

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Report of the Head of Development Management and Building Control

Address: 35 COPPERFIELD AVENUE HILLINGDON

Development: Use of the land to site a mobile home for ancillary use to the main dwellinghouse (Application for a Certificate of Lawful Development for a Proposed Development)

LBH Ref Nos: 22078/APP/2025/1108

Drawing Nos: 2254.03.25DiHus10.04
2254.03.25DiHus10.05
2254.03.25DiHus10.06
2254.03.25DiHus10.07
2254.03.25DiHus10.08
2254.03.25DiHus10.09
NAPC/JD/1137/JM

Date Plans received: 16-04-25 **Date(s) of Amendments(s):**

Date Application valid 16-04-25

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

It is considered that the use of the land to site a mobile home would result in 'development' as defined within Section 55 of the Town and Country Planning Act 1990 as on the balance of probability, the proposal would involve the creation of a separate planning unit for use as a self contained independent dwelling, resulting in a material change of the sites use.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 Planning Considerations

The Council considers that the overarching test applicable is whether the proposal constitutes "development" as defined by Section 55 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. The two main questions that must be assessed are:

- 1) Whether the proposal is for the siting of a caravan (and therefore the use of land) rather than a building (which would constitute operational development), and;
- 2) Whether the proposal would result in a material change in use.

RELEVANT LEGISLATION:

- 1) Whether the proposal is for the siting of a caravan (and therefore the use of land) rather than a building (which would constitute operational development)?

The definition of a caravan is provided in section 29(1) of the Caravan Sites and Control of Development Act 1960. This reads as follows:

"caravan" means 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;"

This definition has been supplemented by Section 13(1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. This defines twin-unit caravans as:

"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 when assembled."

Section 13(2) of the Caravan Sites Act 1968 Act (amended October 2006) prescribes the following maximum dimensions for "twin unit caravans":

-Length 10 metres;

-Width: 6 metres;

-Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) 3metres

Based on established case law, the Council is of the opinion that if the "caravan" does not meet the statutory definitions set out in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 Act (as amended), this provides a basis to refuse the application for a Lawful Development Certificate for a proposed use or development. This means that if the caravan fails to meet (i) the size limitations, (ii) the construction requirement or (iii) the mobility requirement, the

proposal will not constitute a use of land.

In *Measor v SSETR JPL 182* the Court stated that it would be wary of holding, as a matter of law, that a structure which satisfies the definition under the Caravan Sites Act 1968 Act could never be a building. There may be cases in which the tests above are met, but due to the proposal's size, permanence or physical attachment, the proposal constitutes a building. This would provide a further basis on which to refuse the Certificate of Lawfulness for Proposed Use or Development.

ASSESSMENT:

i) Whether the proposal would comply with the size limitations set out by the Caravan Sites Act 1968 (as amended)?

The proposed caravan would be a twin unit caravan. It would measure 10.05 metres in length by 6.05 metres in width. It would have a internal height of 3m. On this basis the 'size test' is passed and it is considered that the proposed caravan would comply with Section 13(2) of the Caravan Sites Act 1968 Act (amended October 2006).

ii) Whether the proposal would involve a building operation (the construction test)?

The proposed caravan is a twin unit structure. The submitted planning statement advises that 'The mobile home consists of two pre-constructed sections that will be joined as a final act onsite, fulfilling the "construction" test defined in *Byrne v Secretary of State* (1997).'

Taking into consideration these points the caravan is considered to pass the construction test outlined in Section 13(1) of the Caravan Sites Act 1968 Act (amended October 2006).

iii) Whether the proposal would meet the mobility requirement?

Section 13(1) of the Caravan Sites Act 1968 states that the caravan, '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 when assembled'.

The submitted planning statement states:

'Mobility

Specific structural calculations, detailed in Appendix K of the planning statement, confirm that the load can be evenly dispersed, ensuring the caravan can be lifted without incurring structural damage. For clarity, this mobile home corresponds to a Wheatley model.

The proposed placement of the caravan on a screw pile foundation system, without being fixed down but rather resting on these foundations under its own weight, is illustrated in the diagram contained within the planning statement. This design ensures a minimum ground clearance of 150mm, allowing for the use of lifting straps/rigging to be positioned under the structure. Consequently, the caravan can be lifted by crane and placed onto a flatbed lorry.

The proposed caravan is not affixed to the ground through permanent works, and any connections

to

services are easily reversible. Legal precedent has established that such connections are deemed de-minimis by the courts. The planning statement contains a number of appeal decisions to support this view.

To the rear (west) the site benefits from direct access to Colham Road . The road measures approximately 7.8 metres wide giving adequate space for a caravan to be 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).

Therefore, officers consider that it can be reasonably justified that the unit when fully assembled would be capable of being moved by road. Thus, It is considered that the proposal would fall within the definition of a caravan as set out within the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (as amended) and would fail to comply with the mobility requirements.

