

Development Management – Delegated Officer Report

Application Number: AWDM/0688/26

Recommendation: – REFUSE

Site: Croft Cottage 98A South Street Worthing West Sussex

Proposal: Application for Certificate of Lawfulness for proposed siting of a caravan to provide additional accommodation for the family of Homeowners

Date of Site Visit: 05.08.2026

Neighbours Checked: N/A

Additional Neighbours Notified: N/A

Site and Surroundings

The application, made by Whitlock & Lowe Ltd, a specialist manufacturer of bespoke oak-framed caravans, relates to the property No.98a South Street, known as 'Croft Cottage', and a rectangular area of land to the rear (East) apparently now in the same ownership as 98a South Street. No.98a occupies a back-land situation to the rear (East) of 98 South Street. The latter comprises a single-storey commercial unit attached to the adjacent grade II Listed frontage terrace 92-96 South Street.

The information submitted in support of the application outlines that the land to the rear (East) of No.98a was formerly in the ownership of 100 South Street and transferred to the owner of No.98a [by adverse possession] by Deed dated 6th June 2022 with effect from 9th September 2024. Both No.98a and the rear land are accessed from South Street by a footpath running to the north side of 98 South Street. The front part of the footpath also provides access to the rear of the commercial unit (No.98) and 96 South Street, beyond which it is gated. The footpath extends eastward parallel to the north side of No.98a and its enclosed garden. Beyond the latter the private footpath provides rear access to 94 South Street contained within a narrow strip of land wrapping around the East and South of No.98a. This strip of land, which notwithstanding the red line area and statement of ownership forming part of the application submission, is understood to be in the ownership of No.94 South Street and separates No.98a from the land to the rear. The land at the rear, which is separately gated, is accessed from easternmost end of the shared footpath.

The flank wall of 100 South Street, a detached Victorian house, adjoins the north side of the footpath along with part of the flint walled garden to the rear of the house. An informal opening has been formed in the flint wall that allows access from the footpath to the rear of No.100. A flint-built structure, 'The Folly', located in the far southeast corner of the walled rear garden of No.100, is grade II Listed.

Proposal

The application for a Certificate of Lawfulness for a Proposed Use or Development (CLPUD), is described on the submitted forms as the proposed siting of a caravan to provide additional accommodation for the family of the Homeowners.

The submitted plans and drawings proposed a single unit timber frame caravan (10.2m long by 5.1m wide) with porch (0.95m deep by 2m wide) sited on the western half of the rear land. The caravan would have a dual pitched and hipped roof 5.4m high. The caravan would be externally clad in horizontal weatherboarding with a tiled roof. The orientation of the 'front' elevation is unspecified.

The accommodation would consist of a kitchen/dining/living area with separate bedroom and an en-suite shower room.

The application is supported by a Planning Statement, a Statement on Compliance with Construction and Mobility Tests, a Statement on Clarification of Ownership and Land Use, examples of other CLPUD application submissions and decisions (other Local Planning Authorities), examples of appeal decisions (other Local Planning Authorities).

Relevant Planning History: None.

Consultations: None

Representations

A representation has been received from The Worthing Society offering no objection 'on balance' as the 'caravan' is at the rear of the property.

Relevant Legislation

The Town and Country Planning Act (1990)(As Amended)

The Town and Country Planning (Development Management Procedure)(England) Order 2015 (As Amended)

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.

Planning Assessment:

The legal tests in this instance are whether to 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 planning merits of the proposal are not a relevant consideration in this instance.

The relevant considerations are:

1. Whether the proposed caravan falls within the definition of a caravan in terms of its size, permanence, construction 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 main dwelling at 98a South Street).

Operational Development

The submitted Statement on Compliance with Construction and Mobility tests confirms that the proposed involves a single-unit caravan, not a twin-unit caravan.

It states the caravan will be constructed using a timber frame, weatherboard cladding and a tiled roof. All the components including the timber frame, cladding, internal partitions and roof tiles will be prepared and cut off site before being transported to the site. On-site assembly will involve connecting these parts into a single unit using bolts, clamps or similar devices.

S.29(1) 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. The 1960 Act is modified by S.13(1) of the Caravan Sites Act 1968 which deals with twin-unit caravans and provides that:

"A structure designed or adapted by human habitation which:

- a) Is composed of not more than two sections separated 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 transported on a motor vehicle or trailer),

shall not be treated as not being (or not having been) a caravan within the meaning of part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled."

The submitted Statement sets out that the limitation set out in (a) requiring a caravan to be made up of no more than two separately constructed sections, assembled on site using clamps, bolts or other devices applies only to twin-unit caravans and not to single-unit caravans. It states this has been confirmed in appeal decisions where Inspectors have confirmed that a single unit caravan is covered by the broader definition under the 1960 (Caravan) Act without needing to comply with the twin unit requirements of the 1968 Act.

