

# DELEGATED REPORT

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| <b>Application No:</b>                  | <b>P/26/0081</b>                                                                                                                        |
| <b>Site Address:</b>                    | <b>Penbwlcha Farm<br/>Treharris<br/>CF46 5RN</b>                                                                                        |
| <b>Development:</b>                     | <b>Certificate of lawfulness for the siting of an existing caravan and its proposed residential use ancillary to the main dwelling.</b> |
| <b>Case Officer:</b>                    | <b>Gareth Davies</b>                                                                                                                    |
| <b>Site Visit:</b>                      | <b>26th May 2026</b>                                                                                                                    |
| <b>Application Expiry Date:</b>         | <b>25th June 2026</b>                                                                                                                   |
| <b>Consultation reply date expired:</b> | <b>8th May 2026</b>                                                                                                                     |

## APPLICATION SITE

The application site in this instance relates to a caravan/mobile home that is located within the group of buildings and one residential dwelling that comprise Penbwlcha Farm, Treharris. The site comprises a conglomeration of farm buildings of varying age, the homestead itself and the wider farm holding.

## PROPOSED DEVELOPMENT

This is an application for a Certificate of Lawfulness for an Existing Development under Section 191 of the 1990 Act (CLOPUD) which seeks to establish that the siting of a caravan located within the farmstead can be used on a permanent basis as residential accommodation. The application seeks to establish that such a use would be lawful for planning purposes and is capable of being conducted without the need for planning permission.

The proposal is described as “Certificate of lawfulness for the siting of an existing caravan and its proposed residential use ancillary to the main dwelling.” The mobile home has been placed on the site and is currently unoccupied. This application is supported with site plans and location plans identifying the site and a Planning Statement and associated Appendix which states the case for the CLOPUD applied for.

## PLANNING HISTORY

P/25/0274 – Siting of mobile home to accommodate and agricultural worker – Withdrawn – 24<sup>th</sup> March 2026.

P/25/0168 – Siting of proposed caravan for residential use (CLOPUD) Refused 22<sup>nd</sup> July 2025 for the following reasons:

*Insufficient evidence has been provided to adequately demonstrate that the existing caravan has been permanently occupied as an independent residential unit. Planning permission is therefore required and a Lawful Development Certificate cannot be issued.*

P/11/0147 – Conservatory – Approved 22<sup>nd</sup> July 2011

P/08/0285 – two storey rear extension – Approved 30<sup>th</sup> September 2008

## CONSULTATION

None required or undertaken.

## PUBLICITY

The application seeks a determination on whether the use of a caravan for residential purposes is lawful in planning terms and no consultation with the public is therefore required.

Notwithstanding the above, one letter has been submitted raising the following issues: -

- The mobile home has been brought on to site without the necessary consent having been secured.
- The farm is not financially viable as a farming enterprise and the caravan is intended to be used as a residential dwelling and rented out.
- Though the application remains under consideration the applicants have pressed on with ground works and the removal of walls, trees, and habitat.
- Furniture and household items have been moved into the mobile home in recent weeks, demonstrating disregard for the planning process.
- Contempt for regulation is challenging guidelines that protect communities.
- The mobile home is negatively impacting the adjacent resident with windows overlooking, is poorly designed and out of character with the area.
- The mobile home is encroaching on to the adjacent garden.
- The height scale and location of the mobile home overpowers the adjacent property, violating privacy in the home and garden.
- The elevated nature of the mobile home increases overlooking of the adjacent property.
- The mobile home represents a form of overdevelopment that is intrusive to the nature of the area.
- The placing of the caravan has increased further the risk of flooding to the adjacent property which has worsened in recent years as a result of forestry clearance work.
- The siting of the mobile home has reduced light to the adjacent property.
- Overpopulation of the farm will have an adverse impact on nature and habitats in the area.
- Lack of parking to serve the development.

