

Committee Date	13 th of April 2023	
Address	5 Leaves Green Crescent Keston BR2 6DN	
Application Number	22/04204/PLUD	Officer – Joanna Wu
Ward	Darwin	
Proposal	Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)	
Applicant	Agent	
Mr Callum Harwood	Mr Irfan Tailor	
5 Leaves Green Crescent Bromley Keston BR2 6DN	Sufair Ltd 6 Wolsey Crescent New Addington London CR00PE United Kingdom	
Reason for referral to committee	Call-In. Reason - uncertainty over whether the mobile home constitutes development. The site does not have permitted development rights. Site is within the Green Belt. Site is also subject to current enforcement action.	Councillor call in Cllr Andrews

RECOMMENDATION	Proposed Use/ Development is Lawful
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Noise Contours Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control Technical Sites Biggin Hill</p>

Representation summary	Neighbour notification letters sent 27.10.2022	
Total number of responses		1
Number in support		0
Number of objections		1

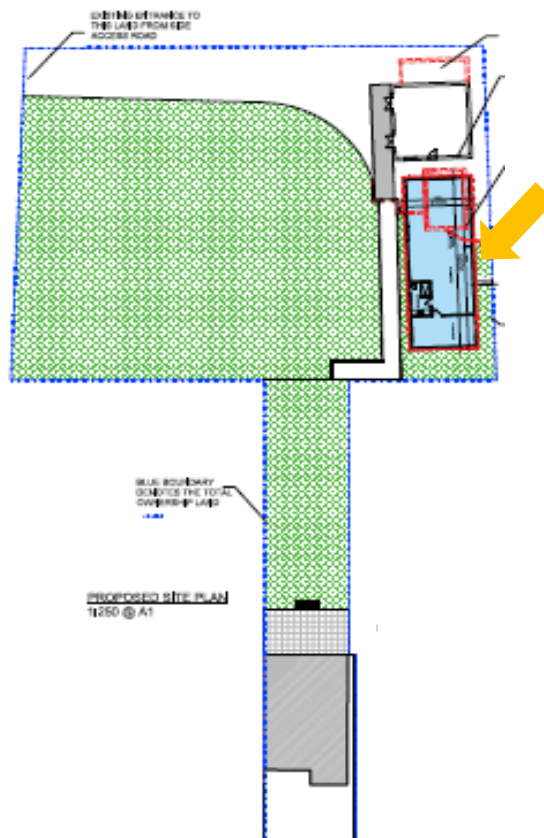
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is considered to not be classified as operational development or represent a material change of use of the residential land. It is recommended that a Lawful Development Certificate is granted.

2. LOCATION

- 2.1 The application site hosts a two storey semi-detached house located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 2.2 As shown in Figure 1, the curtilage of No.5 extends to include a large parcel of land to the rear. This part of the application site, where the caravan would be located, had its permitted development rights for any buildings, structures, alterations walls or fence removed in 1994 (planning ref: 94/0028/FUL).

Fig 1: Site plan (Location of caravan)



2.3 The site is located in the Green Belt and is also affected by other designations as follows-

- Biggin Hill Noise Contours
- Biggin Hill Safeguarding Area
- London City Airport Safeguarding
- Smoke Control
- Technical Sites Biggin Hill

Photo 1: Existing garden (view from the main house)



Photo 2: Existing garden (view from the garage)



3. PROPOSAL

- 3.1 The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a caravan/mobile home.
- 3.2 The proposed mobile home would measure 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m. The proposed mobile home would be sited in the rear garden and would provide a hobby room (music/ study), computer/ digital mixing area, a bathroom and a store room.
- 3.3 According to the supporting statement the mobile home would be used by the members and guests of the main dwelling. In the planning statement, it states that "the caravan will be primarily used as a music/ hobby room along with a store. It also has toilet facilities, to be connected to the existing drain via detachable pipes. The caravan will be used by members of the household incidental to their enjoyment of the house, using the path from the house."