The relevant test is whether the structure, once fully assembled is capable of being towed or transported by road from one place to another in its assembled state by a single. The Statement refers to the case law established in *Brightlingsea Haven Ltd & another v Morris & others* [2008] which found that “*it is irrelevant whether the structure may have difficulty in reaching the road.*”

In this case the caravan will be constructed on a structural steel chassis with timber cross members designed to support the weight of the unit. The chassis will incorporate lifting eyes to enable the entire structure to be lifted by crane and placed onto a flatbed lorry for transportation. Once on site, the caravan will be installed on adjustable concrete pads placed directly on the ground, requiring no permanent foundations or significant excavations beyond removal of the surface grass and vegetation.

S.13(2) of the Caravan Sites Act 1968 Amendment Order (2006) sets out the maximum dimensions for twin-unit caravans, as:

- (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 submitted drawings demonstrate that the length, width and overall height of the proposed caravan would be within the relevant limits. There is no restriction on external height only internal height.

In view of the above, it can be considered the proposal meets the definition of a caravan and would not constitute operational development under S.55(1) of the Planning Act.

Incidental Use

The use of a caravan within a residential curtilage for ‘purposes incidental to the enjoyment of the dwelling house as such’ falls within the primary use of the dwelling and is excluded from the definition of development.

The term ‘incidental’ is not defined in planning law but the general approach of the Courts is that it is the actual use of a caravan that is determinative rather than its potential to be occupied as a self-contained residential unit.

The submitted Planning Statement states that the proposal would not involve any subdivision of the residential planning unit at Croft Cottage. It states the caravan would be sited within the domestic garden/curtilage and remain in the same ownership and under the same household control as the principal dwelling. It identifies the key test as whether the proposed use would be functionally subordinate and incidental rather than independent.

It has been pointed out (see above) that the application submission is technically inaccurate insofar as other parties have an interest in the land outlined in red forming the application site other than Mr Nicolas Patenall meaning that the rear land (on which the proposed caravan would be sited) is physically separate from No.98a South Street.

This is relevant in so much that access to the land on which the caravan would be sited is from the shared footpath and not directly from No.98a. The occupiers of the proposed caravan would be able to come and go along the shared footpath without passing through No.98a. Even though the shared path is currently gated it is not within the ownership of Mr Patenall and does not form part of the residential curtilage of No.98a.

This matter has been raised with the Applicant who considers the technical inaccuracy of the red line plan is not material to the outcome of the current application, stating that updated plan could be provided if required. Nevertheless, neither a corrected red line plan (nor application form) has been received.

The rear land on which the caravan would be sited has apparently been in the ownership of Mr Patenall since 2022, but this does not mean that it is included within the domestic curtilage of No.98a. The submitted evidence on this point relies on a letter dated 9th December 2025 from the Council written in response to a pre planning application enquiry (concerning a different development proposal) which refers to the land at the rear as 'garden land'. However, the letter should not be treated as a formal determination by the Council on the issue of whether the rear land may be considered as forming part of the domestic curtilage of 98a South Street. The letter clearly sets out the officer opinion that the land in question falls within the curtilage of 100 South Street notwithstanding the recent change in ownership.

The Applicant has been requested to provide alternative evidence demonstrating the use of the rear land as incidental to the enjoyment of 98a South Street, but this has not been provided.

The proposed occupation of the caravan is described in Section 2 of the Planning Statement. It states that the caravan will provide additional accommodation for family members (described as 'members of the extended family' in the Clarification of Ownership and Land Use Statement) in a manner wholly ancillary to the host dwelling. It states that occupation will remain under the same household as the principal dwelling and that this functional integration ensures that the caravan serves a subordinate domestic role rather than forming an independent residential unit. No information has been provided to explain how the additional accommodation provided by the caravan would be occupied in a manner wholly ancillary to 98a Croft Cottage. This lack of clarity is notable even in the context of the examples of appeal decisions submitted in support the application which typically explain the functional dependency between the intended occupiers of the proposed caravan/mobile home and the host dwelling.

The Applicant has been requested to provide further information in relation to the intended occupier(s) of the caravan to evidence an ancillary functional dependency between its proposed occupation and 98a South Street, but this has not been received.

Taking account of the above factors and bearing in mind the proposed accommodation would be provided with the all the facilities capable of independent living and that the occupier(s) would be able to come and go along the shared access path without

passing through No.98a, it is considered the submitted evidence is insufficiently precise or unambiguous to satisfactorily demonstrate on the balance of probability that the proposal would be incidental to the use and enjoyment of 98a South Street.

Recommendation:

REFUSE for the reason: -

The Council is not satisfied on the balance of probability that the application submission and accompanying information is sufficiently precise and unambiguous to demonstrate that the proposal would be incidental to the use and enjoyment of 98a South Street.

Case Officer: Jo Morin Date: 06.08.2026

Authorised by: Louise Prew Date:10/08/2026