

2- Evidence and use

This application for a Lawful Development Certificate for a proposed use is applied for on the basis that the proposal satisfies the following criteria:

- **LOCATION:** The existing location lies within the residential garden of the house. Evidence of this is supported by the attached site location map.
- **DEFINITION OF A CARAVAN:** The mobile home conforms to the definition of the caravan. Evidence of this is supplied by the manufacturers (Willerby mobile homes Ltd) who provide a comprehensive engineering report and methodology confirming the structure conforms to the size, mobility and construction tests.
- **USE:** The use is incidental to the main dwelling with shared use of facilities by family members. Evidence of this is supported by a sworn Affidavit.

3-Location – The Site

84 High lawn Way is a End of terrace two storey house with a front and rear garden and driveway. We consider that the location is within the curtilage of the house thus:

- **Physical layout.** The caravan will be sited on the Drive/ garden within the fenced boundary. The garden was fenced and separated from surrounding land at the time of construction in 1944.
- **Ownership, past and present.** The garden area was purchased with the house part-and---parcel. The ownership of the garden area has and will remain in the ownership of the household. It was not purchased as a separate plot.

4-Structural Conformity - The Caravan

Attached is a plan drawing and image of the mobile home we're considering. This is a single unit mobile home in the 'Willerby' style from manufacturers 'Willerby Ltd' who will provide a comprehensive engineering report and methodology confirming the structure conforms to the size, mobility and construction tests. Please note this may not be the exact layout or style of caravan but an indication of our intention.

5-Use

The use of the mobile home is lawful because it satisfies the following criteria:

- 1- The relationship between the respective occupants.



- 2- The relative size of the house its garden and the caravan: The entire plot is approximately 375 m2. The house is approximately 65 m2 and the mobile home can be up to approximately 50 m2.
- 3- The relative scale of accommodation in the caravan and the house. The house has two bedrooms, two bathroom, one kitchen and two living areas. The mobile home has two bedrooms, one bathroom, one kitchen and a living area.
- 4- The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house. The mobile home will depend on the use of the utilities of the house, electricity, gas and water. It will share all bills. No new entrance will be created. People using the mobile home share access to the site.

 sleep and wash in the mobile home but with only a small kitchenette, major meals will be taken in the main house as a family. Occupants will use the living spaces of both the house and the mobile home. The caravan's occupants will vitally depend on the cooking and food storage facilities of the main dwelling. They will also vitally depend on the storage area of the main house for the majority of their belongings.

No rent is paid for the use of the caravan. At a future date the mobile home will solely be used as additional recreational space for Mr and Mrs Roberts and sleeping quarters for visiting guests.

6-Conclusions and recommendations

The mobile home will be stationed within what is clearly the curtilage of the house. The use is for family members as an integral part of the overall use of the property and will not be used independently, as documented in the signed Affidavit. The caravan conforms to the legal definition within the relevant legislation. Therefore the Council should issue a Lawful Development Certificate.

Planning Practice Notes: Caravans in Garden

Whether the caravan includes kitchens and bathrooms, as well as primary living accommodation, such as bedrooms and living rooms, should not, in itself, create a development control issue.

The courts have held that:

- 1) in order to assess whether a change of use has occurred, it is necessary to consider the planning unit and the primary use of the unit;
- 2) the stationing of a 'typical residential caravan', used in connection with the use of the land on which it is placed, does not involve a material change of use;
- 3) in order to decide whether a material change of use would be made, the purpose for which a caravan is to be used must be known;

Where the facilities of a self---contained unit are present, there is no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

A case decided in 1988 established that there is nothing in the nature of the typical residential caravan which makes its use incapable of being properly regarded as part of the use of land on which it stood.

In a 1991 legal decision the court supported a planning inspector's decision that, where the facilities of a self---contained unit were present; 'He found no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling'.