PLANNING STATEMENT

Siting of a Mobile Home

1 Cokeham Road
Sompting
Lancing
West Sussex
BN150AA

Date: May 2019
Document ref: 340/OWIHUS

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INTRODUCTION

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

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

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

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

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

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

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

OPERATIONAL DEVELOPMENT

A caravan is by definition a "structure", yet it is settled law that stationing a caravan on land – even for prolonged periods - is a use of the land rather than operational development, this principle is embedded in the legislative framework, endorsed by the case-law[1] and routinely applied by the Inspectorate.

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

What is a caravan?

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

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

- (1) Size;
- (2) Mobility; and
- (3) Construction

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

Size

Section 13 of The Caravan Sites Act 1968 (amended 2006); prescribes the maximum dimensions of a caravan. We have testes these maximum dimensions against the proposal;

	Maximum CSA Requirement	Proposal Size
Length	20m	11.0m
Width	6.8m	5.0m
Overall Height (measured internally from the floor at the	3.05m	3m (internal)

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

lowest level to the ceiling at the highest level)		

It is clear the proposal is smaller in form than the prescribed maximum dimensions for a caravan, therefore meets the requirements of the size test.

Mobility

Section 13(1) (a) of the Caravan Sites Act 1968 indicates that a caravan is a structure which, "when assembled, [is] physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)".

The caravan will be placed on a swift plinth foundation system and will not be fixed down, but rather rest on these foundations under its own weight, please see images below. This provides a minimum ground clearance of 150mm, and allows for lifting straps/rig to be placed under the structure and therefore lifted by crane and placed onto a flat bed lorry.

Structural calculations provided in Appendix A (even though they relate to a different mobile home, it is of similar size) prove that the load can be dispersed evenly, therefore can be lifted without any structural damage.



We consider given the caravan can be lifted as whole unit, the mobility test is satisfied.

Common Mobility Misconceptions

You can't physically move the caravan!

The appeal decision APP/N1025/C/01/1074589 indicates:

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

Appeal Decision by J G Roberts 2002 an Inspector appointed by the Secretly of State. Brentall v. Erewash Borough Council.

It is not necessary for it (a caravan) to be towed, only that it is ***capable*** *of being moved my road".*

Brightlingsea Haven Limited and another v. Morris and others 2008.

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

You have attached the mobile home to services, therefore it becomes a permanent structure!

Appeal Reference -APP/L5810/X/15/3140569.

Similarly, ***any attachment to services is not the same as physical attachment to the land****, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved*

Appeal Reference -APP/J1915/X/11/2159970 (Erewash).

a. The test is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle;

b. Lack of intention to move the unit around the site is not relevant to the main issue, and would apply to most "static" caravans on any lawful caravan site;

c. The fact that the practicalities of mobility (e.g. a narrow driveway or awkward craning points) is immaterial. The test is whether the mobile home possess the necessary structural qualities to achieve theoretical mobility.

Construction

Section 13(1)(a) of the Caravan Sites Act 1968 Twin-unit caravans… (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.

The mobile home is assembled into two distinguishable parts on site and the final act of assembly is the bolting of the two parts together. An example of the construction methodology is provided in Appendix B. The photos show the following;

A. Shows section 1 of floor laid on swift plinth foundation system

B. Shows sections 1 & 2 of floor on central swift plinth

C. Shows a concrete pad foundation system

D. Shows the external walls for section 1 & 2 and the roofing spars for section 1

E. Shows the roof with section 1 fitted with breather membrane and latts, section 2 roofing spars only. Shows the pitched roof with breather membrane and plats, with central divide between section 1 & 2

F. Shows the roof tiled with the divide used between sections 1 & 2

G. Shows the 2 sections of floor deck, section 1 complete, section 2 to be insulated and board covered

H. Shows a close up of the external wall cassettes for sections 1 & 2, with a coach bolt loosely inserted ready for the final structural act of joining the 2 sections together

I. Shows section 1 & 2 wall frames ready to be jointed as the final structural act of bring the 2 sections together

J. Shows a cross section photo through the 2 sections of roof joists, external wall cassettes and floor

K. Shows the water pipes with connecter joints splitting the water pipes between sections 1 & 2

L. Shows the electrical wiring with connectors splitting the electrics between sections 1 & 2

There is no requirement that the process of creating the two parts must take place away from site, or from each other. The fact the two parts have been constructed side by side does not nullify the fact they are two separate parts which will be bolted together as the final act in the process.

Given the method of construction as stated above, we consider the construction test is passed.

Common Construction Misconceptions

You are constructing the two separate parts on site from many pieces, that's operational development!

Appeal Reference – APP/N1025/C/01/1074589

The key observations include:

A. *There is no requirement for the 2 sections to be each identifiable as caravans, or capable of habitation, before they are joined together;*

B. *A caravan can be delivered to site in many pieces, and there is no requirement in 13(1)(a) that the process of creating the 2 separate sections must take place away from the site on which they are then joined together.*

C. *It is only necessary the act of joining the 2 sections together should be the final act of assembly.*

BYRNE v. SECRETARY OF STATE FOR ENVIRONMENT and ARUN [1997]

*"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**."*

Appeal Reference -APP/B5480/C/17/3174314 (Appendix C) – (This appeal precedent involved the same mobile home provider, build methodology and planning agent as this application).

Inspector concludes;

A. *Two halves constructed on site -He remarks "there is no requirement that the process of creating the two separate sections must take place away from the land". Correctly interpreting Byrne and the Erewash decision.*

B. *Two halves being completed adjacent to one another, and then finally bolted together. He remarks -"...the two sections, having been completed alongside each other, were then connected securely by using a series of bolts along the lines of the walls and floor"*

Operational Development Conclusion

The proposal meets the size test and in fact is much smaller than the allowed maximum dimensions.

Clear evidence has been provided to prove that the caravan can be lifted and moved from the site, while case law indicates that the temporary attachment to services does not constitute permanence, this therefore satisfies the mobility test.

The caravan will be assembled on the site into two main sections, these will then be joined together as the final act of assembly. This methodology has been accepted at appeal and High Court, we therefore consider this passes the construction test.

The above sections clearly demonstrate beyond reasonable doubt that the proposal meets the three tests as set out in section 13 of the Caravan Sites Act 1968, and as amended in October 2006 (CSA) and should be considered a caravan.

As such the proposal does **not** constitutes operational development.

MATERIAL CHANGE OF USE

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

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

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

Relationship – The mobile home will be used by the applicant's grandparents who due to advancing age and ongoing illness require the care and support of their family. Please see supporting personal letter, Appendix D.

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

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

It is intended that the occupants will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities and continuing to tend to their much-loved garden.

