# Development Management - Delegated Officer Report

**Application Number: AWDM/1001/25** **Recommendation – Issue Certificate**

**Site:** **25 Downside, Shoreham-By-Sea, West Sussex**

**Proposal:** **Lawful Development Certificate application for the proposed provision of a twin unit mobile home (not operational development) within the garden of the lawful dwelling house for use as additional accommodation by one household (not a material change of use.)**

**Date of site visit: 2nd September 2025**

**Neighbours checked: N/A**

**Additional neighbour notifications: N/A**

**Proposal, Site and Surroundings**

The application site is located in a residential area in Shoreham-By-Sea; a chalet bungalow with dormers within a street of similar properties. It has a large rear garden which drops in level to the rear.

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 mobile home in the rear garden for use as an annex for the use of the existing household and family members. The mobile home is to be sited at the bottom of the garden, on the lowest section of garden where there is an existing lawn.

The proposed mobile home is 9 metres deep and 6.8 metres wide. A pitched roof to a maximum height of 3.8 metres. The floor plans show there being three rooms with a bathroom and living space. The mobile home appears as a log cabin.

The proposed twin unit mobile unit will be provided by a manufacturer who will make the two parts from premanufactured parts on site, with the final act of assembly being the joining of those parts with bolts. There will be no foundations and there is no intention to physically attach the twin unit mobile home to the land.

**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.

The plans submitted show the mobile home to be within these dimensions.

**Consultations**

Legal advice has been sought and they are satisfied that on the balance of probabilities the certificate should be granted because this is neither operational development (because the proposed mobile home meets the definition of a caravan), nor is it a material change of use (because the mobile home will be used ancillary to the main dwelling and will be used interchangeably with the accommodation in the main dwelling), and therefore planning permission is not required.

**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).

The issues are:

I. Whether the proposed mobile home falls within the definition of mobile home 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, no. 25 Downside 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 mobile home 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 and would be constructed in parts on site and will sit on pads.

Services would be connected and it would not be provided with its own curtilage or a separate postal address. The applicant has also stated that the mobile home can 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**

The site of the mobile home is within the rear garden of no. 25 Downside, legally within the same residential curtilage pertaining to no. 25 Downside. The issue is therefore whether the use of the land for the siting of a mobile home for use of the household is ancillary to the residential use of the main building.

To be ancillary the mobile home must share the same access; parking area and garden and be in same ownership as the principal dwelling. This is the case here, the applicant's agent has provided details in their statement. The key consideration here is the use of the mobile home, it has a number of rooms and could function therefore with no connection with the principal dwelling.

"The proposed mobile home unit will provide additional accommodation for the family. It is proposed that the twin unit mobile home will provide level access accommodation for …..parents…."

The statement goes on to confirm that the garden will be shared with all occupants, no separate services are proposed, there will be no separate postal address. The facilities provided are limited in the mobile home with main meals, washing and laundry facilities in the main house. All family members will have access to the main house and the mobile home, socialising together in the living room of the main house.

In this case the property will remain in one ownership and control and the single main use will remain as one residential dwellinghouse. It will remain as one planning unit with the single primary use as a dwelling house. There will be no change of use for planning purposes.

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)
33 Springate Road, Southwick (AWDM/0609/18)
53 The Gardens, Southwick (AWDM/1487/24)

The applicant's agent has provided further detailed case law and satisfactory evidence to support the Lawful Development Certificate.

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 occupiers 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 would socialise with family members occupying the principal dwelling the applicant the mobile home will therefore not function as a separate dwelling.

The concern is 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 family members 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 mobile home 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 mobile home 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. 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 mobile home within the curtilage of the dwelling house and its use as ancillary accommodation, in accordance with the terms described in the Planning Statement and 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: Hannah Barker Date: 23rd September 2025

Authorised by: Peter Barnett Date: 23 September 2025