

Planning Statement

Application for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 to establish that the proposed siting of a replacement caravan (that meets the statutory definition of such) for use and occupation on an ancillary and incidental basis to the main dwelling would be lawful in planning terms (resubmission of application ref. P/25/0168)

Penbwlcha Farm, Treharris, CF46 5RN

April 2026

1. Disclaimer

1.1 This Planning Statement has been prepared for the sole and exclusive use of the client(s) for whom it was commissioned and for purposes in response to and in support of their particular circumstances, requirements and brief. It may not be relied upon by any other party and may not be used for any purpose other than that for which it was intended. Except for being published on a website as a relevant background paper to a planning (or related) application or appeal, it cannot be reproduced or copied in whole or in-part nor made public by print, photocopy, microfilm or any other means without the prior written consent of Alan Southerby Planning Ltd.

2. Background and summary

2.1 This statement supports an application made under Section 192 of the Town and Country Planning Act 1990 (hereafter referred to as 'the 1990 act') for a Lawful Development Certificate (hereafter referred to as a 'LDC') to establish that the proposed siting of a replacement caravan for use and occupation as described in the application would be lawful in planning terms.

2.2 A pre-existing caravan now removed in readiness for the new one has stood at the site for many years. It was previously occupied by the applicant's daughter and her son, the applicant's grandson, who now wishes to live in a new unit meeting the statutory definition of a caravan, in the exact same location and on an ancillary and incidental basis to the main dwelling at the site, as before.

2.3 The LDC application is a resubmission of a previous application refused on 22 July 2025 under ref. P/25/0168, which was similarly but more simply described as "*Siting of proposed caravan for residential use*". The reason given for refusal was because "*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.*"

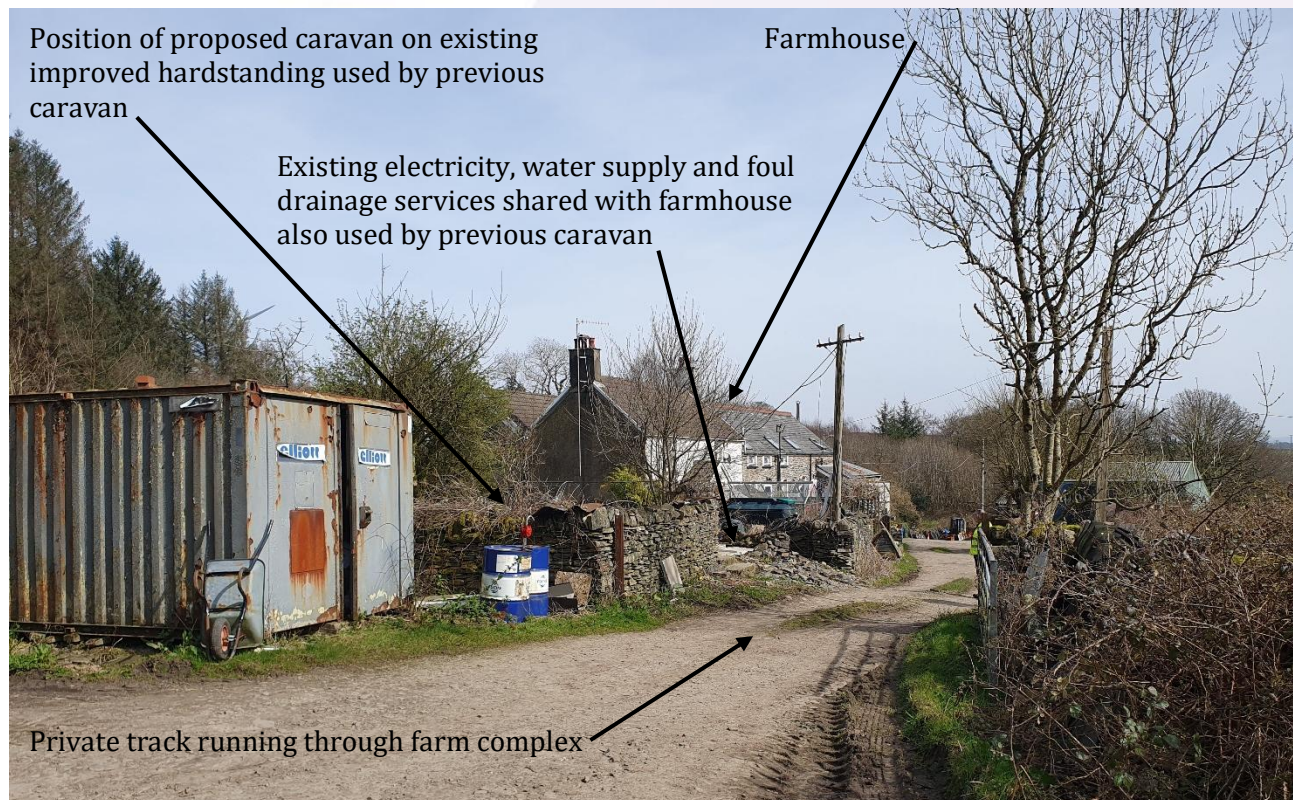
2.4 It is clear that the local planning authority (hereinafter referred as the 'LPA') assessed the previous application on the basis that a LDC was being sought for the siting of a caravan to be used and occupied as a fully independent residential unit. This is not the case.