To confirm there will be no separate;

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

Without the main dwelling the mobile home would not be able to function, this is stated within the signed personal letter.

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

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

Common Ancillary Misconception

The mobile home contains all the facilities to be used independently of the main dwelling!

High Court case Uttlesfordv SoS (Environment & White)

Inspector acknowledged that the annexe contained all the facilities for day-to-day domestic existence and was capable of being used as a separate dwelling house.

*However, the inspector also stated that this did not mean that it had been so used; **Factors of significance were the lack of separate utility meters, postal address and telephone line.** He also mentioned the lack of any separate curtilage or access arrangements.*

Appeal Reference -APP/L5810/X/15/3140569

*The appeal site would remain a single planning unit and that unit would remain in single family occupation. Both the first two named elderly appellants have health problems and are becoming increasingly dependent upon the two younger appellants. **The accommodation in the appeal unit would be used interchangeably with the accommodation in the main dwelling for socialising and practical support with day-to-day living needs**. A completely separate self-contained dwelling unit is not being provided.*

Material Change of Use Conclusion

It is stated within the personal statement that the mobile home will be used ancillary to the main dwelling.

It is clear the occupant and the mobile home will have a reliance on the main dwelling and will be used interchangeably.

For the reasons above It's considered that a material change of use will not occur.

CONCLUSION

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

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

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

Appendix A - Structural Calculations

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STRUCTURAL CALCULATIONS

PROJECT	Annex Lift
PROJECT No.	23731
CLIENT	iHUS
DATE	February 2017
NOTES	Design of temporary lifting beams to be installed under an annex structure to enable safe lifting for transportation.
BY	JG Smith

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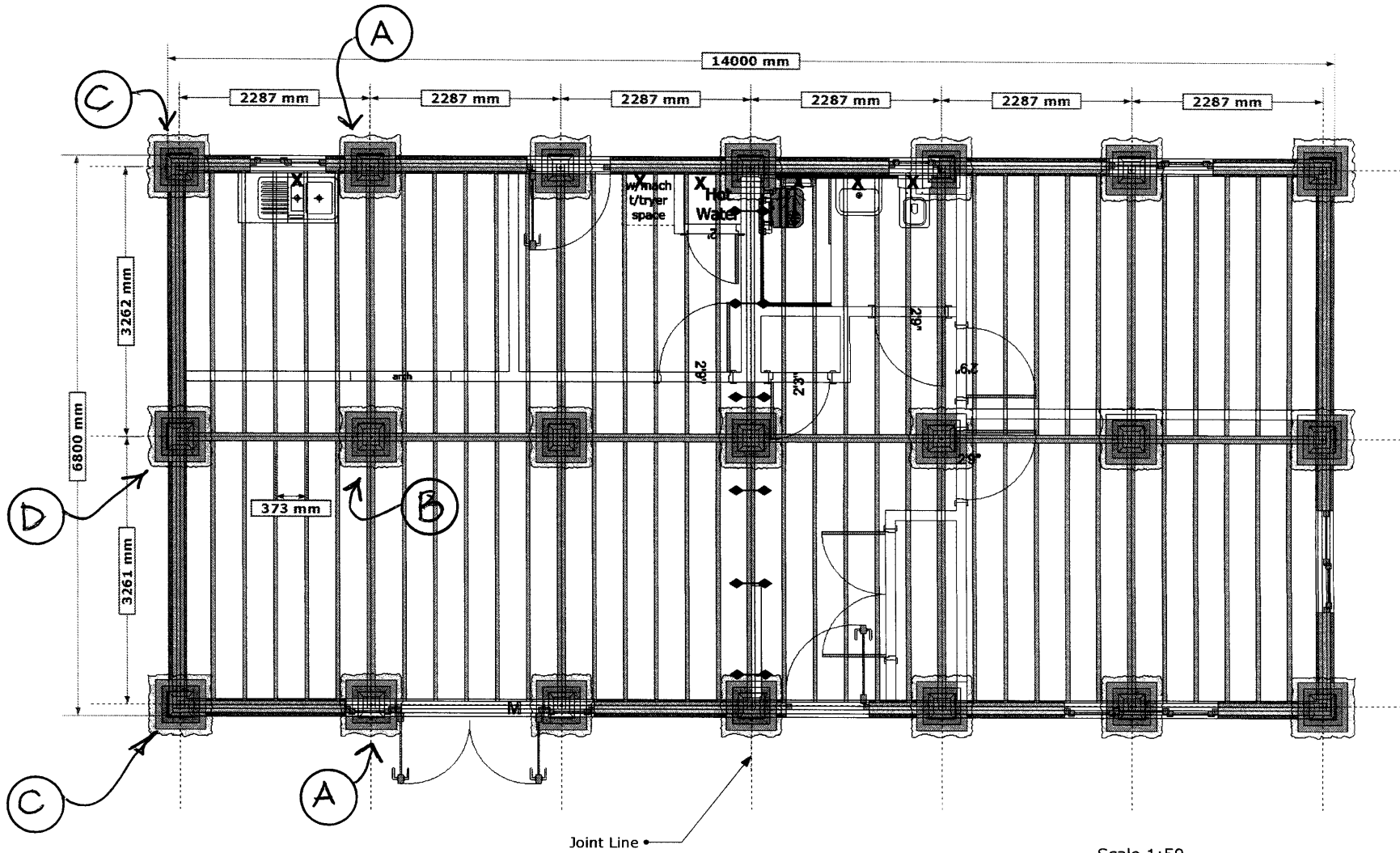
Project	Job No.
ANNEX LIFT	23731
	Sheet 1
	Date 02/2017

NOTES REGARDING LIFTING

1. Annex to be lifted by specialist using straps or chains fixed to the ends of the temporary lifting beams installed under the annex.
2. Lifting company to use a "spreader beam" or similar method to ensure the lift is vertical, this must be capable of supporting the loads given on page 8.
3. Positions of lifting beams shown on page7.
4. Outer timber floor beams and longitudinal beams to be connected as shown on pages 11 and 13 to facilitate lifting. In service all beams supported on the foundation.
5. The general principle of the lifting operations and sequence shown on page 14.

LOADING POSITIONS



Scale 1:50
Printed to A3

✖ - inlets for services (gains)
✖ - kitchen sink / toilet basin / shower outlet

Joists & Double ring beam 47x225mm C24

iHUS PROJECTS Specialists in creating individual living solutions	iHUS Projects Ltd Plumtree Farm Industrial Estate Blyvoles, Doncaster DN11 8EW tel: 01302 245 777 www.ihusaccess.com	**Project Name:** New Build Garden Annex / Caravan Act **Client name:** **Address:** **Post code:**	**Job Status / Number:** prototype **Drawing Name:** foundations / cassettes **Drawing No.:** 12.2 **Drawn by:** Voytek **Revised by:** **Checked by:** **Version:** 1 **Revision:** **Date:** 23.01.2017	**Revisions** **Rev. No.** 1 **by** Voy **Date:** 00.12.2016 1.

