Own Land Homes
Kettering
Northamptonshire
NN14 1DF

Planning Services
South Holland District Council
Council Offices
Priory Road, Spalding
PE11 2XE

Dear Sirs

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED SITING OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT HARVEST HOME, LOWGATE, GEDNEY, SPALDING, PE12 0BL

The above application has been submitted in order to establish that the siting of a caravan for ancillary residential use, within the garden grounds of Harvest Home, Lowgate, Gedney, Spalding, would not require an express grant of planning permission. The proposed caravan would be occupied Mrs Joan Bruin and Mr Leonnard Bruin, the parents of Mr Jeffery Bruin, one of the occupiers of Harvest Home. Both Joan and Leonnard are 82, their health is deteriorating, and they are unfortunately not able to live on their own any more. Rather than becoming reliant on Social Services, their son and daughter-in-law wish to become their primary carers, and thus enable them to retain a degree of independence for as long as is possible

Section 192(2) of the 1990 Act provides that, when an application has been made under Section 192, provided that the Planning Authority has been provided sufficient with information to demonstrate that the proposed use or operations described in the application would be

lawful, if instituted or begun at the time of the application, it must issue a Certificate to that effect.

The land outlined in red on the submitted plan is a functionally separate planning unit, comprising Harvest Home and its garden grounds. The caravan proposed to be sited on the land will comply in every respect with the statutory definition contained within the 1960 Sites Caravans and Control of Development Act (as amended by the 1968 Caravans Act etc.), i.e.

- It will be designed for human habitation;
- It will be capable of being moved from one place to another; and
- Its maximum dimensions will not exceed:
  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).

No operational development, as defined by Section 55(1) of the 1990 Act will take place. The caravan will not be made available as separate, independent accommodation; it will not have its own postal address or utility meters and all bills will be sent to Harvest Home. It will also not be registered a separate unit of occupation with respect to the payment of Council Tax. Whilst the caravan might be seen as being capable of independent occupation, this is not the basis upon which a Certificate is being sought. There will be no physical or functional separation of land, and no separate planning unit will be created. On the basis that at all times the occupation of the caravan will remain ancillary to the primary use of the land, no material change of use of land requiring planning permission will take place.

As the application falls to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the 2010 Development Management Procedure Order. Similarly, as the policies of the Development Plan (or the National Planning Policy Framework) are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact

on the character or appearance of the area, or neighbouring amenity, are not matters that the Council can attach any weight to. Having said this, every effort will be undertaken to ensure that the proposed caravan will be sited so as to minimise any potential adverse impacts.

In conclusion, the current application for a **Certificate of Lawfulness of Proposed Use or Development** (CLOPUD) is submitted on the basis that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to "development" as defined by Section 55(1) of the Town and Country Planning Act 1990.

The application has been submitted electronically through the 'Planning Portal' (reference PP-04212964) and comprises the following:

- The completed application form;
- The required fee of £192.50 (being half of £395.00);
- The following drawing:
    - Site Location Plan (1:1,250 @ A3) and
    - Site Plan (1:500 @ A3);
- A Supporting Statement;
- The following Supporting Documents:
    - Document 1 - Transcript of House of Commons Debate (22 November 2005);
    - Document 2 - Homefield Appeal Decision (12 November 2009);
    - Document 3 - Homefield Costs Decision (12 November 2009);
    - Document 4 - Braeside Appeal Decision (21 November 2011);
    - Document 5 – 7 Haynes Road Appeal Decision (18 June 2013)
    - Document 6 - Sandy Holt Appeal Decision (8 April 2013);
    - Document 7 - Waterworks Cottage Appeal Decision (23 November 2011); and
- A Statement of Ownership as required under the provisions of Article 35(2)(c) of the 2010 Development Management Procedure Order.

In conclusion, given the urgency of the situation, I hope that the Council will be able to determine the submitted application timeously, and that a Certificate of Lawful Use for the siting of the proposed caravan will soon be able to be issued.

Please do not hesitate to let me know if you wish me to provide more information on any point.

Yours sincerely



Michael Hyde MRTPI
On behalf of Own Land Homes