

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01743/LDCP	Lawful Development Certificate application for the proposed provision of a twin unit mobile home (not operational development) within the garden of the lawful dwelling house for use as additional accommodation by one household (not a material change of use)	100 Whinbush Road Hitchin Hertfordshire SG5 1PN

Submitted Plan Nos

225069-03 225069-04 225069-02 225069-05

1.0 Policies

2.0 **Site History**

2.1 09/02256/1HH: Single storey rear extension. Granted 21/1/10

3.0 **Representations**

3.1 None.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a semi-detached dwelling located on the east side of Whinbush Road, Hitchin. The site benefits from a sizable rear garden of approximately 34 metres in length and 8 metres in width.

4.2 **Proposal**

4.2.1 The application is seeking a Certificate of Lawful Development for the proposed provision of a twin unit mobile home within the garden of the lawful dwelling house at No. 100 Whinbush Road for use as additional accommodation by one household

The mobile home would contain two bedrooms and ancillary living space.

The mobile home would be 10.113 metres in length, 6.260 metres in width and with a maximum height of 3.70 metres. It would have a shallow pitched roof and would be mounted on an adjustable base pad with no foundations required.

Electric, water and foul drainage services provided via the main dwelling house services.

The supporting report states the following aspects of the development:

1. The mobile home unit will not be physically separated from the rest of the garden of the main dwelling. 2. The garden will be shared by all occupants. 3. No separate services are proposed, there will be one household electricity and water bill. 4. There would be no separate postal address. 5. The proposed mobile home unit will provide bedroom, bathroom and living room accommodation with limited kitchenette facilities for the preparation of hot drinks, and snacks. 6. The family will regularly share meals together in the main house. 7. The family will socialise with each other in the living room

and all family members will have access to other areas of the house and the mobile home unit. 8. There will be no washing machine or laundry facilities other than in the main house, these will be used by all family members.

The supporting statement refers to a number of appeals decisions whereby Inspectors have confirmed that with the siting of a mobile home or caravan no material change of use will occur, the uses would not be incidental and no separate dwelling was to be created such that it would require planning permission.

4.3 Key Issues

- 4.3.1 The application sets out that the key issue for consideration when placing a caravan / mobile home in the rear garden is the use of the land. It states that as the use of the caravan is for a use that is ancillary domestic, namely a residential annexe, no change of use is occurring, so the application is permitted development.
- 4.3.2 The application is not to be considered under the GPDO 2015, Schedule 2, Part 1, Class E as this class is for the erection of buildings (enclosures, swimming, or other pools) incidental to the enjoyment of the dwelling house within the curtilage of the dwelling house. As this proposal is for the stationing of a caravan or mobile home, this is not a building, so Class E does not apply.
- 4.3.3 The definitions of what a caravan/mobile home is has to be considered. This is set out under the Caravans Act 1960 and updated by the Caravan Act 1968 and amended by again in 2006. This states that a mobile home (and/or caravan which are regarded to be the same thing under the definition) is a mobile home providing that it is not larger than 20m long, by 6.8m wide and does not have an internal floor to ceiling height taller than 3.05m. Furthermore, that it would be comprised of not more than two parts and can be moved when fully erected. The siting of the caravan on padstones and the connection of it to services is not considered to restrict its mobility. Only if extensive porches or other structures are built on to it, then it can be considered to be no longer mobile. The fact that the applicant has no intention to move it around the site is irrelevant. The key fact is that it could be moved.
- 4.3.4 The proposed mobile home is rectangular in shape (10.1 x 6.2 m) and would have a maximum height of 3.7m . It is proposed to connect the caravan to services, and it would not be fixed down. No additional structures are proposed to be added to it. The mobile home would be constructed on site in two pieces before being assembled together, which case law has established is acceptable for this type of development. The mobile home would be fully moveable once on site by being laid on padstones. Therefore, it is considered that the proposed mobile home would comply with the necessary criteria for it to be deemed a caravan under the Caravan Sites Act 1968 . No objections are therefore raised on this basis.
- 4.3.5 The next considerations are whether the proposal is to be regarded as operational development or if there is a material change of use. Seeing as the proposed mobile home would meet all of the required tests to be considered as a caravan, it is considered that the siting of a mobile home in this location would not constitute operational development. Moreover, given the submitted information that speaks to the relationship between the main dwelling and the caravan, its size, and the fact it will attribute

secondary, subordinate nature, the proposal is not considered to constitute a material change of use.

4.3.6 There are various appeal decisions which testify to the suitability of this proposed caravan as permitted development.

4.3.7 The GPDO Part 5, Class A states - 'use of land as a caravan site' is permitted development. It then goes on to clarify that all the uses set out in A2 are permitted development. Paragraph A.2 states that the criteria to be referred to are paragraphs 2-10 of the First Schedule of the 1960 Caravans Act. However, in the First Schedule of the 1960 Caravan Act it states:

1. A site license shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwelling house within the curtilage of which the land is situated.

Therefore, it can be concluded that A.2 is not applicable as the relevant paragraph of the 1960 Caravan Act is paragraph 1.

4.3.8 Therefore, when these two pieces of legislation are compared against each other, they are both saying that there is no restriction to siting a caravan within the grounds of a domestic property, providing the use of the caravan is ancillary to the main house, as there is no change of use of the land. Therefore, providing the caravan does not exceed the size limit, as discussed above, is still classed as being 'moveable' so that it is still a mobile home / caravan, and is used as an ancillary use, the caravan is permitted development. In this instance, all three of these 'tests' are met, so it has to be concluded that the proposal is permitted development.

4.4 **Conclusion**

4.4.1 Grant Certificate of Lawfulness under Section 192 (Proposed).

5.0 **Recommendation**

5.1 That a certificate of lawfulness be **GRANTED** for the following reason:

The siting of the mobile home would meet the requirements of Section 29 of the Caravan Sites Act 1968 as amended 2006 and the definition of the Caravan Act 1960. Moreover, the proposal would not involve a material change of use of land. The siting of the proposed mobile home would therefore not comprise development requiring planning permission under section 55 of the Town and Country Planning Act (1990).

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 12 August 2025	