2

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Project: ANNEX LIFT

Job No. 23731
Sheet 3
Date 02/2017

LOADING (kN/m²) - dead load only considered

Roof	Concrete tiles	0.8	(worst)
	Battens	.03	
	on slope	.83	(22½°)
	on plan	.90	
	Trussed rafters	.20	
	Ceiling	.15	
	Services (nom)	.05	
	Insulation	.03	
		1.48	say 1.5
Floor	Boards	.10	
	Joists	.15	
	Insulation	.05	
	"Under" board	.10	
	Partitions (nom)	.50	
		.90	

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Project
ANNEX LIFT

Job No. 23731
Sheet 4
Date 02/2017

Walls	Cedral panels	.20
	Studs	.15
	Insulation	.05
	Plasterboard	.2
		.60

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Project: ANNEX LIFT

Job No. 23731
Sheet 5
Date 02/2017

Lifting beams designed to support loads at foundation positions. Refer to plan for references - loads in kN

Position A

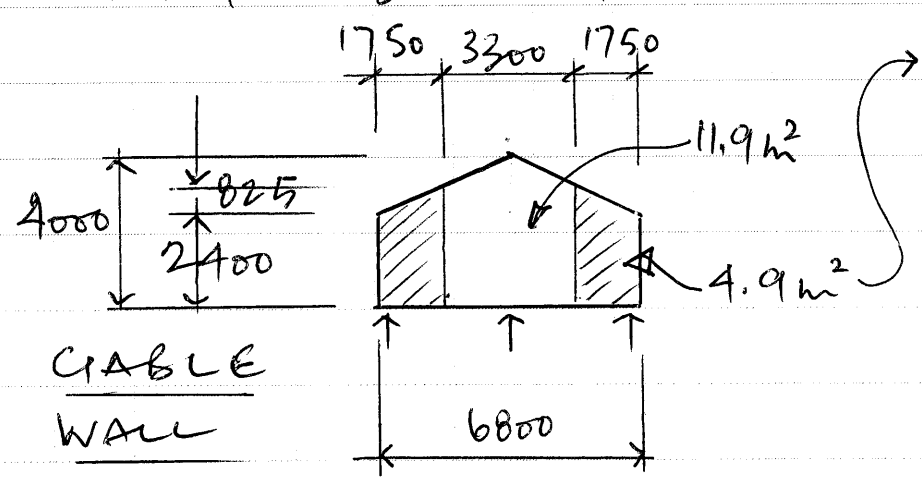
3.4 x 2.3m	roof	11.7
1.65 x 2.3m	floor	3.4
2.3 x 2.4m	wall	3.3
		18.4

Position B

3.3 x 2.3m	floor	6.8

Position C

3.4 x 1.15m	roof	5.9
1.65 x 1.15m	floor	1.7
1.15 x 2.4m	side wall	1.7
		2.9
		12.2



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Project: ANNEX LIFT

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Sheet 6

Date 02/2017

Position D

3.3 x 1.15 floor	3.4
11.9 m² gable wall	7.1
	10.5

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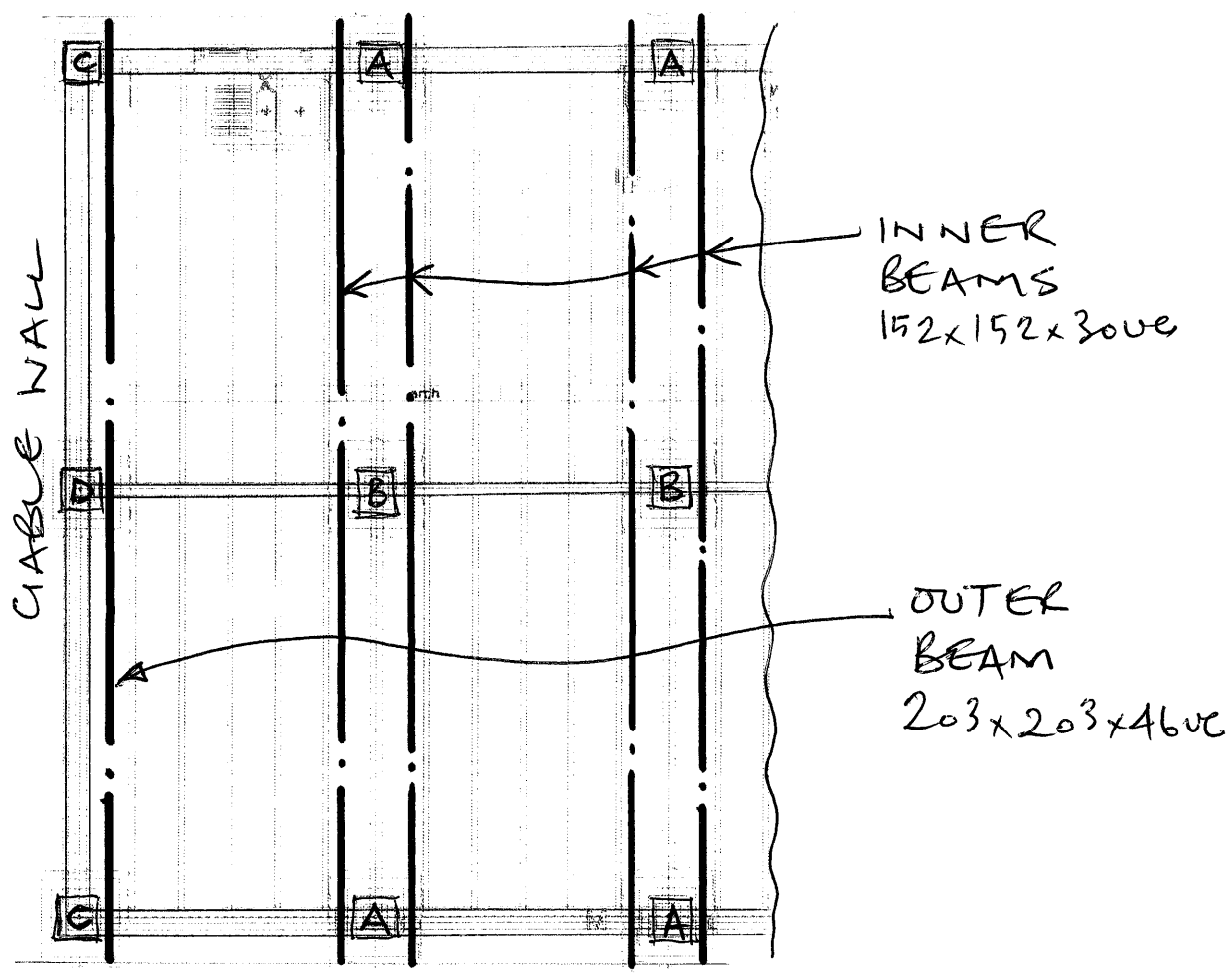
Project
ANNEX LIFT

Job No. 23731
Sheet 7
Date 02/2017

Position lifting beams under the annex next to foundation positions — on inner lines of support use a beam either side of the foundation connection point, on outer lines of support position just inside the line of the wall:



PART PLAN NTS.