2.5 This resubmitted LDC application is supported by appropriate information and evidence and seeks to demonstrate on behalf of the applicant, on the required balance of probabilities, that to site a caravan in this way, for occupation in the manner described, whether in place of an existing caravan or not, would not amount to a material change of use of land, meaning it would not meet the statutory definition of development and meaning further, that planning permission is not required.

3. Site description

3.1 The site for the position of the caravan is clearly an inherent part of the overall planning unit, best described and defined as a longstanding and typical but well-contained working farm complex with an existing single farm dwelling and an array of buildings, enclosures and other associated land. The farm is served by a private access track and is situated within a rural area north of Treharris in Merthyr Tydfil County Borough Council administrative area.

3.2 The following photographs show and describe the arrangements in greater detail:



Looking east towards farm dwelling with position of proposed caravan shown behind existing wall, and other detail



Aerial view showing clear outline and extent of farm complex and associated farmland, all in the same single ownership of the applicant, and position of proposed caravan within it © Google 2026

3.3 Clear from the submitted location and site plans, and from the above images and annotations, is that Penbwlcha Farm is a single planning unit, in the same single ownership, much in the same way that other such farms are. There is no reasonable basis on which to say otherwise or that there has been, or would be as a result of the proposal, any subdivision of the unit. Whilst planning officers at the LPA previously questioned the occupation of the farmhouse, they have since accepted in writing that it is in use as a single dwellinghouse; the conclusion being, therefore, that Penbwlcha Farm is a single entity and that the position of the proposed caravan within it is an integral part of the planning unit.

3.4 As such, for there to be a material change of use resulting from the siting of the proposed caravan, its occupation would have to be in some way independent and separate to the predominant existing use of the planning unit as a farm complex with farmhouse. For reasons highlighted below, this is not the case.

3.5 Indeed, also accepted by officers at the LPA, as set out in the report into the previous LDC application, is that *"...the aerial photographs are helpful since they clearly illustrate the presence of a caravan within the group of farmstead buildings between 2001 and 2023. They also suggest that at some point between 2006 and 2013 the location of the caravan within the farmstead group was moved slightly to the west by the matter of a few metres. The applicant has confirmed that they consider that the caravan is sited within the curtilage of the farmhouse. This offers sufficient evidence that the presence/siting of the caravan at the site is lawful for planning purposes. Indeed, the siting of a caravan may not normally require planning permission, but it is the potential change in the use of the land that may constitute operational development. Particularly as in this case the applicant has indicated the caravan is considered to be located within the curtilage of the farmhouse."*

3.6 Clear from this paragraph, and correctly noted by the officers, is that 1) sufficient evidence exists to confirm that the siting of a caravan in this location is lawful, 2) the siting of a caravan may not even require planning permission (the essence of the applicant's case) and 3) for it to do so, there would have to be a material change of use of the land (also the applicant's case, in that there would be no such change of use). Reference to farmhouse curtilage in this respect is, however, of limited consequence in that the correct basis for assessing the extent of any material change of use is to consider the planning unit as a whole, and not necessarily any arbitrary or otherwise residential garden area within it.

4. Legal context

4.1 Section 55(1) of the 1990 act defines development as including the making of any material change in the use of land. Section 57(1) of the 1990 act states that planning permission is required for the carrying out of any such development so defined. If any change of use is material in this way, and in the absence of any 'permitted development rights' (hereinafter referred to as 'PDRs'), as set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (hereinafter referred to as 'the GPDO')), a specific grant of planning permission is needed, without which a breach of planning control will have occurred in the event of development being undertaken without the necessary consent.

