the application?		if they have not been informed of the application please explain why not
			Yes	No	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

**6. Authority Employee / Member**

With respect to the Authority:

1. I am a member of staff  
2. I am an elected member  
3. I am related to a member of staff  
4. I am related to an elected member

Do any of these statements apply to you?

Yes  No

If Yes, please provide details of the name, relationship and role

**7. Grounds For Application**

**Information About The Existing Use(s)**

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter, or extend are lawful

The dwelling house: (note: choose one)  
 · has the benefit of planning permission  
 · has been in use as a dwelling house since before 1948

and the land comprises the curtilage of the dwelling house.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application:

1.	Statutory Declaration
2.	
3.	
4.	
5.	

If you consider the existing, or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

**Information About The Proposed Use(s)**

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

Is the proposed operation or use:

Temporary  Permanent

If temporary please give details:

Please state why you consider that a Lawful Development Certificate should be granted for this proposal:

Stationing a caravan within the curtilage of the dwelling house would not create a separate planning unit and either: would not involve a material change of use; or would be incidental to the enjoyment of the dwelling house as such.

**8. Description Of Proposal**

Does the proposal consist of, or include:

a) The carrying out of building or other operations?  Yes  No

If Yes to a, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions):

b) Change of use of the land or building(s)?  Yes  No

If Yes to b, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out:

Stationing of a caravan

If Yes to b, please describe fully the existing or the last known use, with the date this use ceased:

Existing use - residential curtilage

Has the proposal been started?  Yes  No

**9. Planning Application Requirements - Checklist**

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden of proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

- |   |                                     |  |                                     |
|---|-------------------------------------|--|-------------------------------------|
| The original and 3 copies of a completed dated application form:  | <input checked="" type="checkbox"/> | The original and 3 copies of such evidence verifying the information included in the application as you can provide: | <input checked="" type="checkbox"/> |
| The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North: | <input checked="" type="checkbox"/> | The correct fee:   | <input checked="" type="checkbox"/> |

**10. Declaration**

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant  Or signed - Agent

Date (DD/MM/YYYY):  (date cannot be pre-application submission)

**WARNING:**  
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have been issued as a result of such false or misleading information.

**11. Applicant Contact Details**

Telephone numbers

Country code:	National number:	Extension number:
<input type="text" value="0101"/>	<input type="text" value="010 010"/>	<input type="text"/>
Country code:	Mobile number (optional):	
<input type="text"/>	<input type="text"/>	
Country code:	Fax number (optional):	
<input type="text"/>	<input type="text"/>	

Email address (optional):

**12. Agent Contact Details**

Telephone numbers

Country code:	National number:	Extension number:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Country code:	Mobile number (optional):	
<input type="text"/>	<input type="text"/>	
Country code:	Fax number (optional):	
<input type="text"/>	<input type="text"/>	

Email address (optional):

**13. Site Visit**

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)  Agent  Applicant  Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:  Telephone number:

Email address:

Caravan at no.5 Example Street, Town, Code

**SUPPORTING DOCUMENT**

Application for a Lawful Development Certificate for  
Proposed Use or Development

Proposed Siting of a Caravan

Month / Year

**Contents**

- 1- Cover Letter**
- 2- Proposal and Evidence**
- 3- The Site**
- 4- The Caravan**
- 5- Use**
- 6- Conclusions and recommendations**
- 7- Appendices**

**Appendices**

- Appendix 1 – Site Map**
- Appendix 2 – Photographs of Site**
- Appendix 3– Mobile Home Plans and Image**
- Appendix 4 –Practice Notes on Use**
- Appendix 5 – Affidavit**



## 1- Cover Letter

01/01/2013  
Example District Council  
Central Building  
Town, EX5 PLE

Dear Sir

5 Example Street, Town, EX1 PL5  
Phone/email

Please find attached our application for a certificate of lawfulness of proposed use in respect of stationing a mobile home at this property.

Enclosed are: Application form, location plan, application fee, floor plan of type of mobile home we're considering.

The following constitute the grounds for making the application.

