

Development Management – Delegated Officer Report

Application Number: AWD/0675/26

Recommendation: – APPROVE

Site: 24 Christchurch Road Worthing West Sussex BN11 1JA

Proposal: Application for Lawful Development Certificate for proposed siting of a caravan for incidental use to the main dwelling.

Date of Site Visit: 28.07.26

Site and Surroundings

This application relates to the site of a detached property with large side garden on the east side of Christchurch Road, close to the junctions with Cambridge Road and Wenban Road. It is immediately north of Worthing Town Centre in an established residential area.

The property is brick built with a rendered and painted frontage under a shallow hipped slate roof. It has a three storey hipped roof rear addition which extends beyond the north side wall. To its north is a pair of gable fronted semi-detached houses and to the south are three storey properties converted into flats. Opposite are two storey houses some of which are converted. To the rear is a new build three storey building with part two storey part single storey rear addition approved in 2006 which includes a total of six dwellings.

The site is in a controlled parking zone. It does not have off street parking with the frontage enclosed by a decorative brick and flint wall.

This is not a conservation area and the property is not listed. There are no protected trees on the site. It is in an Archaeological Interest Area.

Proposal

The application is for a Lawful Development Certificate for proposed siting of a caravan for incidental use to the main dwelling, that seeks 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 as amended) requiring planning permission. As such, the planning merits of the proposal are not a consideration in this instance.

The proposal is for a caravan measuring 8.5m (length) (max) x 3.95m (width) (max) with an internal floor to ceiling height of 2.87m. It would be sited in the southern side of the garden.

The applicant's agent has stated that the unit would be occupied by the applicant's mother. The agent states that the applicant's mother who due to recently being widowed and losing her rented, the accommodation will ensure that the family are on hand to provide her with the care and support that she needs.

The facts of the proposed use 'provided by the applicant' are as follows:

1. The mobile home unit will not be physically separated from the rest of the garden of the main dwelling.
2. The garden will be shared by all occupants.
3. No separate services are proposed, there will be one household electricity and water bill.
4. There would be no separate postal address.
5. The mobile home unit will provide bedroom, bathroom and living room accommodation with kitchen facilities for the preparation of some meals, hot drinks, and snacks.
6. The occupant will take main meals in the house several times a week.
7. The occupant will socialise with the rest of the family in the living room and will have access to other areas of the house, and other members of the household will have access to the mobile home unit.
8. There will be no washing machine or laundry facilities other than in the main house, these will be used by all family members.

The applicant has provided a number of appeal decisions supporting the application and a confirmation from the manufacturer.

Relevant Planning History:

AWDM/0701/22 - Remodelling of No. 24 including raising of main ridge and new front gable together with change of use of the building from hostel to family home; erection of a single 4-bedroom dwelling adjoining 24 Christchurch Road including new drop kerb and one off street parking space. (revised description).

STATUS: Application Permitted 14th July 2022.

AWDM/1837/22 - Change of use from an existing hostel building to revert back to a family home.

STATUS: Application Permitted 8th December 2022.

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.

Representations – none received or sent

The planning merits of the proposal are not under consideration. Matters relevant to the certificate of lawfulness are considered in the assessment below.

Planning Assessment

The legal tests in this instance are related to, firstly, whether the proposed mobile home 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 as amended).

Permanent caravan sites (including the placement of just one "caravan") require both planning permission and a licence granted under the Caravan Sites and Control of Development Act 1960. Schedule 1 of the Act provides a number of exemptions, including at paragraph 1 – use within curtilage of a dwellinghouse.

The issues are therefore:

1. Whether the proposed mobile home falls within the definition of a 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 mobile home 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, 24 Christchurch Road and is capable of providing living accommodation that can accommodate the requirements of day to day living independently).

Section 29 of the Caravan Sites and Control of Development Act 1960

Defines a caravan as any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether 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;

Section 13 of the Caravan Sites Act 1968

States that to be classed as a caravan

The structure must not measure more than 20 m in length, 6.8 m in width and the overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) must not be more than 3.05m

The structure must be 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 structure when assembled must be 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).

Section 57(1) Town and Country Planning Act 1990

States that planning permission is required for the carrying out on land any development.

Section 55 (1) Town and Country Planning Act 1990

Defines development as the “carrying out of building, engineering, mining or other operations in, on, over or under the land, or the making or any material change in the use of any buildings or other land”

Section 55(2)(d) Town and Country Planning Act 1990 states that the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house is not taken for the purpose of the act as to involve development.

The General Permitted Development Order 2015 is effectively a national grant of planning permission giving deemed planning permission for certain development without having to make a formal application for planning permission.

The issue in this case is whether or not the placing of a mobile home in the side garden of 24 Christchurch Road Worthing either

- 1) requires planning permission or
- 2) is a caravan whose purpose is ancillary to the main dwelling and a certificate of lawful development can be issued.