## POLICY CONTEXT

The determination of this application does not concern itself with the planning merits of the case consequently there are no local development plan policies that need to be taken into consideration.

### National Guidance

The Development Management Manual provides guidance on the procedural aspects of the development management system.

Welsh Office Circular 24/97 Enforcing Planning Control Annex 8 deals with "Lawfulness and Certificates of Lawfulness".

Paragraph 8.26 states that if the Local Planning Authority are supplied with information satisfying them that the use or operation described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.23 states that "The statement in a LDC of what is lawful relates only to the state of affairs on the land at the date of the certificate application."

Paragraph 8.24 "in certain cases the grant of a LDC is equivalent to a grant of planning permission for obtaining a licence required by licencing regimes enacted in other licencing regimes in other legislation "and that this can include a caravan site licence.

### PLANNING CONSIDERATIONS

The current submission seeks the issue of a Lawful Development Certificate (LDC) for an Existing Use or Development (CLOEUD) with regard to the siting of a mobile home at Penbwilcha Farm, Treharris. The mobile home has been brought on to site but is not yet occupied.

An application for a LDC is not an application for planning permission. Its purpose is to ascertain whether specified uses or operations would have been lawful in planning terms on the date that the application was made. Consequently, the planning merits of the proposal are not relevant in the determination of the application, which has to be made having regard to facts of the case and any relevant judicial authority. As such the concerns expressed in objection as outlined above carry no weight.

In this instance, because the issue is the sighting of a caravan, the key matter to consider is whether or not the introduction of the mobile home constitutes a material change of use of the land. The placing of the mobile home does not represent operational development for planning purposes. A LDC is sought on the basis that no material change of use would arise with the introduction of the mobile home into the site and would be ancillary to the main farmhouse and would not amount to development as defined by the Town and Country Planning Act 1990.

Unlike earlier applications in respect of this particular proposal the applicant contends that a Lawful Development Certificate should be issued on the basis that the siting of a caravan for use and occupation on an ancillary and incidental basis to the main dwelling would not amount to development requiring planning permission, in that no material change of use would have occurred. In support of this the submitted planning statement offers the following bullet point synopsis of the case:

- The siting of a caravan and its occupation is a use of land.
- For planning permission to be required, there would therefore have to be a material change of use of land.
- Penbwlcha Farm is one planning unit.
- It contains a farmhouse as the single main dwelling unit.
- The caravan would be sited within the same planning unit as the farmhouse.
- It would be occupied as one with the farmhouse, sharing all services and facilities, and for the purposes of socialising: and
- There would be no separate postal address.

The siting of a caravan and its occupation is a use of land and not operational development, is not in dispute as this is a well-established planning principle. Neither is the contention on the part of applicant that for planning permission to be required there would have to be a material change of use of land.

Whether or not this current submission is successful hinges on the interpretation of the planning unit. The applicant has argued that the materiality of any change needs to be assessed in relation to whole site concerned, which would typically be defined as the entire area in the same ownership of occupation. The applicant has drawn reference to *Whitehead v SOS and Mole Valley DC 1991*, which relates to a barn conversion to a house and the outbuilding was considered to lie within the curtilage of the main residential unit, where it was held that self-contained and semi-independent accommodation in a barn located in large grounds was ancillary to the main house, because it would be incidental in relationship to the owners overall needs and does not form a separate planning unit. Here the applicant argues this is the case in relation to Penbwlcha Farm. Following this the applicant refers to *Uttlesford DC v SoSE and White 1992* which established that it is not necessary for a relative living in a separate annexe of the occupier of the main dwelling to rely upon facilities in the main dwelling in order to maintain additional and independent living accommodation within the same planning unit. This establishes that even if the development is capable of independent living it can still be regarded as part and parcel of the main dwelling when some form of connection or functional relationship exists between the two.

