

Appendix A

Statement by applicant

In relation to concerns raised previously regarding the application, the applicant provides the following further information, while noting that under Government Guidance relating to LDCs, planning merits should not be considered.

1. **Regarding a tree that would have to be felled.** This is a young tree of no specific note. While there is no matter of planning law that would require it, the applicant is happy to plant a replacement tree on site, if the tree cannot be retained.
2. **Regarding making the development smaller if required.** As already noted by the Planning Officer, this is not development. Since no development exists it is not possible to make said 'development' smaller. The applicant commits to keeping the caravan within the definitions stipulated by the Caravan Act.
3. **Regarding how the caravan would be brought onto site.** The caravan would be towed onto site behind a Rangerover (or similar) style vehicle – as explained in the Planning Officer Report, via the driveway and gates to the south west of the site:



4. **Regarding need for a bathroom in a caravan.** While not a planning consideration, the main dwelling has just 2 bathrooms some 60m away. The applicant has a family of 5 (including very young children), and often more on site with visiting relatives. Noting the desire for this

to be used as a year round facility, it would be unreasonable to expect young children in need of the toilet to venture 60m away - potentially in darkness and rain - in the hope of finding an unoccupied toilet. Previous statements in reference to school outbuildings are not valid comparisons. In response to concerns about whether anyone would struggle to get to a toilet; yes – the applicant’s 1 year old and wheel-chair bound grandparent would struggle.

5. **Regarding use as a music room including piano, drums and digital mixing area and whether the applicant plays any of these instruments.** The applicant has a GSCE in music, has composed concert music and has passed graded exams in piano, trumpet, french horn, saxophone and music theory. In his time he has been a member of various musical ensembles including the Kent Youth Wind Orchestra and Kent Youth Jazz Orchestra. The applicant’s brother in law has been a professional DJ for over 20 years. The desire is for the applicant’s children to have a musical upbringing and the proposed suite of instruments in the application represents those in which the applicant anticipates the children will find their grounding in music.
6. **Regarding ‘specifically what the caravan would be used for’.** This has been addressed extensively in the application. However, if the Caravan were used for any other purposes, which were found to be unlawful, normal enforcement options exist. The application is to determine whether the uses stated would be lawful – not any other uses.
7. **Regarding the size of the caravan in relative (to the main dwellinghouse) and absolute terms.** There is no aspect of law which determines what size a caravan can be (either in absolute or relative terms) in relation to any other building, other than as provided for in the Caravan Act, as referenced in the application and Planning Officer report. As a Lawful Development Certificate application (rather than a Planning Application), the only question to be put is whether the proposal – as described, and used for the purposes described – would transgress any stated law. It is not subject to the subjective opinions of a Planning Application.
8. **Regarding the site does not have (some) permitted development rights.** This is irrelevant since the LDC does not propose to make use of any permitted development rights.
9. **Regarding whether a caravan constitutes development.** This Planning Report considers this extensively and concludes it does not constitute development.
10. **Regarding the site is in green belt land.** This is not relevant since the proposal does not constitute development.

It is hoped that all additional queries raised have been addressed by the answers given in this statement. Should there be any further questions or queries, the applicant is happy to meet with any relevant parties to discuss.

Appendix B

LONDON BOROUGH OF BROMLEY
HOUSING, PLANNING AND REGENERATION



STATEMENT OF CASE

LBB REF: 22/04204/PLUD

PINS REF: APP/G5180/X/23/3323690

Appeal by Mr Callum Harwood against the refusal by LB Bromley to grant a Certificate of Lawfulness for the siting of a caravan/mobile home within the rear garden of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such at 5 Leaves Green Crescent, Keston, BR2 6DN.

1. Introduction

1.1 The appeal relates to the refusal by LB Bromley to grant a Certificate of Lawfulness for the siting of a caravan/mobile home within the rear garden of the existing property for purposes incidental to the enjoyment of the dwellinghouse under Section 192 of the Town and Country Planning Act 1990 (as amended).

1.2 The Council refused to grant a Certificate of Lawfulness by Notice dated 26 April 2023 the following reason:

“In light of the failure by the speaker on behalf of the appellant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful.”

1.2 Following further legal advice sought by the Council, the Council will not be contesting this appeal.

1.3 This statement forms the background history of site for the Inspector’s information for an informed decision to be made.