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Project: ANNEX LIFT

Job No. 23731

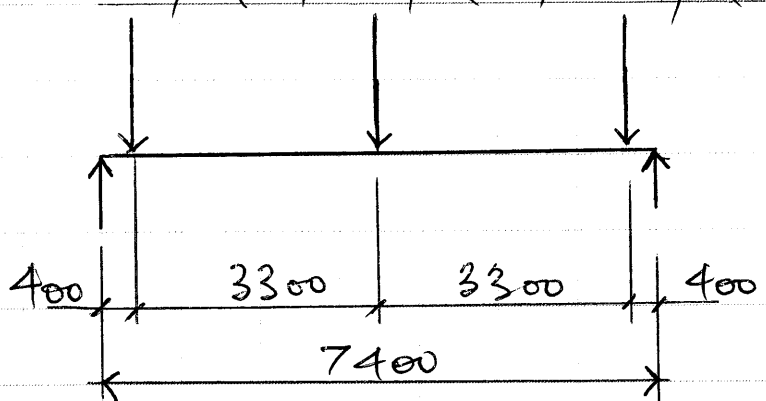
Sheet 8

Date

Loads onto lifting beams (RN):

12.2 (14.6) 10.5 (12.6) 12.2 (14.6) OUTER BEAM

18.4/2 (11.0) 6.8/2 (4.1) 18.4/2 (11.0) INNER BEAM



Values in parentheses include 20% for dynamic effect

See overleaf:

Outer beams 203 x 203 x 46UC

Inner beams 152 x 152 x 30UC in pairs.

Beam reactions for crane lifting including 20% allowance for dynamic effect.

Inner beams 13 RN

Outer beams 21 RN

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Date	:
Checked	:
Approved	:

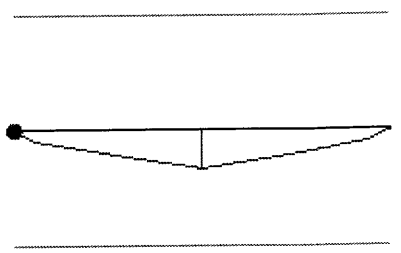
OUTER BEAM

Loads described as "live" for analysis but γ = 1.4 used for design

Member Loading and Member Forces

Loading Combination : 1 UT + 1.4 D1 + **1.4 L1**

```
L1 PY   -014.600 0.400        ( kN,m )
L1 PY   -012.600 3.700        ( kN,m )
L1 PY   -014.600 7.000        ( kN,m )
```



Member Forces in Load Case 1 and Maximum Deflection from Load Case 2						
Level No.	Node End1 End2	Axial Force (kN)	Shear Force (kN)	Bending Moment (kN.m)	Maximum Moment (kN.m @ m)	Maximum Deflection (mm @ m)
1	1	0.000C	31.603	0.000	45.144	15.601
	2	0.000C	-31.603	0.000	@ 3.700	@ 3.700

Classification and Properties (BS 5950: 2000)

Section (46.1 kg/m)	203x203 UC 46 [Grade 43]		
Class = Fn(b/T,d/t,py,F,Mx,My)	9.25, 22.33, 275, 0, 45.14, 0	(Axial: Non-Slender)	Compact
Auto Design Load Cases	1		

Moment Capacity Check Mc

Fv/Pv	8.82 / 241.402 =	0.037	Low Shear
Mc = py.Sxx≤1.2 py.Zxx	275 x 497.4≤1.2 x 275 x 449.87 =	136.785 kN.m	
MA/Mc	45.143 / 136.785 =	0.330	OK

Equivalent Uniform Moment Factor mLT

$m_{LT}=0.2+(.15M_2+.5M_3+.15M_4)/M_{max}$	0.2+(.15x28+.5x45+.15x28)/45 = 0.44	0.884	Table 18

Lateral Buckling Check Mb

Le = 1.00 L	1 x 7.4 =	7.4 m	
λ = Le/ryy	7.4 / 5.14	143.97	OK
v = Fn (x,Le,ryy,λ)	17.71, 7.4, 5.14, 143.97	0.694	Table 19
λ_{LT}= u.v.λ.√β_W	0.847 x 0.694 x 143.97 √ 1	84.65	
pb = Fn (py,λ_{LT})	275, 84.65	154.6 N/mm²	Table 16
Mb = Sxx.pb ≤ Mc	497.4 x 154.6 ≤ 136.785 =	76.900 kN.m	
MA/(Mb/m_{LT})	45.144 / (76.9 / 0.884)	0.519	OK

Deflection Check - Load Case 2

δ ≤ Span/360	15.6 ≤ 7400 / 360	15.6 mm	OK

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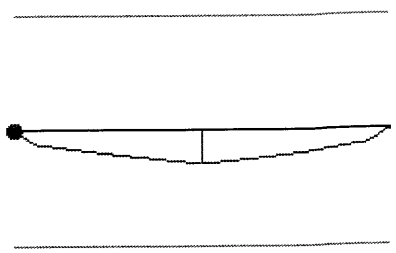
INNER BEAM

Loads described as "live" for analysis but Y = 1.4 used for design

Member Loading and Member Forces

Loading Combination : 1 UT + 1.4 D1 + **1.4 L1**

L1 PY -011.000 0.400 (kN,m)
L1 PY -004.100 3.700 (kN,m)
L1 PY -011.000 7.000 (kN,m)



Member Forces in Load Case 1 and Maximum Deflection from Load Case 2						
Level No.	Node End1 End2	Axial Force (kN)	Shear Force (kN)	Bending Moment (kN.m)	Maximum Moment (kN.m @ m)	Maximum Deflection (mm @ m)
1	1	0.000C	19.796	0.000	19.602	18.020
	2	0.000C	-19.796	0.000	@ 3.700	@ 3.700