Fig 2: Proposed floorplan and roof plan

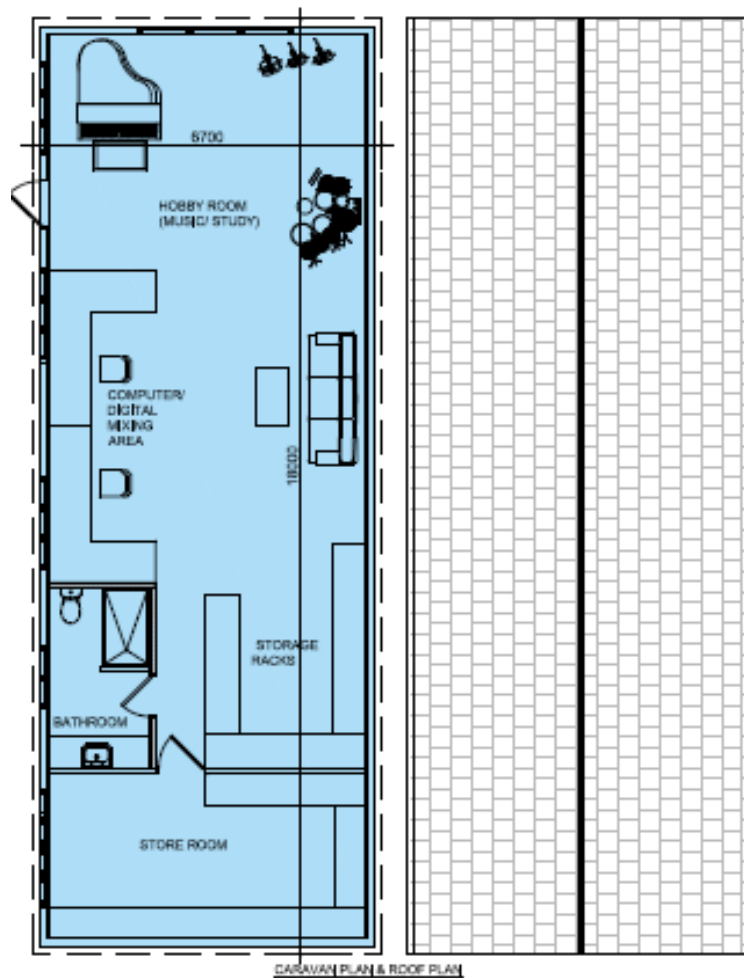
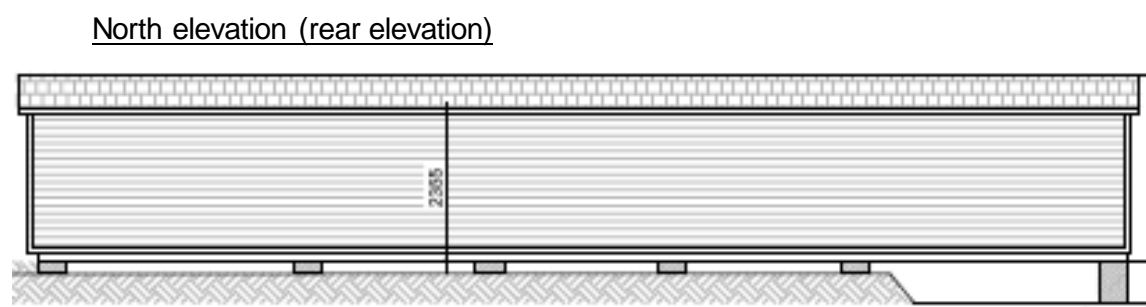
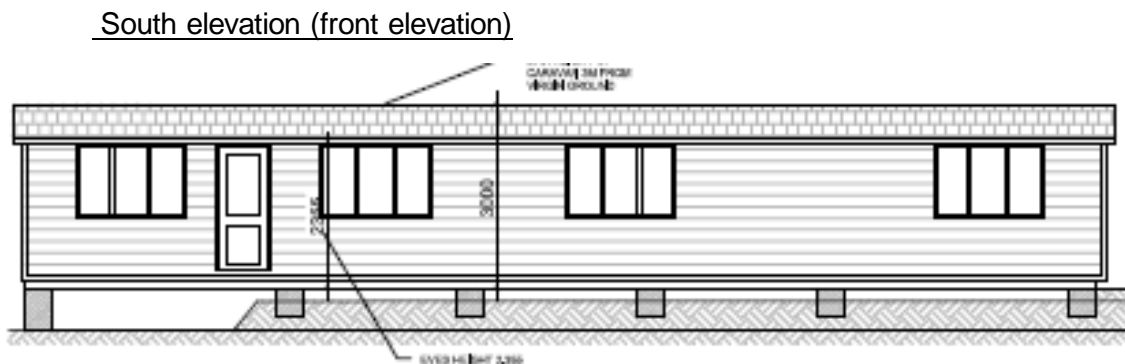