1. The mobile home would be stationed within the curtilage of my house.
2. The mobile home would be a twin-unit caravan from Eco Mobile Homes Ltd, which would come within the definition of a caravan in terms of its design, mobility, size and construction.
3. The mobile home would be placed on the land and would not be fixed to the ground.
4. The mobile home would be used for additional bedrooms for guest and visiting family members, storage and for hobby space for members of the household, as an integral part of the overall use of the property as a single dwelling. It would share services, facilities and access with the house.
5. The mobile home would not be used as a separate dwelling.
6. The proposed use would not constitute development requiring planning permission because the property would remain a single planning unit and either:
  - a. the use would be an integral part of the main use of the planning unit as a single dwelling house in single family occupation and, therefore, would not involve a material change of use of the land, or:
  - b. the use would be a use of land within the curtilage of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as such.

If you have any questions, please contact me.

Yours faithfully Mr. Joe Smith

## **2- Proposal and Evidence**

This application for a Lawful Development Certificate for a proposed use is applied for on the basis that the proposal satisfies the following criteria:

- **LOCATION:** The intended location lies within the residential garden of the house. Evidence of this is supported by the attached site location map.
- **DEFINITION OF A CARAVAN:** The mobile home conforms to the definition of the caravan. Evidence of this is supplied by the manufacturers (eco mobile homes ltd) who provide a comprehensive engineering report and methodology confirming the structure conforms to the size, mobility and construction tests.
- **USE:** The use is incidental to the main dwelling with shared use of facilities by family members. Evidence of this is supported by a sworn Affidavit.

## **3- Location – The Site**

5 example Street is a two bedroom detached house with a front and rear garden and driveway. We consider that the location is within the curtilage of the house thus:

- **Physical layout.** The caravan will be sited in the rear garden within the fenced boundary. The garden was fenced and separated from surrounding land at the time of construction in 1930.
- **Ownership, past and present.** The garden area was purchased with the house part-and-parcel. The ownership of the garden area has and will remain in the ownership of the household. It was not purchased as a separate plot.

## **4- Structural Conformity - The Caravan**

Attached is a plan drawing and image of the mobile home we're intending. This is a twin-unit mobile home in the 'New England' style from manufacturers 'Eco Mobile Homes Ltd' who will provide a comprehensive engineering report and methodology confirming the structure conforms to the size, mobility and construction tests. Please note this may not be the exact layout or style of caravan but an indication of our intention.

## **5- Use**

The use of the mobile home is lawful because it satisfies the following criteria:

1- The relationship between the respective occupants. The house is occupied by Mr A and Mrs B Example. Mr C and Mrs D Example will occupy the caravan. The relationship between these people, as parents and children, is direct family.

2- The relative size of the house its garden and the caravan: The entire plot is approximately 3000 m<sup>2</sup>. The house is approximately 450 m<sup>2</sup> and the mobile homes can be up to 135 m<sup>2</sup>.

3- The relative scale of accommodation in the caravan and the house. The house has three bedrooms, one bathroom, one kitchen and two living areas. The mobile home has two bedrooms, one bathroom, one kitchen and an living area.

4- The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house. The mobile home will depend on the use of the utilities of the house, electricity, gas and water. It will share all bills. A separate septic tank will be installed. No new entrance will be created. People using the mobile home share access to the site.

Mr C and D Example will sleep and wash in the mobile home but with only a small kitchenette all major meals will be taken in the main house as a family. Occupants will use the living spaces of both the house and the mobile home. The caravan's occupants will vitally depend on the cooking and food storage facilities of the main dwelling. They will also vitally depend on the storage area of the main house for the majority of their belongings. Mr A example will use the living facilities of the mobile home for a studio and works room but will depend of the facilities of the house for sleeping, washing and eating.

No rent is paid for the use of the caravan. At a future date the mobile home will solely be used as additional recreational space for Mr A Example and sleeping quarters for visiting guests.

