



Own Land Homes
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Northamptonshire
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19 June 2015

Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hants
PO9 2AX

Dear Sirs

**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE
PROPOSED SITING OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE,
LAND AT 27 LODGE ROAD, HAVANT, PO9 3LL**

The above application has been submitted in order to establish that the siting of a caravan for ancillary residential use, within the garden grounds of 27 Lodge Road, Havant, would not require an express grant of planning permission.

A previous application for a **Lawful Development Certificate** for the siting of caravan with the garden grounds of 27 Lodge Road was submitted to the Council, on 19 March 2015 (LPA reference APP/15/00317). On 14 May 2015 the Council refused to issue a Certificate for the following reason:

“It is considered that the caravan would not be incidental to the enjoyment of the dwellinghouse by reason of its scale in comparison to the existing dwellinghouse and degree of independence from the existing dwellinghouse. It is considered that the proposal would represent a material change in the use of the land as defined by Section 55(2)(d) of The Town and Country Planning Act 1990 and therefore that the caravan would not be lawful without planning approval.”

An appeal has been lodged in respect of this refusal.

In addition to the above, a planning application for the siting of a caravan has also been submitted (APP/14/01286). This application has not yet been validated, and is to be withdrawn.

Notwithstanding the submission of the appeal, because of the urgency of the situation, ongoing discussions regarding the siting of a caravan within the garden grounds of the property have been had with Heather Lealan (Planning Officer). In an e-mail dated 15 May 2015 Ms Lealan advised:

“My thoughts are that a smaller unit could be accommodated within the site and that perhaps a single bedroom, bathroom, lounge/dinner with kitchenette could be demonstrated to be incidental to the enjoyment of the main dwelling house. Snacks and light meals being prepared in the unit would be acceptable but main meals and washing facilities taken in the main house as you propose should demonstrate some degree of connection. I also consider that a more suitable siting would be along the rear northern boundary of the site, so that there would be a reduced impact on users of the adjacent footpath to the east.”

As before, the proposed caravan will be occupied by Mr Malcolm Brian Wrath and Mrs Pamela Wrath, the parents of Mrs Deborah Banting, one of the occupants of 27 Lodge Road. Mr and Mrs Wrath are elderly, and unfortunately their health is deteriorating. Mr Wrath in particular is registered disabled and suffers from Chronic Obstructive Pulmonary Disease (COPD). Their daughter therefore wishes to become their primary carer, to look after them in their old age, and thus to enable

them to retain a degree of independence for as long as is possible. There is (and never has been) no intention that the caravan will be made available for separate, independent, residential use; the hot and cold water supplies, heating system, electrical supply and waste water systems would all be shared with the main dwelling house. The caravan will not have its own utility metres or postal address and all bills will be sent to 27 Lodge Road. The provision of all meals, laundry facilities, housekeeping, vehicle parking etc. will be shared and the caravan will not be registered a separate unit of occupation with respect to the payment of Council Tax.

Section 192(2) of the 1990 Act provides that, when an application has been made under Section 192, provided that the Planning Authority has been provided sufficient with information to demonstrate that the proposed use or operations described in the application would be lawful, if instituted or begun at the time of the application, it must issue a Certificate to that effect.

The land outlined in red on the submitted plan is a functionally separate planning unit, comprising 27 Lodge Road and its garden grounds. The caravan proposed to be sited on the land will comply in every respect with the statutory definition contained within the 1960 Sites Caravans and Control of Development Act (as amended by the 1968 Caravans Act etc.), i.e.

- It will be designed for human habitation;
- It will be capable of being moved from one place to another; and
- Its maximum dimensions will not exceed:
 - a) length (exclusive of any drawbar) - 65.616 feet (20 metres);
 - b) width - 22.309 feet (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) - 10.006 feet (3.05 metres).

No operational development, as defined by Section 55(1) of the 1990 Act will take place. Whilst the caravan might be seen as being *capable* of independent occupation, this is not the basis upon which a Certificate is being sought. There will be no physical or functional separation of land, and no separate planning unit will be created. On the basis that at

all times the occupation of the caravan will remain ancillary to the primary use of the land, no material change of use of land requiring planning permission will take place.

As the application falls to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the 2010 Development Management Procedure Order. Similarly, as the policies of the Development Plan (or the National Planning Policy Framework) are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact on the character or appearance of the area, or neighbouring amenity, are not matters that the Council can attach any weight to. Having said this, every effort will be undertaken to ensure that the proposed caravan will be sited so as to minimise any potential adverse impacts.

In conclusion, the current application for a **Certificate of Lawfulness of Proposed Use or Development** (CLOPUD) is submitted on the basis that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to “development” as defined by Section 55(1) of the Town and Country Planning Act 1990.

The application has been submitted electronically through the ‘Planning Portal’ (reference PP-04287678) and comprises the following:

- The completed application form;
- The required fee of £192.50 (being half of £395.00);
- The following drawing:
 - Site Location Plan (1:1,250 @ A4) and
- A Supporting Statement;
- The following Supporting Documents:
 - Document 1 - Transcript of House of Commons Debate (22 November 2005);
 - Document 2 - Homefield Appeal Decision (12 November 2009);
 - Document 3 - Homefield Costs Decision (12 November 2009);
 - Document 4 - Braeside Appeal Decision (21 November 2011);
 - Document 5 – Haynes Road Appeal Decision (18 June 2013)
 - Document 6 - Sandy Holt Appeal Decision (8 April 2013);

- Document 7 - Waterworks Cottage Appeal Decision (23 November 2011); and
- A Statement of Ownership as required under the provisions of Article 35(2)(c) of the 2010 Development Management Procedure Order.

In conclusion, given the urgency of the situation, I hope that the Council will be able to determine the submitted application timeously, and that a Certificate of Lawful Use for the siting of the proposed caravan will soon be able to be issued.

Please do not hesitate to let me know if you wish me to provide more information on any point.

Yours sincerely

A handwritten signature in black ink that reads "Michael Hyde." The signature is written in a cursive, slightly slanted style.

Michael Hyde MRTPI
On behalf of Own Land Homes