Fig 3: Proposed elevation plans



4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 94/00028/FUL – Change of use from grazing land to residential garden and retention of 2 pigeon lofts and storage shed and aviary (RETROSPECTIVE) – 07.03.1994
- 4.3 88/01039/FUL - Single storey rear extension - (Permitted) 12.05.1988
- 4.4 91/01425/FUL - Single storey side/ rear/ front extension - (Permitted) 05.08.1991
- 4.5 19/05262/FULL6 - Extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom - (Refused) 09.03.2020
- 4.6 21/05110/PLUD - Single storey outbuilding LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Lawful) 10.02.2022
- 4.7 21/05172/PLUD - Erection of an outbuilding comprising home office and gym (Lawful Development Certificate Proposed) - (Appeal allowed)

5. PLANNING ASSESSMENT

The Meaning of Development

5.1 According to section 55 (1) of the Town and Country Planning Act 1990 "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".

5.2 According to section 55 (2) (d) of the Town and Country Planning Act 1990 "the use of any buildings or other land within the curtilage of a dwellinghouse for the purposes incidental to the enjoyment of the dwellinghouse, shall not be taken to involve development of the land".

The definition of a caravan/ mobile home

5.3 The definition of a caravan, which includes a mobile home, as outlined within section 29(1) of the Caravan Sites and Control of Development Act 1960 states that a caravan is 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, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

5.4 The Caravan Sites Act 1968 Section 13 - definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides as follows:

- (1) 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 or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 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): 3.05 metres."

5.5 In order to assess whether a caravan is permitted at this location, two criteria have to be considered:

- whether the proposal is an operational development
- whether the proposal comprises a material change of use of the land

The proposal would not comprise operational development

- 5.6 The applicants confirm that the caravan would be towed in with the help of a Land Rover or similar vehicle and placed in the desired location. This caravan will remain movable, which falls within the definition of a caravan as stated within the 1960 Caravan Site and Control of Development Act and Caravan Sites Act 1968.
- 5.7 The caravan would be stationed on padstones and jacks. The supports (jacks and padstones) will be taller at some locations where the ground level is lower as shown in Figure 3. It would be connected to utilities such as electric, water etc but these could be easily disconnected. The details show that the caravan would measure approximately 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m (3m from the finished floor to the highest point of the ceiling).
- 5.8 The application drawings and accompanying planning statement indicate that the proposed unit would comply with the dimensions set out in the 1968 Act and that it could be lawfully transportable to/from the site by towing by suitable vehicle. It is therefore accepted that the caravan/ mobile home would fall within the definition of a caravan, provided that the construction and the required measurements stated in the application are met.
- 5.9 However, it should be noted that the continued mobility of the structure is essential to its definition as a caravan. If that is lost due to development carried out upon the structure, then it will cease to be a caravan.
- 5.10 The submitted drawings show that the proposed caravan/ mobile home would not be permanently fixed to the ground and could be easily removed from the site. The proposal, therefore, would not be considered to be a "building".
- 5.11 Having considered all the above, the proposal would not be classified as operational development under section 55 of the Act, given that the mobile home would continue to be a mobile and removable structure (i.e. by definition it is a caravan).

The proposal would not comprise a material change of use of the land

- 5.12 With regards to whether this part of the land is within the curtilage of the dwellinghouse, the case officer has carried out a site visit and has confirmed that the proposed location of the caravan is part of the curtilage of No. 5.
- 5.13 The caravan by its nature would be physically separated from the dwellinghouse and it could be accessed externally and separately from the dwellinghouse. However, the applicants have confirmed that the caravan would be used by the members and guests of the main dwelling and the electricity and plumbing etc is

connected to the main dwelling supply. Therefore, the proposal would be functionally connected to and subservient to the dwellinghouse. It is accepted that there is a clear functional link between the dwellinghouse and the caravan. The proposal, therefore, would be incidental to the use of the dwellinghouse.

6. CONCLUSION

- 6.1 The caravan would not be a permanent structure fixed to the ground and could be removed easily from the site if necessary. There would be no subdivision of the residential curtilage which would be occupied by the same family and it would provide incidental space to the main house without providing a new, separate dwelling severed from the main house. In these circumstances and for these reasons the proposal is not regarded as operational development and doesn't represent a material change of use of the residential curtilage land.
- 6.2 Therefore the proposal would comprise lawful development under section 192 of the Town and Country Planning Act 1990, and it is recommended that a Lawful Development Certificate is granted.
- 6.3 Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.

Recommendation: CERTIFICATE BE GRANTED

The siting the caravan would not amount to operational development and use of the caravan would not result in a material change of use of the land by virtue of Section 55(2)(d) of the Town and Country Planning Act 1990.