APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT FOR THE SITING OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT 244 BROADGATE, SUTTON ST EDMUND, SPALDING, PE12 0LT

SUPPORTING STATEMENT

Submitted on behalf of Megan and Benjamin Glazebrook

MH Planning Associates

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SUPPORTING STATEMENT

1. Introduction:

1.1 This application is submitted under the provisions of Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991).

1.2 This section states that if any person wishes to ascertain whether:

(a) any **proposed use** of buildings or other land, or
(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question.

1.3 If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted, or begun at the time of the application, they should issue a Lawful Development Certificate to that effect.

1.4 The application is submitted in order to seek **South Holland District Council's** confirmation that the siting of an ancillary residential caravan, within the garden grounds of 244 Broadgate, Sutton St Edmund, would be lawful having regard to the provisions of the 1990 Act.

2. Site Description:

2.1 The application site is a single residential planning unit that comprises 244 Broadgate, Sutton St Edmund, and its garden grounds, as outlined in red on the submitted location plan.

3. Supporting Statement and Evidence:

3.1 As the current 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 Town and Country Planning (Development Management Procedure) (England) Order 2015. Similarly, as the policies of the Local Development Plan 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 are not matters that the Council can attach any weight to.

3.2 Furthermore, in appeals which raise legal issues where the onus of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is the "balance of probability". As this test will accordingly be applied in any appeal against their decisions, planning authorities should therefore not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof beyond reasonable doubt. Moreover, the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the planning authority has no evidence to contradict or otherwise make the applicant's version of events less than probable, this is not in itself a valid reason to refuse the application.

3.3 Planning permission can only be required where **development** takes place, and development is defined in Section 55(1) of the Town and Country Planning Act 1990 as being:

> "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."

3.4 This definition has two 'legs'; one involving permanent **physical alterations** to land, and the other **material changes of use** of buildings or land.

3.5 The caravan to be sited on the land the subject of the current application will comply with the statutory definition in every respect. No operational development as defined by Section 55(1) will need to take place.

3.6 Having regard to the above, the central questions to be asked when deciding whether or not to issue the Certificate of Lawful Use applied for will therefore be:

a) Will the 'unit' be a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended)?
b) Will the caravan be sited within the garden grounds of 244 Broadgate, Sutton St Edmund? and
c) Will the caravan be used solely for purposes ancillary to the use of

244 Broadgate, Sutton St Edmund?

Each of these questions must be answered in the affirmative in order for a Certificate to be issued. Taking each of the questions in turn:

Will the Unit be a Caravan?

3.7 Section 29 (1) of the **Caravan Sites and Control of Development Act 1960** 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."

3.8 This definition was subsequently modified by Section 13(1) of the **Caravan Sites Act 1968**, which deals with twin-unit caravans. Section 13 (1) permits within the definition 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 not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled."

3.9 Section 13(2) of the 1968 Act further prescribes the following maximum dimensions for twin-unit caravans:

a) length (exclusive of any drawbar); 60 feet (18.288 metres);
b) width: 20 feet (6.096 metres);
c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3.048 metres).

3.10 Finally, the **Caravan Sites Act 1968 and Social Landlords (Permissible**

Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 amended Section 13(2) of the 1968 Act to increase the maximum dimensions of a caravan to:

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).

3.11 For the avoidance of any doubt the terms 'caravan' and 'building' are mutually exclusive, i.e., a structure that complies with the statutory definition of a caravan cannot also be a building. This fundamental point of planning law was confirmed in an appeal in respect of land at Upper Farm, Blue Bell Lane, Stoke D'Abernon, Cobham (PINS reference APP/K3605/X/11/2147586) (**Document 1**) where the Inspector stated:

> "*At the Inquiry it was established that, despite the terminology used in the application form, the Appellant considers that the 'static caravan' referred to therein was a 'building' rather than a 'caravan' for the purposes of the 1990 Act as amended by the time of the application. The terms are mutually exclusive, such that a unit of accommodation cannot be both a caravan and a building. Moreover, having regard to case law arising from the judgment in Measor v SSETR & Tunbridge Wells Borough Council [1999] JPL 182, a caravan cannot, for the purposes of the Act, be a 'dwellinghouse'.*"