In the case of *Measor v Secretary of State* (1998) it was held that the approach to the definition of a “building” should be considered as a matter of fact and degree in the light of factors such as size, permanence, physical attachment and composition by components. It was held that generally a mobile caravan would not satisfy that definition having regard to factors of permanence and attachment. The Judge considered the definition of a caravan and found that this required consideration as to whether a particular structure was mobile or potentially mobile in the context of the relevant legislation.

A mobile home is essentially a caravan, a structure that is designed for someone to live in that can be moved around the site if required.

A caravan / mobile home may be parked on the drive or in the garden of a dwelling, provided it is being used as though it were part of the house (like an extra bedroom) by members of the immediate family or by friends occasionally. It cannot be used as a separate dwelling or hired out (for example for holidays).

If it is to be used as a separate dwelling this would constitute a change of use and a planning application should be made.

If the functional link between the dwelling-house and the proposed mobile home are severed and the proposed mobile home is to be used for independent living then planning permission will be required as it will be a material change of use of the land.

The courts have held that it is the actual use of the caravan that is the determining factor to decide whether permission is needed rather the nature of its facilities giving potential to be occupied as a self-contained residential unit.

In addition there must be no new access to the road and the existing access must not be altered.

It is also necessary to establish whether the proposal constitutes a 'building operation' and in doing so, therefore necessary to consider whether the mobile home is a 'caravan' for the purposes of the Caravan Sites Act 1960. The definition of caravan is provided in section 29(1) of the Caravan Sites Act 1960 as follows:

"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

Excluded from this definition is a "twin-unit caravan" which is later defined under the Caravan Sites Act 1968 as follows.

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 highway 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): 20 metres

(b)width: 6.8 metres

(c)overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres

The application documents cite another appeal decision (ref 3237532) concerned the provision of a single unit mobile log home at Bridge Cottage, Bisham, Maidenhead. The single unit mobile log home was to be assembled on site on a timber engineered wood chassis, similar to the design of the proposed

The inspector notes at paragraph 10 that there is no requirement for the mobile home to be assembled off site in order to be a caravan, further as it was not a twin unit mobile home, there was no requirement for it to be made in two parts to be joined together

The Inspector concluded that the single unit mobile log home proposal met with the construction test, that the written description of the mobility of the unit was clear, that the proposal would involve the use of land and that as that use would fall within the same use as the remainder of the planning unit, there would be no change of use. A LDC was issued confirming that planning permission was not required.

The applicant agent states that the unit due to the restricted access to the property the single unit mobile home unit is designed to be manufactured on site. The supplier confirms that once completed the proposed mobile home will be capable of being moved as one unit and therefore it conforms with the mobility test. The usual method for transportation by road is to lift the mobile home unit onto a flatbed lorry using a crane.

There is no requirement in the Act for single unit mobile homes, or any other sort of caravan, to be made in any particular type of material or for a caravan to be manufactured off site.

The applicant confirms that the unit would not be permanently fixed to the ground and only the services would be connected.

The caravan would measure 8.5m (length) (max) x 3.95m (width) (max) with an internal floor to ceiling height of 2.87m thereby less than the maximum size requirements of (2) (a) to (c).

A statement by 'Keops' indicates:

We certify that the structure described above conforms with the legal definitions of a caravan currently in force.

*We confirm that the structure described above
Is designed for human habitation having accommodation for cooking, washing and
Sleeping Is within the physical size parameters*

Is capable of being moved as one

I am aware of the provisions of S.194 of the Town and Country Planning Act 1990, and make this statement in the knowledge that in providing evidence to secure a Certificate, it is a criminal offence to knowingly or recklessly make a statement which is false or misleading or intended to deceive, or to withhold

It is confirmed that Keops Ltd. premanufacture all the components of the single unit mobile homes within their various factories including:

- The chassis base that is made of C16 PT Structural timbers
- Timber wall beams,
- Doors and windows,
- Roofing materials.

The wall beams for both the interior and exterior walls are substantially premanufactured components designed with interlocking tongue and groove jointing, to allow for easy assembly and requiring absolutely no mechanical fixings or assembly.

Each of the wall beams are labelled within a set of wall drawings and corresponding parts list, which makes the assembly task extremely quick and no requirement for any form of onsite adaptation. All of the components made within the various factories are transported to site to make an entire 'kit' in one or two deliveries.

Keops Ltd. are in control of all of those components and send their own personnel to undertake the assembly process.

The initial phase of the assembly process is to complete the structural chassis. The Keops personnel have a drawing and technical note to explain exactly where all the chassis beams should be positioned in order to substantially support the unit in conjunction with document 'General Method of Moving Log Cabin Mobile Home'.

