

<u>APPLICATION NO:</u>	26/00281/CLD	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	The Smithy, Greensbridge Lane, Tarbock Green, Knowsley, L35 1QH		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR PROPOSED SITING OF A CARAVAN WITHIN THE GARDEN OF THE SMITHY FOR ANCILLARY USE TO THE MAIN DWELLING HOUSE		

Site Description

The application site is an irregularly shaped parcel of land located close to the corner of Greensbridge Lane and Netherley Road. The site consists of a semi-detached dwelling with two outbuildings, large grassed area and trees along the southern boundary. There is a dwelling to the north and dwellings to the west and south west of the site with open fields to the south. To the east is a field and overgrown area with Pets Country Manor beyond this.

Proposal

The proposal is for a certificate of lawfulness for proposed siting of a caravan within the garden of the smithy for ancillary use to the main dwelling house.

- The existing garage would be demolished and a static caravan erected in its place.
- The caravan proposed would have a gross external area (GEA) of 94.25 sqm and would be 4.2 metres high (with an internal height of 3 metres from floor to ceiling), 6.5 metres wide and 14.50 metres long.

The key issues are

- Firstly, whether the proposed structure would constitute a caravan under the relevant legislation.
- Secondly, whether a material change of use would take place on the land once sited.

Consultations

Merseyside Fire and Rescue – No objection subject to informatives.

Representations

N/A

Planning History

N/A

Relevant Law/Policy

Caravan Sites and Control of Development Act 1960

Caravan Sites Act 1968

Town and Country Planning Act 1990 (as amended).

Planning Practice Guidance: Lawful Development Certificates

Assessment

PROPOSAL

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1) Whether A Caravan

The Caravan Sites and Control of Development Act 1960, Section 29, defines a caravan as

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;

The Caravan Sites Act 1968 further refines that definition:

“13Twin-unit caravans.

(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 I 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 I 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): 65.616 feet (20 metres);

(b) width: 22.309 feet (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): 10.006 feet (3.05 metres).

The Planning Practice Guidance advises that:

In determining an application for a prospective development under [section 192](#) a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

Assessment

The proposal is stated as being for the siting of a twin unit caravan capable of being moved on a trailer from one place to another. Specific structural calculations (Appendix K) have been provided and confirm that the load can be evenly dispersed, ensuring the caravan can be lifted without incurring structural damage. Once assembled, the mobile home can be transported by trailer or lorry as a complete unit. Its placement would be on a screw pile foundation system, rather than being fixed down to the ground.

The caravan would comply with the height, width and length requirements of the legislation. It is not proposed to fix the structure to the ground and as a result, the proposal is considered to be a caravan and compliant with the definition of a caravan in both the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

2, Whether a material change of use

Town and Country Planning Act 1990 (as amended)

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

“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.

Section 55 (2) of the Town and Country Planning Act 1990 (as amended) states that any use of building within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such shall not be considered to involve development of land.

“(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(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”;

Whether the proposal would constitute a material change of use depends on whether the proposal would be considered incidental to the enjoyment of the dwelling house.

Emin v Secretary of State for the Environment and Mid-Sussex District Council (1989).

The case held that whilst questions of whether a use is incidental are largely a matter of fact and degree, some key principles were set out.

The Court held that the nature and scale of the activities are important as there must be a prospect that they could go beyond a purpose merely incidental to the enjoyment of the dwelling house as such and constitute something greater than a requirement related solely to that use. Thus, the physical size could be a relevant consideration, but it is not by itself conclusive, with the Judge saying *“it would be surprising if the mere size of the dwelling could dictate the physical size of a facility within a building and the size of the building itself whereas the owner of a small dwelling might want a larger facility for his enjoyment the owner of a larger house may not.”*

The Court also acknowledged that the fact that such a building has *“to be required for a purpose associated with the enjoyment of a dwelling house cannot rest solely on the unrestrained whim of him who dwells there but connotes some sense of reasonableness in all the circumstances of the particular case”*. It also emphasises that incidental uses should remain at all times ancillary or subordinate to the use of the dwelling house, and that it is necessary to determine whether the proposed building is genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that incidental purpose.

Uttlesford DC v SSE & White [1992] JPL 171

The Uttlesford case stated that even if a separate building provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling.

Parliamentary Debate 2005

Whilst there is no statutory planning definition of ancillary/incidental, there are 4 accepted ‘incidental’ tests, reported to the House of Commons (Hansard, for 22

November 2005) as arising from relevant case law. These are:

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

“The council has considered the issues and two barristers, each specialising in Gypsy-related planning law, have been consulted. Their advice is that caravans do not need planning permission if they are ancillary or incidental to the use of a dwelling house. What is incidental varies according to the particular facts of each case, and to ascertain those facts, the proper approach is to investigate and judge each case on its merits, taking into account,

First, the degree to which each caravan is functionally connected with and subordinate to the use of the dwelling house. For example, to what extent do those who sleep in the caravans use facilities in the house? Do the caravans provide independent living accommodation or are their occupants dependent on facilities in the house, too?

