

DELEGATED REPORT

Application No: P/24/0240

Site Address: 31 Rhodfa Terrace
Merthyr Road
Troedyrhiw
Merthyr Tydfil
CF48 4JG

Development: Certificate of Lawfulness to site a static caravan within existing residential curtilage and use caravan as residential accommodation ancillary to the dwelling

Case Officer: Kate Glover

Site Visit: 14th November 2024

Application Expiry Date: 15th December 2024

Consultation reply date expired: NA

APPLICATION SITE

The application site relates to a two-story dwelling which is located with a terrace of dwellings in Troedyrhiw. The property has the benefit of a small front garden, a large rear garden in which is a raised platform/terrace/parking area. on the raised/terrace/parking area is an outbuilding. There is also a vehicular access via a rear lane.

PROPOSED DEVELOPMENT

This application seeks a Certificate of Lawful Use or Development to establish that planning permission is not required on the basis that the mobile home constitutes permitted development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Further to this the siting of a caravan for ancillary residential use would not require planning consent as long as the mobile home is occupied by a close family member as accommodation ancillary to the main dwelling and that the mobile home complies with the definition of a caravan (mobile home).

The proposed mobile home is confirmed to be manufactured offsite and would be transported to the site in two separable units on a motor vehicle. The proposed mobile home once joined on the application site would be 'L' shaped. The larger section of the mobile home would measure approximately 7.6m long, 2.72m wide and 2.5m high. the smaller section of the mobile home would measure approximately 3.29m long, 2.73m wide and 2.5m high. The mobile home would measure approximately 5.44m at its widest point.

The unit would be positioned on adjustable feet and not permanently fixed to the ground. Services, including water and electricity will be connected but are such that they can be removed quickly.

It is stated that when assembled, the mobile home would be physically capable of being moved by road from one place to another.

The application advises that the family member would use the mobile home as ancillary accommodation and but would not be living independently from the main dwelling. Facilities and utilities would be provided from the main dwelling and disconnection of the utilities would be simple unplugging or removal of a pipe.

CONSULTATIONS

None are applicable under certificate of lawfulness applications.

PUBLICITY

None are applicable under certificate of lawfulness applications.

POLICY CONTEXT

As a certificate of lawfulness is sought for the proposed extension, the planning merits of the proposal are not under consideration. The planning policies are therefore not relevant to the assessment of this application.

PLANNING CONSIDERATIONS

The Town and Country Planning Act 1990 (As amended), Section 55 (1) sets out the meaning of "development" and "new development" states:

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

The Act goes on further to state under Section 55 (2) that "The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land" in which (d) is relevant being:

"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"

When considering the above, a caravan (which includes mobile homes) which is moveable is regarded as 'chattel' and does not constitute development given that it does not involve the carrying out of building, engineering, minor or other operation in, on, over or under land. Consideration must however be given towards the 'material change of use' of the land.

The Caravan Sites and Control of Development Act 1960 (as amended)

Whilst the proposed unit does not constitute development given the movable 'caravan' status, the proposal needs to be assessed against the definition and tests of being a 'caravan'. The definition of a mobile home is set out within The Caravan Sites and Control of Development Act 1960 (as amended).

Section 29 (1) states:

"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether 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 system, or

(B) Any tent"

And

(a) Length (exclusive of any drawbar) 20m

(b) Width: 6.8m

(c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m"

With regard to twin-unit caravans (in which this proposal refers to) additional criteria is present under Section 13 (1) which stipulates:

"A structure designed or adapted for human habitation which:

(a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices;

And

(b) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed or being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1990 by reason only that it cannot lawfully be moved on a highway when assembled."

The proposed mobile home would meet the definition of a caravan in terms of it being constructed of no more than two sections designed to be assembled on site, the overall dimensions would meet with those set out in the definition and the entire mobile home would be physically capable of being moved by road from one place to another. As such, it is deemed reasonable to consider that the unit could be capable of being moved as one unit.

In addition to the physical requirements relating to the mobile home, Section 29 of Caravan Sites and Control of Development Act 1960 and Section 5 of Mobile Homes Act 1983 states that a mobile home/caravan must be *'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.'*

Use of the unit

The caravan should be incidental to the use of the main house whereby the Acts use the term 'Incidental to the enjoyment'. The term 'incidental' and 'ancillary' is reviewed in case law whereby it is not a clear matter in relation to caravans, in particular noting that to be a caravan it must be 'designed or adapted for human habitation' therefore can involve living, washing, eating and sleeping facilities. When considering this, there are four accepted '*incidental*' tests reported to the House of Commons (Hansard, for 22 November 2005) which are:

1. The relationship between the respective occupants
2. The relative size of the house, its garage and the caravan
3. The relative scale of accommodation in the caravan and the house
4. The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.

When considering the above, it is confirmed that the mobile home would be used for a family member within the existing garden with no separation from the dwelling house. Therefore, there is an appropriate relationship between the occupants on site and a use that would be subordinate to that of the dwellinghouse and as the mobile home would be used for residential purposes there would be no material change of use of the land.

Conclusion

The proposed installation of the mobile home does not require planning permission as it constitutes a chattel which meets the definition of under section 29 of The Caravan Sites and Control of Development Act 1960 (as amended) and will be used as accommodation ancillary to the main dwelling by a family member. Therefore a certificate can be issued.

RECOMMENDATION: BE APPROVED

1. The caravan, as defined under Section 29 of Caravan Sites and Control of Development Act 1960 and Section 5 of Mobile Homes Act 1983, does not require planning permission as long as it is used as accommodation ancillary to the main dwelling and not used as a separate dwelling unit.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 13.12.2024