## **6- Conclusions and recommendations**

The mobile home will be stationed within what is clearly the curtilage of the house. The use is for family members as an integral part of the overall use of the property and will not be used independently, as documented in the signed Affidavit. The caravan conforms to the legal definition within the relevant legislation. Therefore the Council should issue a Lawful Development Certificate.

*Planning Free Mobile Home*

Photo1: The rear garden where the proposed mobile home will be sited.



Photo2: View of the property front from the road.



# Planning Free Mobile Home



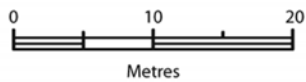
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

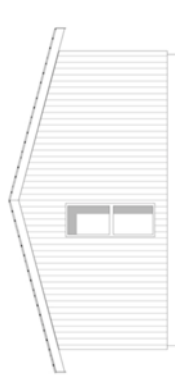
Scale 1:500



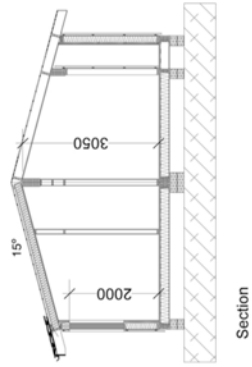
Supplied by: Getmapping  
OS License Number: 100030848



Front Gable Elevation



Rear Elevation



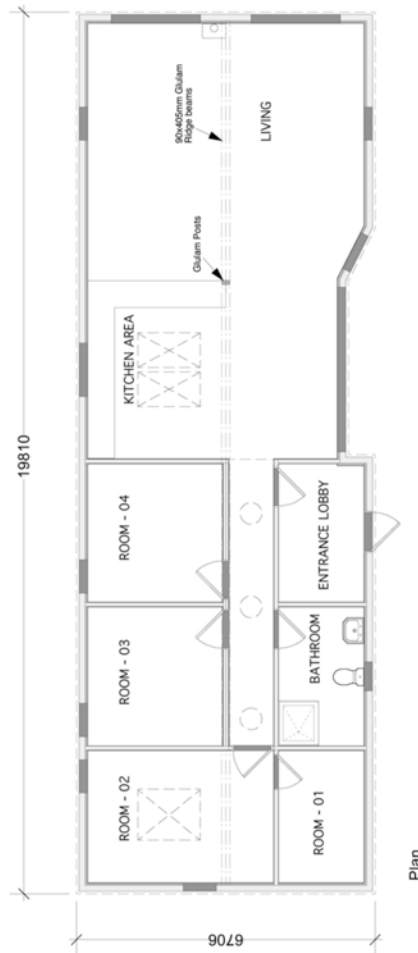
Section



Side/entrance Elevation



Side Elevation



PROJECT-

Setting out plan, Section and Elevations

Scale 1:100 @ A3





## Planning Practice Notes: Caravans in Garden

Whether the caravan includes kitchens and bathrooms, as well as primary living accommodation, such as bedrooms and living rooms, should not, in itself, create a development control issue.

The courts have held that:

- 1) in order to assess whether a change of use has occurred, it is necessary to consider the planning unit and the primary use of the unit;
- 2) the stationing of a 'typical residential caravan', used in connection with the use of the land on which it is placed, does not involve a material change of use;
- 3) in order to decide whether a material change of use would be made, the purpose for which a caravan is to be used must be known;

Where the facilities of a self-contained unit are present, there is no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

A case decided in 1988 established that there is nothing in the nature of the typical residential caravan which makes its use incapable of being properly regarded as part of the use of land on which it stood.

In a 1991 legal decision the court supported a planning inspector's decision that, where the facilities of a self-contained unit were present; *'He found no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling'*.

## Statutory Declaration

I Mr. Joe Smith of 5 Example Street, Town, EX1 PL5

DO SOLEMNLY AND SINCERELY DECLARE as follows:-

- 1 Mr. J and Mrs. S. Smith the owners of 5 Example Street, Town EX1PL5, shown edged red on the attached plan marked JS1.
- 2 The property is used by us as a single dwelling house.
- 3 We are proposing to station a mobile home within the curtilage of our dwelling house.
- 4 The mobile home would be used by members of the household and visiting guests only as an integral part of the use of the property as a single dwelling house and/or for purposes incidental to the enjoyment of the dwelling house.
- 5 The mobile home would share services, facilities and access with the house.
- 6 The mobile home would not be used as a separate dwelling.