Classification and Properties (BS 5950: 2000)

Section (30.03 kg/m)	152x152 UC 30 [Grade 43]		
Class = Fn(b/T,d/t,py,F,Mx,My)	8.13, 19.02, 275, 0, 19.6, 0	(Axial: Non-Slender)	Plastic
Auto Design Load Cases	1		

Moment Capacity Check Mc

Fv/Pv	2.87 / 169.026 =	0.017	Low Shear
Mc = py.Sxx≤1.2 py.Zxx	275 x 247.7≤1.2 x 275 x 221.94 =	68.118 kN.m	
MA/Mc	19.6 / 68.118 =	0.288	OK

Equivalent Uniform Moment Factor mLT

$m_{LT}=0.2+(.15M_2+.5M_3+.15M_4)/M_{max}$	0.2+(.15x14+.5x20+.15x14)/20 = 0.44	0.908	Table 18

Lateral Buckling Check Mb

Le = 1.00 L	1 x 7.4 =	7.4 m	
λ = Le/ryy	7.4 / 3.83	193.21	OK
v = Fn (x,Le,ryy,λ)	15.946, 7.4, 3.83, 193.21	0.588	Table 19
λ_{LT}= u.v.λ.√β_w	0.849 x 0.588 x 193.21 √ 1	96.53	
pb = Fn (py,λ_{LT})	275, 96.53	131.05 N/mm²	Table 16
Mb = Sxx.pb ≤ Mc	247.7 x 131.05 ≤ 68.118 =	32.461 kN.m	
MA/(Mb/m_{LT})	19.6 / (32.461 / 0.908)	0.548	OK

Deflection Check - Load Case 2

δ ≤ Span/360	18.02 ≤ 7400 / 360	18.02 mm	OK

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Project: ANNEX LIFT

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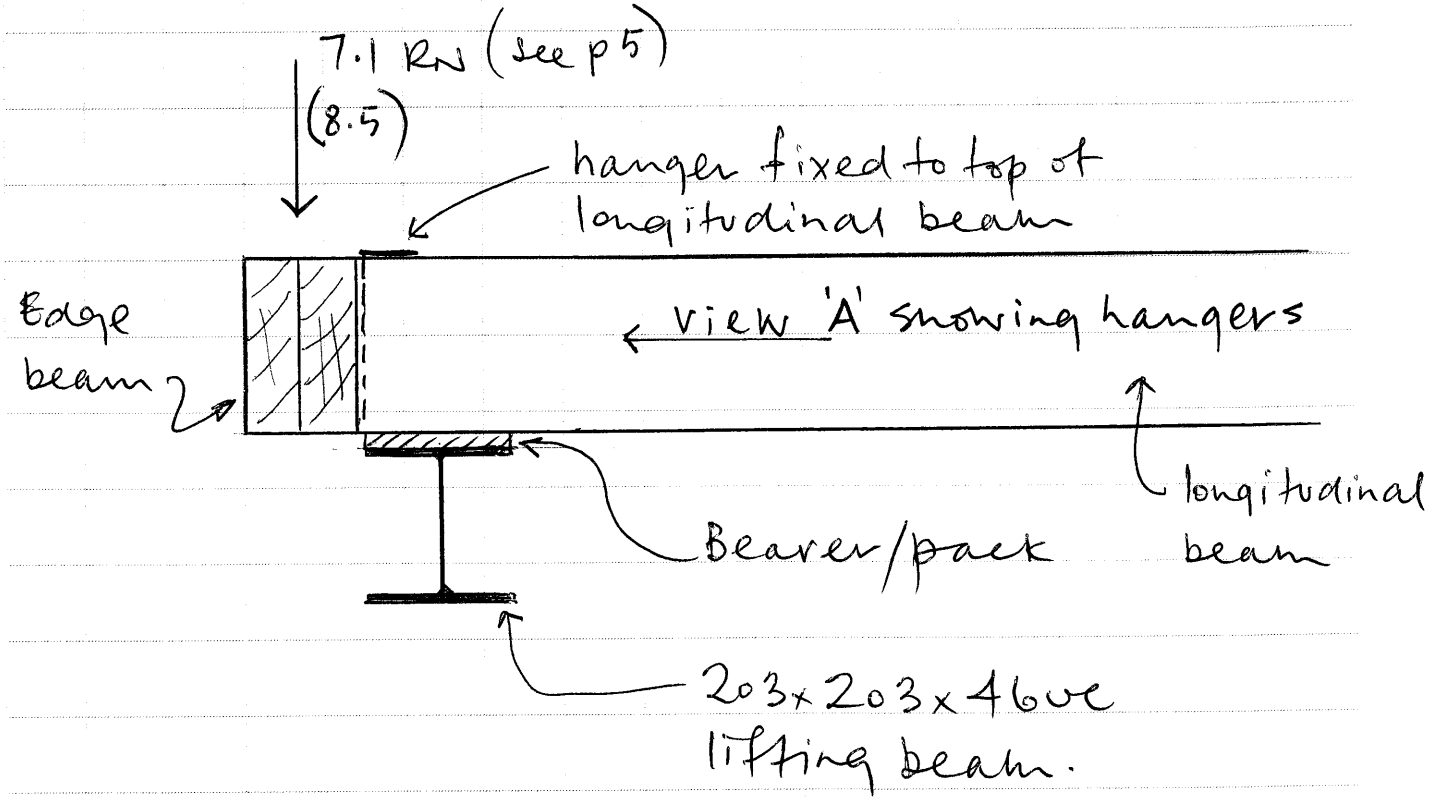
Inner beams will carry loads from the longitudinal timber beams ∴ downward forces directly onto the lifting beams.
The outer beams will transfer loading from the gable walls onto the ends of the longitudinal beams ∴ a suitable connection must be made between the timber beams:

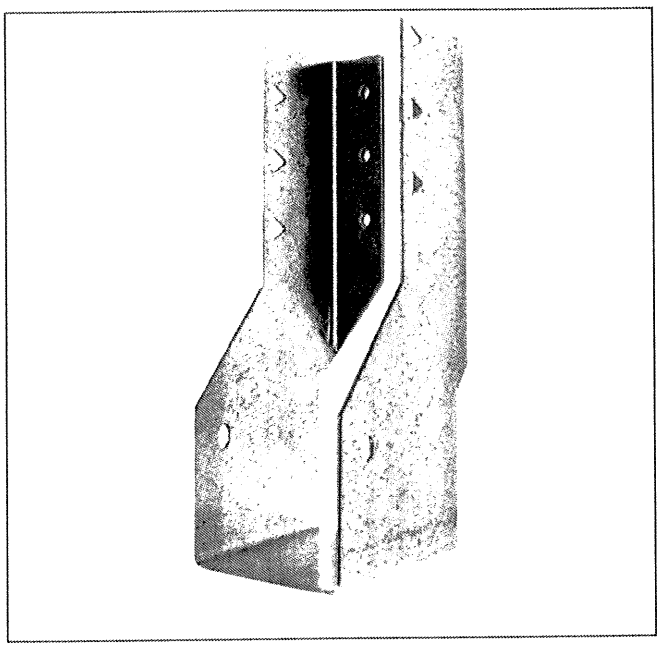


Use Simpson Strong-Tie IUC hangers - See table overleaf - for joists at least 50mm wide, 2 no hangers have SWL > 8.5 Rw using 3.75 x 30mm nails.