4.2 Conversey, inherent in this context is that if a change in the use of land is not material, it does not meet the definition of development, meaning planning permission is not required. Indeed, and by way of example, the reason why circumstance 1 (Use within curtilage of a dwellinghouse) of the First Schedule of the Caravan Sites and Control of Development Act 1960 (Cases where a Caravan Site Licence is not required) is not included within Class A of Part 5 of Schedule 2 of the GPDO (use of land as a caravan site), which only refers back to paragraphs 2 to 10 of the 1960 act instead, is because the siting of a caravan within the curtilage of a dwellinghouse does not meet the definition of development, meaning PDRs have no bearing. The 1990 act states at Section 55(2)(d) that *"the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the*

enjoyment of the dwellinghouse as such...” is not to be taken to constitute ‘development’. That is because of there inherently being no material change of use involved.

4.3 Another useful example to help illustrate the point is the very recently failed attempt by Cyngor Gwynedd Council to introduce what is known as an ‘Article 4 Direction’ taking away PDRs in relation to the newly introduced otherwise permitted interchangeability between C3 (permanent dwellinghouse), C5 (second home) and C6 (holiday let) uses. The Courts held that the basis for making the decision to introduce the arrangements was flawed in that it was not properly understood that for such PDRs to get past ‘go’ in the first place, there has to be a material change of use involved, without which ‘development’ hasn’t occurred and planning permission is not required, making the associated PDRs effectively meaningless and of no relevance. This also illustrates the need to consider matters on a case-by-case basis.

4.4 The important point to take from the above is not the proposed caravan being sited within the curtilage of the Penbwlcha Farmhouse necessarily (which it is in any event, as any reasonable analysis of site information provided above would testify) as the determinative factor but rather, the extent to which the siting of the proposed caravan in the manner described would amount to a material change of use of the land. It has long been held¹ that the siting of a caravan constitutes a use of land, not operational development. To reinforce the point, for the siting of a caravan to require planning permission, it must represent a material change of use of land. Its occupation is clearly an integral component of such considerations. Nonetheless, it clearly follows that if such siting and resultant occupation is not regarded as a material change of use of the land, it cannot meet the definition of development, meaning planning permission is not required.

4.5 Section 192(1)(a) of the 1990 act provides for anyone wishing to ascertain whether any proposed use of land would be lawful to make a LDC application to this effect. Sub-section (2) states that if the LPA is provided with information that satisfies it that the use as described in the application would be, it shall issue a certificate. The LDC application is made on this basis. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) sets out the procedural requirements in relation to LDC applications. Article 28(1) says that such applications must be made on the requisite form, specifying the land and describing the use in question. Article 28(2) says that such an application must be accompanied by (a) a plan identifying the land to which the application relates drawn to an identified scale and showing the direction of north, (b) such evidence verifying the information included in the application as the applicant can provide and (c) a statement setting out the applicant’s and anyone else’s interest in the land. The application meets with all procedural requirements.

5. Guidance

5.1 Welsh Office Circular 24/97 (Enforcing Planning Control: Legislative Provisions and Procedural Requirements) explains at Annex 8, paragraph 8.12 that the onus of proof in a LDC application lies firmly with the applicant. At paragraph 8.15, albeit in relation to LDC applications made for existing uses or operations, it says that if the LPA has no evidence of its own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the ‘balance of probability’, and not on the basis of the matter being ‘beyond reasonable doubt’. Moreover, the applicant’s own evidence does not need to be corroborated by ‘independent’ evidence in order to be accepted. In addition, the LPA should proceed on the basis that the planning merits of the case are irrelevant to the consideration of the application.

¹ See ‘Evidence and case law’ section below

5.2 In relation to LDC applications for a proposed use, as in this case, the guidance states at paragraph 8.26 that an applicant will have to describe the proposal with sufficient clarity and precision to enable the LPA to understand exactly what is proposed. It may be necessary to describe the present use of the land, and where the lawfulness of that use is relied upon to pave the way to implementing the proposed use, providing sufficient information to the LPA of the lawfulness of the existing use. At paragraph 8.27, it says that in determining the application, the LPA will ask itself the question - "*if this proposed change of use had occurred ... on the application date, would it have been lawful for planning purposes?*" It says that in doing so, the LPA will consider whether the proposal would involve 'development' requiring an application for planning permission (as in this case, on the basis that there would be no material change of use involved).

6. Evidence and case law

6.1 The first point to establish is that the siting of a unit meeting the statutory definition of a caravan² has long been regarded as a use of land as opposed to a building operational in 'development' terms, having regard for matters established in planning case law³; size, permanence and physical attachment being the pertinent considerations. Provided, therefore, that any new or replacement unit at the site met that definition, the LDC now sought would, if granted, take effect. If any such replacement unit failed to meet the statutory definition, however, the LDC could not necessarily be relied upon. This is accepted and is the reason for inclusion of the definition as referenced in the proposed description of the application.