July 2023

2. Appeal Site and Surroundings

- 2.1 The appeal site hosts a two storey semi-detached dwellinghouse located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 2.2 The curtilage of No.5 includes a large parcel of land to the rear. This part of the appeal 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. 94/00028/FUL). This area of land has an existing double garage associated with No.5. The approved building measures approximately 8m x 7.6m (60.8sqm)
- 2.3 It should also be noted that two Lawful Development Certificates were granted permission in 2021 (identical submission), for the erection of an outbuilding within the original garden of No.5 for use as a home office and gym, measuring 10m x 3.7m (37sqm)
- 2.4 A Lawful Development Certificate for a hip to gable loft conversion including rear dormer was also granted permission in 2023 to provide an additional bedroom and bathroom (4 bedrooms in total) measuring approximately 38.8cu.m.
- 2.5 The host dwelling measures approximately 140sqm over two floors (179,6sqm including the approved loft conversion)

3.0 Proposal

- 3.1 The appeal 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 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 The application was accompanied by a planning statement which 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.”

4.0 Planning history

4.1 The relevant planning history on the site can be summarised as follows:

4.2 Under planning reference 94/00028/FULL6 planning permission was granted for the change of use of the land from grazing land to land within the residential curtilage of No.4 Leaves Green Crescent, subject to conditions, and in particular Condition 1, which reads as follows:

“notwithstanding the provisions of the Town and Country General Development Order 1988 (or any Order amending revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind, other than those hereby permitted, shall be erected or carried out on the land the subject of this permission without the prior approval of the Local Planning Authority”.

4.3 Under planning reference 96/00714/FUL permission was granted for a detached double garage, subject to conditions, in particular Condition 3, which reads as follows;

“The garage shall only be used for purposes ancillary to the residential use of 4 Leaves Green Crescent and shall not be used for any commercial or other purpose.”

4.4 Under planning reference 19/05262/FULL6 permission was refused for an extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom. The reasons for refusal are as follows:

“The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on its openness and visual amenity with no very special circumstances demonstrated to outweigh the harm caused; thereby the proposal would be contrary to Policy 51 of the Bromley Local Plan.

The proposal, by reason of its size, layout, siting and detached position, is capable of being severed and used as a separate self-contained unit of accommodation and therefore does not represent an ancillary form of accommodation to the main dwelling, which would in turn result in a cramped form of development that would be out of character with the area and contrary to Policy 7 of the Bromley Local Plan.”

- 4.5 Under planning reference 20/00229/OPDEV an appeal was dismissed for the erection of an extension to the existing double garage and the erection of a single storey detached outbuilding.
- 4.6 Under planning reference 21/05110/PLUD a certificate was granted for a single storey outbuilding.
- 4.7 Under planning reference 21/05172/PLUD certificate was granted under appeal ref. 3291627 sought for the erection of an outbuilding comprising home office and gym.
- 4.8 Under planning reference 23/01539/PLUD certificate was granted for a hip to gable loft conversion including rear dormer with two front roof lights and eight front solar panels.
- 4.9 Under planning reference 23/02241/PLUD permission is pending consideration for the Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse. This application is identical to the appeal scheme, however information has been submitted in an attempt to address the concerns raised at Plans Sub Committee.

5.0 Planning Legislation

Section 55 of the Town and Country Planning Act 1990 (as amended).

- 5.1 According to Section 55 ***“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 any purposes incidental to the enjoyment of the dwellinghouse”***

Caravan Sites and Control of Development Act 1960 (“Act”)

- 5.3 The definition of a caravan, which includes a mobile home, as outlined within Section 29(1) of the Act 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).

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

6.0 Main Submissions

6.1 The certificate was refused for the following reason:

“In light of the failure by the speaker on behalf of the appellant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful”

7.0 Conclusion

- 7.1 The Council considers that 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 as indicated by the appellant.
- 7.2 The Council also considers that the proposal does not represent a material change of use of the residential curtilage land, given that there would be no subdivision of the residential curtilage and would be occupied by the same family providing incidental space to the main house, without providing a new, separate dwelling severed from the main house.
- 7.3 The appellant has submitted a further LDC application in which additional information has been provided, the Council's considers the additional information addresses, in the most part, the grounds of refusal. On the basis of this supporting evidence the Council no longer wishes to contest this appeal.