Development Management - Delegated Officer Report

Application Number: AWDM/1240/25 **Recommendation – Issue Certificate**

Site: **92 Southwick Street, Southwick**

Proposal: **Application for Lawful Development Certificate for the proposed provision of a caravan within the curtilage of the dwelling house to provide ancillary accommodation for a relative**

Date of site visit: Not visited

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

The application site is a semi-detached dwelling located in a residential area in Southwick.

This application is for a Certificate of Lawfulness to establish whether the proposal is operational development or constitutes a change of use of the land (as defined by Section 55 of the Town and Country Planning Act 1990) requiring planning permission. As such, the planning merits of the proposal are not a consideration in this instance.

The proposal is to site a caravan in the rear garden for use as ancillary accommodation for a family member (applicant's son). The application property has a reasonably long rear garden with a detached garage. The caravan would be located behind the garage on the northern boundary.

The proposed caravan measures 11.2m long and width of 3.7m wide. It is 3.1m tall and will be supported by metal 'feet' rather than fixed to the ground. The floor plan shows there being two bedrooms, shower room and open kitchen/living room.

The applicant has confirmed that it will meet the definition of a caravan within section 13 of the Caravan Sites Act 1968.

Relevant legislation

The Town and Country Planning Act (1990) Section 55 Meaning of 'Development' and 'New Development'

Caravan Sites and Control of Development Act 1960 (1960 Act).

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

The above Act specifies that, in summary, a twin unit caravan is a structure designed for human habitation which is not of more than two sections and can be assembled on site. When assembled it should be capable of being moved by road, either by being towed or via a trailer by a single vehicle. The maximum dimensions of a 'caravan' as defined by the Act are as follows: Length – 20 metres; Width – 6.8m; Height – 3.05m measured internally from the floor at the lowest level to the ceiling at the highest level.

Relevant site history

None relevant to this property

Consultations

Legal have made the following comments (summarised):

Advise granting the Certificate. On the balance of probabilities this is neither operational development, because the proposed mobile home meets the definition of a caravan, and does not amount to a building considering the tests of size, permanence and physical attachment, and nor is it a material change of use, because the mobile home will be used ancillary to the main dwelling and no new planning unit will be created. Therefore, the proposed use is lawful and planning permission is not required.

Planning Assessment

The legal tests in this instance are related to, firstly, whether the proposed caravan is 'operational development'. Secondly, whether the use of the land is incidental to the use of the dwelling house and therefore would not constitute the creation of a new planning unit, i.e. "the making of any material change in the use of any buildings or other land" (Section 55 Town and Country Planning Act 1990).

The issues are:

I. Whether the proposed caravan falls within the definition of caravan in terms of its size and transportability (which includes assessment of whether it is connected to the ground, connected to services and can be transported by a single vehicle when fully assembled).

2. Whether the siting of the proposed caravan would result in the creation of a new planning unit (a matter of fact and degree in terms of whether its use retains a functional link with the dwelling, 92 Southwick Street, and is capable of providing living accommodation that can accommodate the requirements of day to day living independently).

Operational Development

It is first necessary to establish whether the proposal constitutes a 'building operation'. In this instance, the Council's Legal Department has previously confirmed that a mobile home/caravan (as defined by the relevant legislation)

would not be a permanent structure (and therefore not be operational development as defined in the Town and Country Planning Act 1990).

The length and width and minimum height of the proposed caravan would be within the limits set out in the Caravan Sites Act 1968 Amendment Order (2006).

The applicant states that the unit would not be permanently fixed to the ground. It would not be provided with its own curtilage or a separate postal address. The applicant has also stated that the caravan will be removed from the site when no longer needed.

In view of the above, it appears that the proposal would not constitute operational development.

Use of the Land

It is necessary to consider whether the use of the land for the siting of a caravan as additional accommodation is ancillary to the residential use of the main building.

An annexe is defined as accommodation ancillary to the main dwelling within a residential curtilage. In order to meet the tests (in planning terms) of being part of the same planning unit the annexe must share the same access; parking area and garden and be in same ownership as the principal dwelling.

Historically, appeal decisions have generally interpreted the above definition strictly. It has been held that an annexe should be used for additional use only, in connection with the running of the main house. A building which contains all the facilities for day-to day living as a separate dwelling, i.e. living room, kitchen, bathroom and bedroom is physically capable of functioning on its own and, in turn could be occupied by a stranger with little impact on the inhabitants of the main dwelling, would require planning permission.

The question of whether the proposed use is lawful lies heavily on how the mobile home is used in relation to the parent building.

The High Court Case Whitehead v Secretary of State of the Environment and Mole Valley District Council (1992) the Deputy Judge concluded that planning permission would not be required for use of a building as ancillary for use by a housekeeper stating:

'*It mattered not, whether this building, as converted happened to include its own kitchen and bathroom'*.

The above was referred to in an appeal decision against a refusal to grant a LDC for a mobile home within the curtilage of a dwelling house to provide ancillary staff accommodation (Sandy Holt, 9 Black Hills, Esher APP/K3605/X/12/2181651 15th April 2013). Other cases locally include:

17 Chantry Road, Worthing (AWDM/1723/15)
24 West Way, Worthing (AWDM/1221/14)
31 The Gardens, Southwick (AWDM/1181/13)

In terms of the proposed caravan at 92 Southwick Street, the level of the accommodation provided and the physical separation between it and the main dwelling, mean that it could function on its own with some ease. However, the applicant has confirmed that the caravan is to be lived in by his son only. The second bedroom will be used as a games room and office. The application form confirms that it will not operate as an independent unit of residential occupation, as the accommodation will be linked to the main dwelling and the applicant has confirmed that the son will continue to share services with the main house.

Given that it would be sited within the curtilage of the principal dwelling, would share utility services with the principal dwelling, would not be provided with its own curtilage, and the occupier –a dependent relative - would have a close functional link with the occupiers of the principal dwelling, sharing the residential occupation and enjoyment of the principal dwelling, the proposal falls within lawful use and a Lawful Development Certificate should be granted

The concern is whether use of the caravan in this manner would be upheld.

An LDC can be revoked in certain circumstances and it is a criminal offence to make a false or misleading statement, which provides some comfort in terms of the use of the mobile home. For example, if it becomes clear that the caravan was used by someone other than a relative and with less of a functional link to the house, then there may be options available to the Council to take enforcement action.

Conclusion

Having taken into account its proposed ‘permanence’ and ‘attachment’, the proposed structure would not fall within the definition of a building operation, The proposed structure would be a caravan in planning terms, as interpreted by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. The use of the proposed accommodation would be incidental to the enjoyment of the dwelling house, if carried out in accordance with the information provided in the application. As such, the proposal does not amount to development requiring planning permission and the LDC can be granted.

RECOMMENDATION:

Permit Lawful Development Certificate.

REASONS FOR RECOMMENDATION:

The proposed siting of a caravan within the curtilage of the dwelling house and its use as ancillary accommodation for a relative, in accordance with the terms described in the application and as shown on the plans accompanying the application, does not constitute development requiring planning permission and is lawful within section 192 of the Town and Country Planning Act 1990 (as amended).

Case Officer: Peter Barnett Date: 27 November 2025

Authorised by: Jo Morin Date: 02.12.2025