Once the chassis is completed, the assembly process of the rest of the single unit mobile home then commences using the various premanufactured materials already at site.

Keops Ltd. and their personnel require no heavy plant or machinery to carry out any of the assembly works.

The key factor under the legislation is that the mobile home is capable of being moved by road when assembled, regardless of whether the applicant goes on to transport the unit as one or as two or more.

It has been confirmed by the applicants agent and 'Keops' that the mobile home will not be permanently fixed, and that it can be moved. Therefore, this proposed mobile

home would appear to be a caravan within the required definition which would not require planning permission.

The area where the mobile home is to be sited is within the residential curtilage of 24 Christchurch Road Worthing. The site will be shared, there will be no physical separation, all amenity space will be shared, and there will be free movement and use of both the main house and the mobile home by the applicant's mother and the applicant.

The relevant exemption from having to obtain planning permission for a caravan requires that the use of the caravan is 'incidental' to the enjoyment of the main dwellinghouse.

The supporting statement has confirmed that:

1. The mobile home unit will not be physically separated from the rest of the garden of the main dwelling.
2. The garden will be shared by all occupants.
3. No separate services are proposed, there will be one household electricity and water bill.
4. There would be no separate postal address.
5. The mobile home unit will provide bedroom, bathroom and living room accommodation with kitchen facilities for the preparation of some meals, hot drinks, and snacks.
6. The occupant will take main meals in the house several times a week.
7. The occupant will socialise with the rest of the family in the living room and will have access to other areas of the house, and other members of the household will have access to the mobile home unit.
8. There will be no washing machine or laundry facilities other than in the main house, these will be used by all family members.

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 an annexe must share the same access; parking area and garden and be in same ownership as the principal dwelling. This is the case here.

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 proposed mobile home could co-exist and function alongside its neighbours with no connection and little impact on 24 Christchurch Road due to the facilities that are proposed to be provided within the mobile home. Therefore, in this instance, the question of whether the proposed use is lawful lies on how the proposed mobile home would actually be used in relation to the main dwelling house.

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 a more recent 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 APP/K3605/X/12/2181651 15th April 2013*).

In another case at 27 Elmfield Avenue, Teddington (APP/L5180/X/15/3140569), this appeal involved a 'Homelodge' mobile home for parents where the son and daughter in law would occupy the main house and provide care. It was deemed that a completely separate self-contained dwelling use was not being provided as there would be sufficient connection and interaction between the mobile home and main house.

In terms of the proposed mobile home at 24 Christchurch Road, the level of the accommodation provided and the physical separation between it and the main dwelling, mean that it could function on its own.

However in this case the applicants state that the mobile home is to be used by the applicants mother who is elderly and requires accommodation and the support of the family. A supporting statement submitted with the application confirms that the family will be regularly preparing and eating meals in the main dwelling and socialising as well as providing additional support where necessary.

Although the supporting information does not make a clear case that the applicant's mother is a dependant in that there is not, at the present time, a total reliance by the mother, on the applicant for day to day living needs, the supporting information indicates that there will be a close link with the main dwelling and its occupants at the immediate time in terms of the sharing of household activities, taking meals together and socialising. Companionship and support are important factors in this case.

Given that the caravan 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 would have a close functional link with the occupiers of the principal dwelling, would share the residential occupation and enjoyment of the principal dwelling and there would be an inter-reliance between the family members for support for day to day living needs, the applicant is effectively stating that it will not function as a separate dwelling. On this basis the use of the mobile home would be incidental to the enjoyment of the main dwelling house.

The concern is then whether use of the mobile home 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 mobile home was used by someone other than the mother of the applicant, then there may be options available to the Council to take enforcement action. The nature of the use and the specifications of the mobile home itself combine to allow the lawful development certificate to be issued in this circumstance, any change to the details contained in this proposal could deem it to unlawful at any time.

Conclusion

Having taken into account it's proposed 'permanence' and 'attachment', the proposed structure would not fall within the definition of a building operation, The proposed building 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 building would be incidental to the enjoyment of the dwelling house, if carried out in accordance with the information provided in the applicant's Planning Statement and is capable of removal once the requirement has ceased. 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 for incidental use to the main dwelling in accordance with the terms described in the Planning Statement and additional supporting information 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).

Informatives

1. The certificate of lawfulness hereby permitted is subject to the caravan being installed, maintained and used in accordance with the submitted details, including the accompanying Planning Statement, Keops certificate of legal conformity, location plan, block Plan and elevations received on the 10th June 2026 and being capable of transportation by road when assembled and installation in accordance with the planning and Keops statement.
2. You are advised to contact the Council's Building Control department with regard to the construction of the mobile home to check whether Building Regulations approval is required.

Case Officer: Jackie Fox

Date: 29.07.26

Authorised by: Louise Prew

Date: 30/07/2026