Secondly, the relative scale of accommodation available in both the dwelling house and the caravan must be taken into account. For example, caravans providing sleeping accommodation for a small overflow of family members may well have a subordinate, functional link to the main house, but may not where the caravans provide more accommodation than the house itself.

Thirdly, account must be taken of the relative size of the dwelling house, its garden and the caravan. The larger the first two and the smaller the latter, the more likely it is that a subordinate, functional link exists.

Fourthly, the relationship between the occupants must be taken into account. Extended family groups are more likely to share functional links”.

<https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051122/debtext/51122-39.htm>

Assessment

- 1) The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.

The caravan would sit within the main garden of The Smithy and would use the existing main access and would not have its own independent access or parking. The caravan would have some of the features of independent living including bedrooms, a bathroom, shower room and kitchen. However, it would not have independent water or electricity connections and would be dependent on the main house for these. There would be no physical separation from the main dwelling in the form of walls, hedges or fences that would indicate a partition or subdivision of the site. Overall, the caravan is considered to be functionally connected to the

main dwelling.

2) The relative scale of accommodation in the caravan and the house:

- The proposed caravan would be 94.25 sqm (GEA) in size,
- The main dwelling is two storey with a total floor area of 140 square metres.
- The southern outbuilding (which is to be retained) is 38sqm in size
- The northern outbuilding (which is to be demolished and replaced with the caravan) is 43sqm.

The caravan would be around two thirds the size (67%) of the main dwelling and would result in a total floorspace increase at the site from 221sqm to 272.25sqm.

A recent appeal (APP/V4305/X/24/3351740 - Alderley, Water Lane, Tarbock Green, Prescot, Merseyside L35 1RE) found that an outbuilding of 188m² (113%) of the size of the original house was considered incidental to the dwellinghouse.

Overall, the scale of the proposed caravan is considered to be incidental to the dwellinghouse.

3) The relative size of the house, its garden and the caravan:

Excluding the dwelling and the retained outbuilding, the garden amounts to approximately 1,220 m². The caravan would take up only around 7% of the plot. As such the scale of the caravan relative to the garden is considered to be small and indicative of an incidental use.

4) The relationship between the respective occupants:

The applicant has stated that the mobile home will be used by the applicants' parents and will allow the family to provide care and support. The use of annexes for elderly parents also known as a "granny annexe" is considered to be a common incidental use.

"Relationship – The mobile home will be used by the applicant's parents and will allow the family to provide care and support".

Conclusion

Overall, taking the above factors into consideration, the proposal is considered to be incidental to a dwellinghouse and as a result, no material change of use would take place. This view is supported by the following appeal decision in Waverley.

APP/R3650/X/25/3359353 - 8 Forge Close, Farnham, GU9 9PX - siting of a mobile home to provide ancillary annexe accommodation.

The inspector concluded that whilst the caravan would have facilities for independent living, it would be occupied by a relative and would not be physically separated from the rest of the garden, nor would it have a separate car parking area. As a result, the caravan was considered not to result in a material change of use.

“12. In concluding that a caravan is proposed to be positioned within the garden area of No. 8 Forge Close, it is necessary that I also consider whether what is proposed would amount to a material change of use of the land. The existing primary use of the land is a single dwellinghouse (use class C3) falling within one planning unit. While the caravan would include all the facilities needed for independent living, the appellant has made it clear that it would be occupied only by a ‘dependant relative’. It is not proposed to separate the caravan off from the rest of the garden or that it would have its own separate curtilage. I physical relationship with No. 8 Forge Close would be maintained. Moreover, there is no suggestion that separate car parking areas would be formed, that there would be a separate postal address, or that the caravan would be occupied by anyone who is unconnected with the family living in No. 8 Forge Close.

13. On the evidence that is before me, I am satisfied that the proposal would not result in a material change in the character of activities on the land from what has gone on previously. I do not find that the likely relative increase in vehicular and pedestrian comings and goings on the land from use of the caravan by a ‘dependant relative’ would be material. Furthermore, there would be functional relationship with the use of No. 8 Forge Close from the point of view of the occupant of the caravan being a ‘dependant relative’.”

Conclusion

The proposal would constitute a caravan and would be incidental to a dwellinghouse. As a result, no material change of use would take place and the proposal is lawful in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended).

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Alan Kilroe

Date:

24 July 2026

Informatives

- 1) The certificate has been granted on the basis of the information provided. Any change to the proposal that differs from the information provided, may mean that the proposal is not lawful and requires planning permission.

1 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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