AND I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

SIGNED AND DECLARED at

in the County of this 1st day of January 2013

Before me \_\_\_\_\_

Solicitor/Commissioner for Oaths

Mr. Joe Smith



# Chapter Four

Original Documents of Law

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# Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62 8\_and\_9\_Eliz\_2

29

## Interpretation of Part I

(1)

In this Part of this Act, unless the context otherwise requires—

“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, 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;

“caravan site” has the meaning assigned to it by subsection (4) of section one of this Act;

“development order” means an order made under section thirteen of the Act of 1947 (under which orders may be made which, in some cases, themselves grant permission for development and, in other cases, provide that permission shall be granted on an application in that behalf);

F1. . .

[ F2“fire authority”, in relation to any land, means the authority discharging in the area in which the land is situated the functions of fire authority under the Fire Services Act 1947;]

“local authority” means a council of a [F3London borough or a] . . . F4 district [F5the Common Council of the City of London] and the Council of the Isles of Scilly; [F6but, in relation to Wales, means the council of a Welsh county or county borough]

“occupier” has the meaning assigned to it by subsection (3) of section one of this Act and “occupied” and “occupation” shall be construed accordingly;

“site licence” has the meaning assigned to it by subsection (1) of section one of this Act;

“the Minister” means [F7the Secretary of State].

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# Caravan Sites Act 1968

1968 CHAPTER 52

## Part III

13

### Twin-unit caravans

(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 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 (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 I of the **M1** Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a **[F1highway]****[F1road]** when assembled.

(2)

For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, 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 drawbar): 60 feet (18.288 metres);

(b)

width: 20 feet (6.096 metres);

(c)

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

### Annotations:

#### Amendments (Textual)

##### F1

Word “road” substituted (S.) for word “highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), Sch. 9 para. 65

#### Marginal Citations

##### M1

1960 c. 62.

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STATUTORY INSTRUMENTS

**2006 No. 2374**

## **TOWN AND COUNTRY PLANNING, ENGLAND**

### **The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006**

*Made - 4th September 2006*  
*Laid before Parliament 8th - September 2006*  
*Coming into force - 1st October 2006*

The Secretary of State, in exercise of the powers conferred by section 13(3) of the Caravan Sites Act 1968(a) and section 2(7) of the Housing Act 1996(b) and having consulted such persons or bodies as appear to her to be concerned in accordance with section 13(2) of that Act, makes the following Order:

#### **Citation, commencement, and application**

- 1.—(1) This Order may be cited as the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 and shall come into force on 1st October 2006.  
(2) The amendments made by articles 2 and 3 apply in relation to England only.

#### **Amendment of the definition of caravan for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960(c)**

2. Sub-section (2) of section 13 of the Caravan Sites Act 1968 (twin-unit caravans) shall be amended—  
(a) in paragraph (a) by the substitution for “60” and “18.288” of “65.616” and “20” respectively;  
(b) in paragraph (b) by the substitution for “20” and “6.096” of “23.309” and “6.8” respectively; and  
(c) in paragraph (c) by the substitution for “10” and “3.048” of “10.006” and “3.05” respectively.

(a) 1968 c.52. The functions of the Secretary of State so far as exercisable in relation to Wales are transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672. (b) 1996 c52. The Secretary of State's functions under section 2, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. (c) 1960c.62.

#### **[DCLG 4045] Amendment of the definition of caravan in article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006(a)**

3. Paragraph 3 of article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (meaning of caravan) shall be amended  
(a) in paragraph (a) by the substitution for “18.288 metres (60 feet) of “20 metres”;  
(b) in paragraph (b) by the substitution for “6.096 metres (20 feet)” of “6.8 metres”; and  
(c) in paragraph (c) by the substitution for “3.048 metres (10 feet)” of “3.05 metres”.