Construction

The provisions of Section 13(1)(a) of the Caravan Sites Act 1968 pertaining to twin-unit caravans state that the structure should be: '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.'

The planning statement confirms that In alignment with these specifications, the proposed mobile home will be assembled on-site, with two distinguishable sections, and the final act of assembly will involve the bolting of these two parts together. Drawing ref: 2254.03.25D.10.07, included in the application, illustrates the two sections that will be separately constructed on the application site and subsequently joined together on the same site as the 'final act of assembly' (construction methodology provided in Appendix L).

Considering the above, officers consider that the proposal meets all three tests outlined in Section 13 of the Caravan Sites Act 1968 and its amendment in October 2006. Consequently, the proposal should be considered a caravan, and, as such, does not constitute operational development.

2) WHETHER THE PROPOSAL CONSTITUTES A MATERIAL CHANGE OF USE?

In *Burdle v SSE* 3 All ER 240, Lord Bridge explained that a "useful working rule" is that it should be assumed that the unit of occupation is the planning unit, unless some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally. As such, identifying whether the proposal would constitute a material change of use (and take place in a separate planning unit) requires an assessment of both the physical and function connection between the caravan or mobile home, and the main dwelling.

The planning statement confirms that:

"the mobile home will be used by the applicant, whilst his family move into the main dwelling. The provision of the mobile home will allow the applicant and the wider family to provide essential care and support. The proposed caravan entails only a modest increase in footprint. The accommodation within the caravan is designed with minimal scale, offering the necessary facilities for the occupants to lead a comfortable life. While a caravan typically possesses all the amenities needed for independent day-to-day living, the mere inclusion of primary living accommodation does not automatically create a material change of use. The primary intent is to facilitate comfortable

living without creating a material change of the use of the land.

To confirm, the proposed mobile home will have no separate or independent:

- Address
- Post Box
- Utility meters
- Services (such as internet, phone line and television)
- Parking
- Garden area or curtilage
- Access

The caravan will not be independently registered as a separate unit of occupation for Council Tax purposes. The mobile home is not viable in isolation and is dependent on the main dwelling for its functionality and operation, as outlined in the accompanying supporting letter.

The occupant of the mobile home will be the applicant, whilst his family move into the main dwelling. The provision of the mobile home serves the purpose of enabling the family to provide the necessary care and support for the applicant. Consequently, there will be a clear functional relationship between the main dwelling and the mobile home by all occupants.

Despite the mobile home being equipped with all the necessary facilities for independent use, it is explicitly outlined that the occupants of the mobile home will maintain a reliance on the main dwelling. The main dwelling and the mobile home to be used interchangeably, ensuring the planning unit would remain as one whole unit. The main dwelling and the mobile home will be used in a manner which does not result in a change of use, thus meaning a change of use of the land will not occur."

Officers however consider that, despite this, it is considered that, on the balance of probability, the mobile building (if situated in the proposed location) could be accessed from Colham Road, within the street scene there are already multiple examples of dwellings with separate rear entrances to the garden via Colham Road such as the adjoining neighbours at Nos.33 and 37 Copperfield Avenue. Given the kitchen/living room, bathroom facilities and 2 separate rooms (capable of being used as bedrooms) shown on the submitted plans, it is considered that on the balance of probability, the unit could be occupied separately to the main dwelling, and would be capable of use as a independent dwelling.

Conclusively, based on the details that were accompanied with the application, on the balance of probability, the proposed caravan would be capable of use as a self contained form of accommodation, and would therefore constitute the creation of a separate planning unit, and therefore would result in a material change of use, contrary to Section 55 of the Town and Country Planning Act 1990.

CONCLUSION:

Based on the evidence that has been submitted, it is considered, on the balance of probability, that the proposal would fall within the definition of a caravan as set out within the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (as amended). However, based on the details that were accompanied with the application, on the balance of probability, the proposed caravan would be capable of use as a self contained form of accommodation, and would therefore constitute the creation of a separate planning unit, and therefore would result in a material change

of use, contrary to Section 55 of the Town and Country Planning Act 1990.

The application is recommended for refusal.

3.0 Relevant Planning History

22078/APP/2025/1112 35 COPPERFIELD AVENUE HILLINGDON

Erection of outbuilding to rear garden for use as annex.

Decision Date:

22078/D

Decision Date:

22078/C

Decision Date:

22078/C/0268/96

Enforcement(car repairs etc)

Decision Date:

22078/B

Decision Date:

22078/A/83/0979

35 COPPERFIELD AVENUE HILLINGDON

Householder development - residential extension(P)

Decision Date: 10-08-83 Approved

22078/76/0450

Decision Date:

22078/A /83/0979

Decision Date:

Comment on Planning History

Contact Officer:

Nicola Taplin

Telephone No:

01895 250230