6.2 The second point to establish is the planning unit, its predominant land use and its extent; the accepted principle having also been established in case law⁴ that the materiality of any change needs to be assessed in relation to the whole site concerned, which would typically be defined as the entire area in the same ownership of occupation. For example, in the *Whitehead v SOS & Mole Valley DC (1991)* case, it was held that self-contained and semi-independent housekeeper's accommodation in a barn outbuilding located in large grounds was ancillary to the main house because it would be incidental in relationship to the overall owner's needs and did not form a separate planning unit. In the case of Penbwlcha Farm, there can be little doubt that the planning unit comprises the entire farm complex, there being no basis on which to suggest otherwise or promote the idea of the existence of any sub-division. As such, the farm is evidently the planning unit to focus on, consisting of a working farm complex and its associated farmhouse.

6.3 As in the *Whitehead v SOS & Mole Valley DC (1991)* case, it is the extent to which the siting and occupation of a caravan as described in the application would result in the formation of a separate planning unit which is the important and deciding factor. Of note, it was similarly held in the *Uttlesford DC v SoSE and White (1992)* case that it was not necessary for a relative (living in a separate annex) 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, meaning that a unit of self-contained accommodation capable of fairly independently living can still be regarded as part and parcel of the main dwelling when some form of connection or functional relationship exists between the two. Attached at **Appendix 1** is a copy of an appeal decision demonstrating in further clarity the planning principles and concepts highlighted.

² As set out within the Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 & The Caravan Sites Act 1968 (Amendment) (Wales) Order 2007

³ *Barvis Ltd v Secretary of State for the Environment (1971)* & *Measor v Secretary of State for the Environment, Transport and the Regions (1998)*

⁴ *Whitehead v SOS & Mole Valley DC (1991)* & *Uttlesford DC v SoSE and White (1992)*

7. Submissions

7.1 It has already been established in earlier correspondence that the existing farmhouse is in the same use and occupation as the single main dwellinghouse at the farm.

7.2 It has further been established now in the submissions made above that the proposed caravan would be located within the same planning unit as the farmhouse.

7.3 It has additionally been demonstrated too that the caravan will be occupied by the applicant's grandson on an incidental basis to the main dwelling. There will be no separate address, all services will be shared, remaining in the name of the main dwelling (as with the caravan before), and all common facilities such as parking areas and garden and other spaces will be utilised on a joint and mutual basis. This means that there will be complete and integral functionality of habitat between occupation of the proposed caravan and main dwelling. In other words, the proposal is simply to provide additional living accommodation to that which exists in the main dwelling.

7.4 It has also been demonstrated that the proposed caravan will meet the statutory definition of such, meaning its siting would represent a use of land and not operational development. On this basis, it could only ever need planning permission if its siting and occupation would represent a material change of use of the planning unit. However, it is entirely evident that there would be no such change of use of the land, nor would there be any splitting of the planning unit.

7.5 Put more succinctly:

- 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 that land;
- Penbwlcha Farm is one planning unit;
- It contains the farmhouse, occupied as the single main dwellinghouse;
- 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.

7.6 Given the above circumstances, the only reasonable conclusion is that the proposed siting of a caravan, for occupation in the manner described, would not result in any sub-division or alteration of the planning unit, meaning it would not amount to a material change of use of land. As such, there is no need to rely on any PDRs; it simply does not require planning permission. On behalf of the applicant, it is submitted that there is no case for withholding of the LDC now sought.

8. Conclusions

8.1 The LDC application is made in the correct manner, as set out in statute, and meets all relevant criteria and guidance. The statutory provisions set out above mean that as the determining LPA, Merthyr Tydfil County Borough Council must consider the case on the basis of the information presented, and which is readily available, and come to a conclusion, without having regard for any planning merits, as to the case put forward. On consideration of the facts as presented, if deemed that the evidence supports the issuing of an LDC, in the manner described, the LPA must grant a certificate to this effect.

8.2 An analysis of information presented supports the contention put forward, that the proposed siting of a caravan (that meets the statutory definition of such) at Penbwlcha Farm in Treharris, 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. The totality of the arguments put forward makes a compelling case that the proposed use would, therefore, be lawful in planning terms.

8.3 The burden of proof in LDC applications lies with the applicant. Having satisfied that test, the position established by case law is that the LPA must determine such matters on the balance of probabilities, and not on the basis of the case being beyond reasonable doubt. The overall assessment takes account of relevant case law and is a realistic and reasonable proposition to make. As such, the applicant requests that a LDC is now granted, on this basis, and in line with Section 192 of the 1990 act.