Signed by authority of the Secretary of State

*Angela Smith*

Parliamentary Under Secretary of State 4th September 2006

Department for Communities and Local Government

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STATUTORY INSTRUMENTS

**2006 No. 2374**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the definition of caravan in section 13(2) of the Caravan Sites Act 1968 (“the 1968 Act”) and article 3(3) of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (“the 2006 Order”).

Section 13 (twin-unit caravans) of the 1968 Act excepts from the definition of “caravan” in Part 1 of the Caravan Sites and Control of Development Act 1960, twin-unit structures designed or adapted for human habitation whose dimensions do not exceed specified dimensions. The Secretary of State has the power to make an order specifying different dimensions to those set out the 1968 Act.

Article 3(3) (meaning of caravan) of the 2006 Order defines a “caravan” for the purposes of article 2 of that Order which extends the permitted purposes or objects of registered social landlords to include the provision, construction, improvement or management of caravan sites for gypsies and travellers.

This Order, which applies to England only, substitutes dimensions that are larger than those set out in section 13(2) of the 1968 Act and article 3(3) of the 2006 Order.

A Regulatory Impact Assessment has been prepared in connection with this Order. A copy can be obtained from [www.communities.gov.uk](http://www.communities.gov.uk) or from the Department for Communities and Local Government, Housing Management Division, Zone 2/H10 Eland House, Bressenden Place, London SW1E 5DU (Tel 020 7944 6226).

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E1172 9/2006 161172T 19585

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**Statutory Instrument 1995 No. 418  
The Town and Country Planning  
(General Permitted Development) Order 1995**

**PART 5**

**CARAVAN SITES**

**Class A**

**Permitted development**

- A. The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.**

**Condition**

**A.1** Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site shall be removed as soon as reasonably practicable.

**Interpretation of Class A**

**A.2** The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

**Class B**

**Permitted development**

- B. Development required by the conditions of a site licence for the time being in force under the 1960 Act.**

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## Town and Country Planning Act 1990

### Meaning of “development” and “new development”.

(1)

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means 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.

**[F1(1A)**

For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

(2)

**(2)** The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
- (b) the carrying out on land within the boundaries of a road by a **F2** . . . highway authority of any works required for the maintenance or improvement of the road **[F3**but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];
- (c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;**
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

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# Caravan Sites and Control of Development Act 1960 c.62

## Schedule 1

### CASES WHERE A CARAVAN SITE LICENCE IS NOT REQUIRED

## SCHEDULES

### FIRST SCHEDULE

Cases where a Caravan Site Licence is not required

#### *Use within curtilage of a dwellinghouse*

1

**A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.**

#### *Use by a person travelling with a caravan for one or two nights*

2

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site by a person travelling with a caravan who brings the caravan on to the land for a period which includes not more than two nights—

(a)

if during that period no other caravan is stationed for the purposes of human habitation on that land or any adjoining land in the same occupation, and

(b)

if, in the period of twelve months ending with the day on which the caravan is brought on to the land, the number of days on which a caravan was stationed anywhere on that land or the said adjoining land for the purposes of human habitation did not exceed twenty-eight.

#### *Use of holdings of five acres or more in certain circumstances*

3

(1)

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which comprises, together with any adjoining land which is in the same occupation and has not been built on, not less than five acres—



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(a)  
if in the period of twelve months ending with the day on which the land is used as a caravan site the number of days on which a caravan was stationed anywhere on that land or on the said adjoining land for the purposes of human habitation did not exceed twenty-eight, and

(b)  
if in the said period of twelve months not more than three caravans were so stationed at any one time.

(2)  
The Minister may by order contained in a statutory instrument provide that in any such area as may be specified in the order this paragraph shall have effect subject to the modification—

(a)  
that for the reference in the foregoing sub-paragraph to five acres there shall be substituted a reference to such smaller acreage as may be specified in the order, or

(b)  
that for the condition specified in head (a) of that sub-paragraph there shall be substituted a condition that the use in question falls between such dates in any year as may be specified in the order,  
or subject to modification in both such respects.