Technical data sheet

IUC - FACE FIX CONCEALED FLANGE HANGER

SIMPSON Strong-Tie



IUC is a face fix concealed flange hanger for both I-joists and solid timber sections.

UK-DoP-e04/0042, ETA-04/0042

FEATURES

Material

Pre-galvanised milld steel.



* Suitable hangers - for very short term 4.88×1.75×2 (2 hangers) = 17.1 kN.

TECHNICAL DATA

IUC Installed with 3.75x30mm Nails - Safe Working Load

References	Dimensions			Fasteners				Safe Working Loads [kN]		
				Header		Joist		C16 & I-Joist Header	LSL or LVL Header	
	A	B	C	Qty	Specification	Qty	Specification	Long Term Download	Long Term Download	
IUC142/40	40	142	51	6	3.75 x 30	2	3.75 x 30	2.09	2.44	
IUC192/40	40	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/40	40	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	
IUC142/47	47	142	51	6	3.75 x 30	2	3.75 x 30	2.09	2.44	
IUC192/47	47	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/47	47	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	
IUC192/50	50	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/50	50	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	*
IUC192/53	53	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/53	53	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	*
IUC192/61	61	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/61	61	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	*
IUC192/66	66	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/66	66	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	*
IUC192/72	72	192	51	10	3.75 x 30	2	3.75 x 30	3.48	4.06	
IUC217/72	72	217	51	12	3.75 x 30	2	3.75 x 30	4.17	4.88	*

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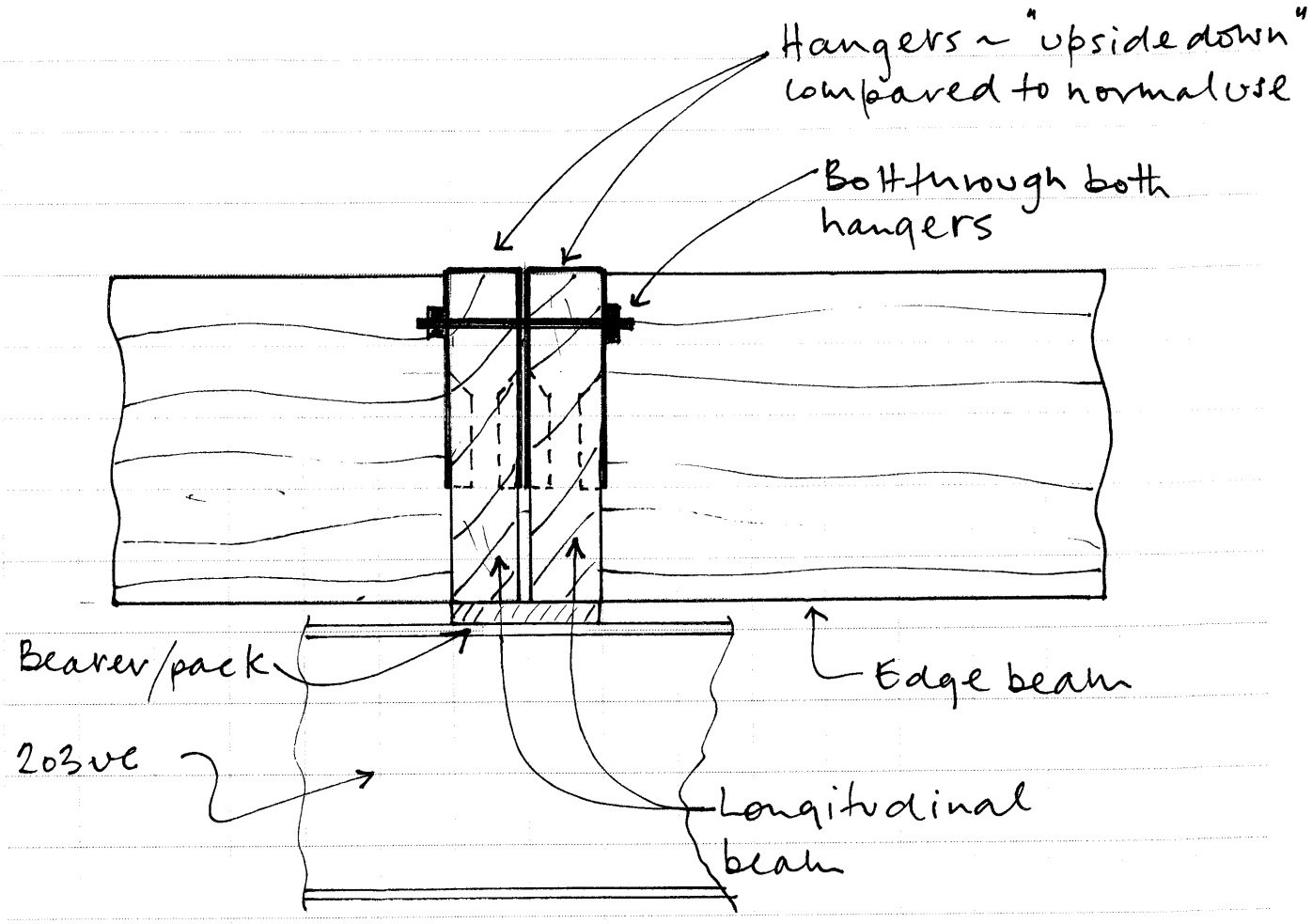
Project
ANNEX LIFT

