

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2021/1310/LAWP
Location: 1 Kingsmead Cuffley Potters Bar EN6 4AN
Proposal: Certificate of lawfulness for the erection of a mobile home for use ancillary to the main dwelling
Officer: Ms Louise Sahlke

Recommendation: Granted

6/2021/1310/LAWP

Context	
Application Description	Certificate of lawfulness for the use of land for siting a mobile home for use ancillary to the main dwelling.
Relevant Planning History	None
<p>The main issues are: Whether the proposed siting of a mobile home for use as an annexe incidental to the main dwelling would be lawful under section 192 of the Town and Country Planning Act 1990</p>	
Discussion	
<p>Section 55 (2)(d) of the Town and Country Planning Act makes clear that,</p> <p>(d) 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;</p> <p>... shall not be taken for the purposes of this Act to involve development of the land.</p> <p>This covers not only the use of buildings but also other incidental activities not in themselves constituting development. The planning encyclopaedia at 3b-1042.24 gives the example of storage of a touring caravan, or a narrow boat.</p> <p>Reference to the Council's planning records, site plan and aerial imagery confirms that the proposed location of the mobile home shown on plans accompanying the application is within what can reasonably be considered the residential curtilage of No. 1 Kingsmead, which is occupied as a single dwelling house by the applicants.</p> <p>A caravan is defined by the Caravans Act and includes 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) with maximum dimensions of 20m x 6.8m with an internal height not exceeding 3.05m.</p> <p>The mobile home proposed is clearly designed for human habitation.</p> <p>Plans of the mobile home show the maximum dimensions are not exceeded.</p> <p>Once assembled it is designed to be capable of movement in one piece.</p>	

Given the above factors, the proposed development meets the definition of a caravan as set out in the Caravans Act. As such, the proposed siting of the caravan is a use of the land rather than operational development.

The use of the land

Consideration needs to be given to whether the storage/use of the mobile home shown in the application and located within the curtilage of the dwelling represents a material change of use of the land.

In this instance the mobile home is to be occupied by a live-in carer to care for family care and support. The submission makes clear that the live-in carer will share a range of facilities within the house and there will be a close inter-relationship between the live-in carer and family who will live in the main house.

No new curtilage will be created and the existing curtilage will not be subdivided. It would have no separate postal address nor separate utility services. There is no separate access or car parking.

On this basis, and on the basis of extensive case law and lawful use decisions and appeal decisions accompanying the application Planning Statement, it is considered that the use of the mobile home does not constitute a material change of use of the land.

Conclusion

The proposed use would not involve a material change of use of the land and the mobile home would not constitute operational development for which a grant of planning permission would be required.

Conditions:

1. On the date of receipt of the application the matter described above in respect of the aforementioned land and edged in red on the plan attached hereto, would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).

The proposed use would not involve a material change of use of the land and the mobile home would not constitute operational development for which a grant of planning permission would be required.

DRAWING NUMBERS

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
Location Plan		Location Plan	23 April 2021
995530/01		Site Plan as Existing	23 April 2021
995530/02		Site Plan as Proposed	23 April 2021
995530/03		Plan & Elevations	23 April 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Informatives:

1. The supporting photo demonstrates that the rear garden is located on a slope. Please be aware that any substantial ground works carried out may require separate planning permission.

Determined By:

Mr Mark Peacock
17 June 2021