(3)  
The Minister may make different orders under this paragraph as respects different areas, and an order under this paragraph may be varied by a subsequent order made thereunder.

(4)  
An order under this paragraph shall come into force on such date as may be specified in the order, being a date not less than three months after the order is made; and the Minister shall publish notice of the order in a local newspaper circulating in the locality affected by the order and in such other ways as appear to him to be expedient for the purpose of drawing the attention of the public to the order.

*Sites occupied and supervised by exempted organisations*

4

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which is occupied by an organisation which holds for the time being a certificate of exemption granted under paragraph 12 of this Schedule (hereinafter referred to as an exempted organisation) if the use is for purposes of recreation and is under the supervision of the organisation.

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*Sites approved by exempted organisations*

5

(1)

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land as respects which there is in force a certificate issued under this paragraph by an exempted organisation if not more than five caravans are at the time stationed for the purposes of human habitation on the land to which the certificate relates.

(2)

For the purposes of this paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use by its members for the purposes of recreation.

(3)

The certificate shall be issued to the occupier of the land to which it relates, and the organisation shall send particulars to the Minister of all certificates issued by the organisation under this paragraph.

(4)

A certificate issued by an exempted organisation under this paragraph shall specify the date on which it is to come into force and the period for which it is to continue in force, being a period not exceeding one year.

*Meetings organised by exempted organisations*

6

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site if the use is under the supervision of an exempted organisation and is in pursuance of arrangements made by that organisation for a meeting for its members lasting not more than five days.

*Agricultural and forestry workers*

7

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.

8

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site for the accommodation during a particular season of a person or persons employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

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*Building and engineering sites*

9

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which permission under Part III of the Act of 1947 has, if required, been granted) if that use is for the accommodation of a person or persons employed in connection with the said operations.

*Travelling showmen*

10

(1)

Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site by a travelling showman who is a member of an organisation of travelling showmen which holds for the time being a certificate granted under this paragraph and who is, at the time, travelling for the purposes of his business or who has taken up winter quarters on the land with his equipment for some period [F1falling between the beginning of October in any year and the end of March][F1beginning on or after 20 September in any year and continuing until not later than 16 April] in the following year.

(2)

For the purposes of this paragraph the Minister may grant a certificate to any organisation recognised by him as confining its membership to bona fide travelling showmen; and a certificate so granted may be withdrawn by the Minister at any time.

**Annotations:**

**Amendments (Textual)**

**F1**

Words “beginning on or after 20 September in any year and continuing until not later than 16 April” substituted (S.) for words “falling between the beginning of October in any year and the end of March” by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 66(1), Sch. 3 para. 3(a)

*Sites occupied by licensing authority*

11

A site licence shall not be required for the use as a caravan site of land occupied by the local authority in whose area the land is situated.

**Annotations:**

**Modifications etc. (not altering text)**

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*[F1 Gipsy sites occupied by county councils or regional councils*

**Annotations:**

**Amendments (Textual)**

**F1**

Para. 11A inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 176

[F111A

A site licence shall not be required for the use of land occupied by a county council, or in Scotland by a regional council, as a caravan site providing accommodation for [F2persons to whom section 24(8A) of this Act applies].]

**Annotations:**

**Amendments (Textual)**

**F1**

Para. 11A inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 176

**F2**

Words substituted (S.) by virtue of Local Government and Planning (Scotland) Act 1982 (c.43, SIF 81:2), s.66(1), Sch. 3 para. 3(b)

*Certification of exempted organisations*

12

(1)

For the purposes of paragraphs 4, 5 and 6 of this Schedule the Minister may grant a certificate of exemption to any organisation as to which he is satisfied that its objects include the encouragement or promotion of recreational activities.

(2)

A certificate granted under this paragraph may be withdrawn by the Minister at any time.

*Power to withdraw certain exemptions*

13

(1)

The Minister may on the application of a local authority by order provide that, in relation to such land situated in their area as may be specified in the order, this Schedule shall have effect as if paragraphs 2 to 10, or such one or more of those paragraphs as may be so specified, were omitted from this Schedule.