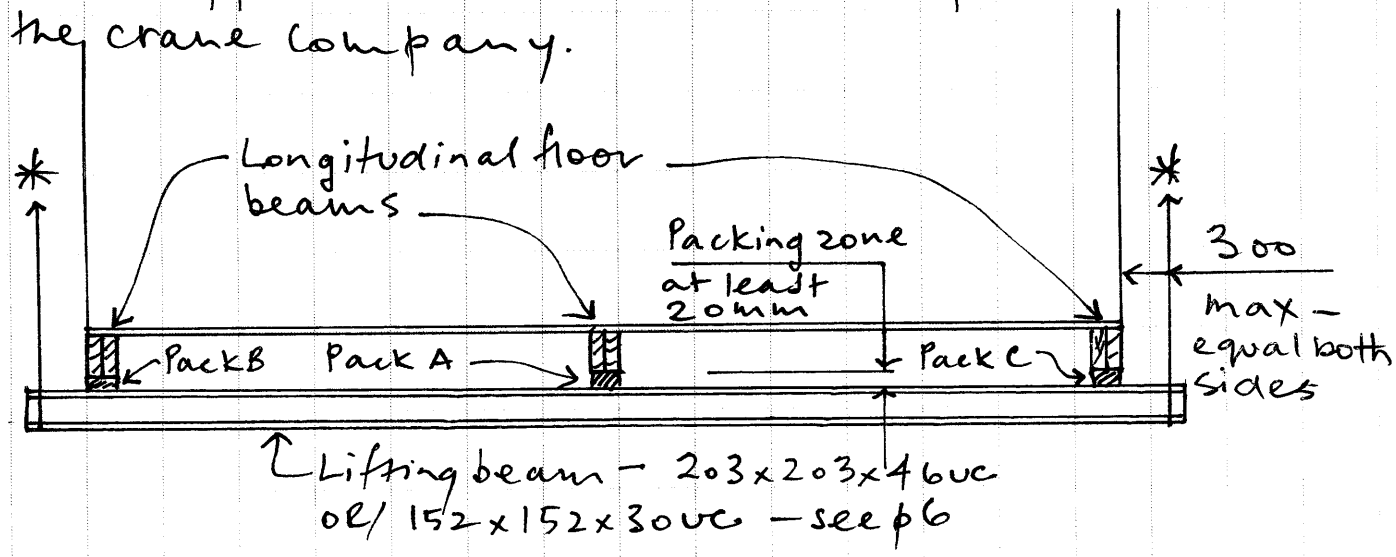
Job No. 23731
Sheet 13
Date 02/2017



VIEW 'A' see p10

Pack A to be fixed to top flange of steel lifting beam. Beams to be passed under the annex so pack A is located directly under central longitudinal floor beam. Crane to apply slight tension to ensure pack A is bearing correctly. Packs B and C then to be installed prior to lifting the annex.

* Denotes lifting straps/chains fixed to the lifting beams below the annex floor and supported on a suitable steel spreader beam supplied by the crane company.



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Project: ANNEX LIFT

Job No. 23731
Sheet 14
Date 02/2017

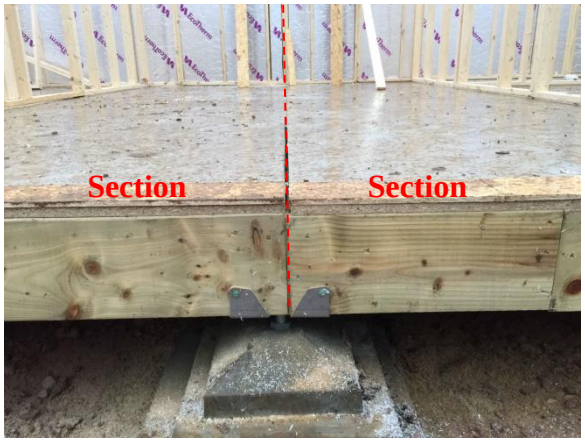
Appendix B - Construction Methodology

This is ADDENDUM 1 to the application submitted

Photographic evidence



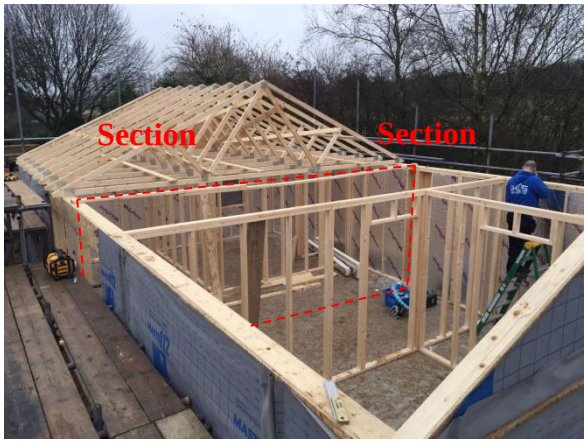
A



B



C



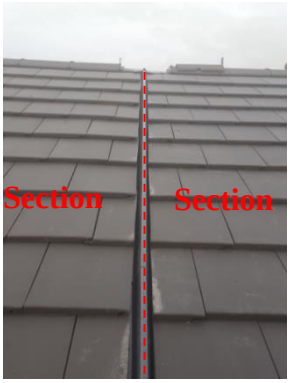
D



E



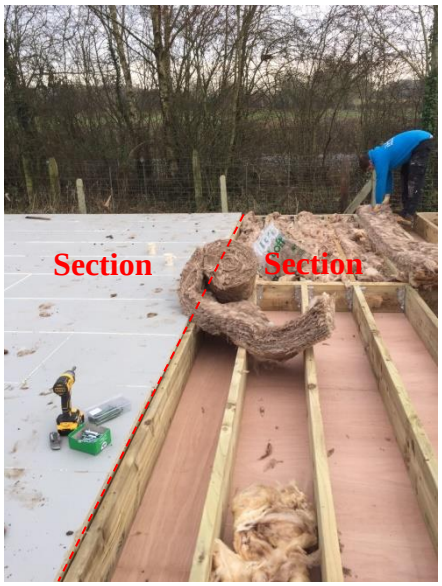
F



G

This is ADDENDUM 1 to the application submitted

Photographic evidence Cont'd



G



H



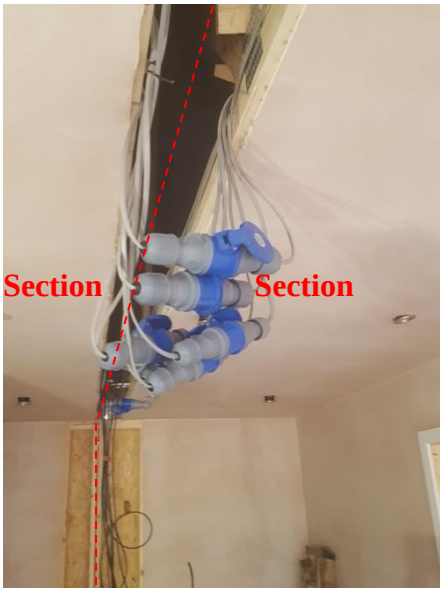
I



J



K



L

Appendix C - APP/B5480/C/17/3174314

The Planning Inspectorate

Appeal Decision

Site visit made on 30 October 2017

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2017

Appeal Ref: APP/B5480/C/17/3174314
Land at 28 Lodge Lane, Romford RM5 2EJ

- The appeal is made by Mrs Vicky Rose under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/49/17) issued by the Council of the London Borough of Havering on 14 March 2017.
- The breach of planning control alleged in the notice is "the erection of an outbuilding" on the Land.
- The requirements of the notice are as follows: -

  "EITHER:
  i) Remove the outbuilding in its entirety; and
  ii) Remove from the Land, all materials and debris resulting from compliance with steps *[sic]* (i).
  OR:
  iii) Cease the use of the outbuilding as a self-contained residential unit; and
  iv) Reduce the height of the outbuilding to no more than 2.5m from natural ground level; and
  v) Remove from the Land, all materials and debris resulting from compliance with steps (iii) and (iv)."