Whilst the applicant regards the whole farm as the planning unit this is a position of convenience in terms of the current submission. And there is a need to distinguish between the Farmhouse curtilage and the wider unit. Farmhouses present a problem when defining the residential curtilage as the farmyard and buildings can be used for both residential and farm related uses and to complicate things sometimes it is not possible to formally define the garden area. Additionally, by definition, the garden to the farmhouse dwelling is not considered to be agricultural land and the curtilage of a farmhouse should be considered as narrowly as any other dwelling. To that end, to fall within the curtilage of a dwelling the courts have held that:

- the land should serve the purpose of the building in some reasonably necessary or useful manner.
- there must be an intimate association with the building.
- it is a small area forming part and parcel with the house or building which it contained or to which it was attached, and
- it is a small area about a building, it must be intimately associated with the building, and the size of the area of ground is a matter of fact and degree.

Taking each of the above points in turn, the following considerations have been made.

Historically the land has served the purpose of the building in a reasonably necessary and useful manner. It is claimed that it was always part of the garden area of the farmhouse, though others have also claimed it was once a small orchard that would have served the immediate need of the farmstead. In either event this element of the test is met.

Either as a garden or orchard there is a clear and intimate relationship with the farm's house that is not agricultural in nature.

The site is a small area of land which could reasonably be considered part and parcel with the house.

There is intimate association between the farmhouse and the land in question as it lies immediately adjacent with no land intervening.

The above being the case it could reasonably be argued that subject to the proposal meeting the tests set out as to what constitutes ancillary residential accommodation the development could prove acceptable.

Case law has also established that the stationing of a caravan or mobile home within the curtilage of a dwellinghouse does not constitute a material change of use for planning purposes under Section 55(i) of the Town and Country Planning Act 1990. Whether the caravan or mobile home can then be used as ancillary accommodation without requiring planning permission turns then on how the caravan/mobile home is to be used and by whom. Section 55(3) of the Town & Country Planning Act 1990 notes that the subdivision of a residential unit into 2 or more units is development, this though is not the case in this instance as no alterations are proposed to the farmhouse itself and the caravan/mobile home would be located within the curtilage of the farmhouse as discussed above.

The ancillary, primary living accommodation together with the existing dwellinghouse must still fall within the definition of Class C3 of the Use Classes Order and has to be occupied as a whole by: -

*“a single person or family (a couple, whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.”*

The applicants have confirmed that the mobile home would be occupied by a nephew of the applicant which meets the above requirement. In addition to the familial relationship, there would be an intimate relationship between the caravan/mobile home and farmhouse, as it will rely on the host dwelling for connection to utilities, there will be no new postal address, and the amenity areas around the farmhouse will be shared. Whilst there is dispute between the applicant and objector as to the extent of the curtilage, the issue is addressed in full above, and it is concluded that the caravan/mobile home can reasonably be considered to sit within the curtilage, and there is no physical separation between the farmhouse and caravan/mobile home. Additionally access and car parking would be shared as they currently are.

Additionally, it has been confirmed with the Council records that the property is registered as a single dwelling. Whilst there appears to be some conflict between the family members residing at the farmhouse who occupy different parts of the house, it nonetheless appears to operate as a single dwelling based on the facts of this case, as noted above, and these living arrangements do not appear to be in dispute.

## CONCLUSIONS

In conclusion, the applicants have been able to establish that the location of the caravan lies within the curtilage of the farmhouse as the site meets the associative tests outlined above. Additionally, there is a demonstrable degree of dependence demonstrated between the main dwelling and the mobile home, and the home will be occupied by a family member. Accordingly, the following recommendation is made.

## **RECCOMENDATION: CERTIFICATE OF LAWFULNESS BE GRANTED for the following REASON:**

Sufficient evidence has been provided to demonstrate that the use of the caravan/mobile home for residential purposes to accommodate a family member would be ancillary in function to the main farmhouse and would not constitute a change of use of land or the subdivision of that land to form two or more residential units.

**RECOMMENDATION ENDORSED**

  
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**Director of Neighbourhood Services**

**DATE: 29.06.2026**