- The period for compliance with these requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (f).

Decision

1. The appeal is allowed and the enforcement notice is quashed.

Reasons for the decision

The enforcement notice

2. The appellant maintains that the notice is a nullity due to "two fundamental errors". The first contention is that Requirement iii) is uncertain because it is not clear whether use as a granny annexe could continue; the second is that there is a mismatch between Requirement iii) and the allegation that an outbuilding has been erected. The Council's response is that the notice clearly identifies the alleged breach as the erection of an outbuilding, but that Requirement iii) should have been worded so as to require the use of the alleged outbuilding to be restricted to purposes incidental to a dwellinghouse, the intention of Requirements iii) and iv) being to bring the alleged outbuilding into line with what householders can carry out as permitted development.

3. The notice contains all the elements that it is required by law to contain and in my opinion it has been drafted so as to tell the appellant fairly what is alleged to have been done in breach of planning control and what must be done to remedy the alleged breach if the notice is upheld. Requirement iii) uses a well-understood planning term, as does the alternative wording put forward by the Council. In my view, the issues raised here by the appellant and the Council fall to be dealt with under the submitted grounds of appeal and by consideration of the exercise of the power to correct or vary the notice if this can be done without causing injustice.

Ground (b)

4. Under ground (b) the appellant maintains that the alleged breach of planning control has not occurred as a matter of fact, because what has taken place is not the erection of an outbuilding, but is the siting of the mobile home for which a lawful development certificate has been granted. The Council contend that an outbuilding has been erected in breach of planning control, and that what has taken place could not be the siting of a mobile home because of the method of construction and because the structure could not be moved from one place to another.

5. The lawful development certificate was granted on 4 August 2016 and it declares to be lawful the siting on the land of a mobile home to be used for purposes ancillary to the appellant's house on the land. (I have treated the reference to 29 Lodge Lane in the First Schedule to the certificate as an error, since the main dwelling concerned is clearly No 28.) The certificate states that it is based on the details shown on five drawings. From what I have seen and read about the alleged outbuilding, it appears to be in the location specified on these drawings and to have the same dimensions, external appearance and internal layout as those specified on the drawings (with the addition of some adjoining decking and steps which are not at issue in the appeal).

6. The term "caravan" is defined by statute and the statutory definition applies to the mobile home authorised by the certificate, rather than the ordinary meaning of the word. In the context of the appeal it means a 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).

7. A "twin-unit caravan" is not treated as being outside this definition by reason only that it cannot lawfully be moved on a highway when assembled. A twin-unit caravan is defined as one that "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 "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". These prerequisites are usually referred to as 'the construction test' and 'the mobility test'. There is also a 'size test', but there is no dispute in this appeal that this test has been complied with.

8. As to the construction test, the mobile home for which the certificate was granted should consist of no more than two sections that have been separately constructed and that have been designed to be assembled on the land, and the

joining together of the two sections by the means described 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 land.

9. The appellant has explained that the components were manufactured in kit form in a factory. The kit included finished panels and boards and timber floor cassettes that were chemically treated, boarded and insulated. These were all stacked into packs and wrapped with tarpaulins ready for transportation. They were then taken to 28 Lodge Lane on a 25ft flatbed wagon, off-loaded at the front using the vehicle's crane and moved manually into the back garden.

10. The appellant indicates that the components were then assembled into two sections, in accordance with the construction plans and the installation method, details of which she has provided. The plans show a front section and a back section. The installation method shows that the two sections, having been completed alongside each other, were then connected securely by using a series of bolts along the lines of the walls and floor.

11. The Council's case in relation to the method of construction relies on their inspections of the works during the assembly period and the photographs that were taken then. They state that the components were not delivered to the site in two sections lifted or craned off a transporter and that the structure was constructed on site by builders, joiners and other tradespeople. They indicate that the materials delivered to site included raw materials, such as timber and felt for the roof, that materials were stored on site and that a skip was placed in the front garden.

12. The Council's evidence is not in conflict with the appellant's explanation of what took place. However, the Council appear not to have appreciated that assembly can take place on site and they have not shown that the construction test, as explained in paragraph 8 above, was not satisfied. In particular, the Council's evidence does not cast doubt on the appellant's explanation of how the two sections were assembled on the land and then joined together in the final act of assembly.

13. As to the mobility test, the mobile home for which the certificate was granted should once fully assembled be physically capable of being moved as a whole by road, by being towed or transported. A lack of intention to move is not relevant, nor is the absence of a suitable means of access or an adequate road network, but the mobile home should possess the necessary structural qualities to permit its movement in one piece without structural damage.

14. The Council concluded from their investigations that it was reasonable to assume that the structure would have to be dismantled in order for it to be moved off the site, because lifting in an intact form would be unlikely to be feasible given the method of construction. They therefore determined that it was not physically capable of being moved as required by the mobility test.

15. The appellant disagrees and has produced a 'Structural integrity and craning method statement', which is supported by drawings and detailed calculations drawn up by experts. The structure rests on plinths and is not fixed to the ground. The statement supports the view that temporary lifting beams could be installed under the structure to enable it to be lifted safely for transportation.

The Council have not disputed these findings and I have no reason to disagree with them.

16. For the above reasons, I am satisfied on the balance of probabilities that both the construction test and the mobility test have been complied with. I have come to the conclusion, as a matter of fact and degree, that the structure is the mobile home for which the lawful development certificate was granted and not an outbuilding. The alleged breach of planning control has therefore not occurred as a matter of fact and the appeal has succeeded on ground (b).

Grounds (a) and (f)

17. The notice has been quashed as a result of the appeal's success on ground (b). Grounds (a) and (f) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR

Appendix D - Personal Letter