3.12 To be a caravan as so defined three tests must be passed: the 'size test', the 'construction test' and the 'mobility test'. Taking each in turn:

The Size Test

3.13 The maximum permitted dimensions of a twin-unit caravan are 20 metres (65.616 feet) in length, and 6.8 metres (22.309 feet) in width. The proposed caravan would measure 8.7 metres (28.54 feet) in length by 5 metres (16.4 feet) in width, and the overall height of the living accommodation, measured internally from the floor at the lowest level to the ceiling at the highest level, would not exceed 3.05 metres (10.006 feet). On this basis the 'size test' is passed.

The Construction Test

3.14 The proposed caravan will be composed of two sections, separately constructed, which will be joined together on the application site as the

'final act of assembly'. Detailed drawings of the proposed caravan are submitted.

3.15 With respect to the assessment of the 'construction test' there is actually no requirement for a caravan to be delivered to the site in two sections. This was made clear in an appeal in respect of land at 159 Victoria Avenue, Borrowash (PINS ref. APP/N1025/C/01/1074589) (**Document 2**).

3.16 This appeal concerned the construction of a 'Park Home' on a site (as opposed to its delivery to the site). The Council were of the opinion that because the Park Home was delivered to the site in more than two parts, it did not fall within the statutory definition of a caravan. The appointed Inspector disagreed. He stated that he could see no requirement in Section 13(1)(a) of the 1968 Act that the process of creating the two separate sections must take place away from the site on which they were then joined together. Provided that there was a **final act of assembly** when the two sections were joined together the 'construction test' would be passed.

3.17 Similarly, in a subsequent appeal decision in respect of land at 28 Lodge Lane, Romford, the appointed Inspector concluded (APP/B5480/C/17/3174314) (**Document 3**):

> "*The Council's evidence is not in conflict with the appellant's explanation of what took place. However, the Council appear not to have appreciated that assembly can take place on site and they have not shown that the construction test, as explained in paragraph 8 above, was not satisfied. In particular, the Council's evidence does not cast doubt on the appellant's explanation of how the two sections were assembled on the land and then joined together in the final act of assembly*."

3.18 Finally, under this heading, in another recent appeal decision in respect of land at Trotters Plot, Wimborne (PINS reference APP/U1240/C/18/3204771) (**Document 4**) the appointed Inspector said:

> "*I was shown photographs of the whole unit under construction, apparently as one unit, and also as two. It is also clear there was a final act of joining together. It was explained that as the two halves are built up from the various elements of the kit, they are placed side by side in order to ensure they various components would eventually fit together. The two halves were moved apart and back together as required during construction. This seemed to me be a reasonable explanation of the construction process*."

3.19 The submitted evidence, when assessed the light of the above decisions, demonstrates that the 'construction test' would be complied with.

The Mobility Test

3.20 With respect to the 'mobility test' it is only necessary to be able to demonstrate that the caravan, when assembled, is 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". "Capable" in this context refers to the ability to do something, but not necessarily doing it. The Act does not say that you have to be able to physically demonstrate that a caravan can be moved from one place to another, only that you must be able to show, on the balance of probabilities, that it is "capable of being moved". An ordinary reading of the provisions would therefore point towards this being a hypothetical test of mobility.

3.21 The case of Wyre Forest District Council v Secretary of State for the Environment [1990] 2 WLR 517; [1990] 1 All ER 780; [1990] 2 PLR 95, HL remains a standard authority for using the statutory definitions provided within the 1960 and 1968 Caravan Sites Acts, as opposed to the ordinary and everyday meaning of the word 'caravan', when deciding whether in planning terms a lawful 'caravan' has changed into something that is not a caravan (i.e. a building). Permanent works, such as an extension or large porch, which fix the caravan to the ground, could mean that it would no longer come within the legal definition and could as a consequence be treated as a building. It was therefore held that if something falls within the statutory definition of a caravan, as provided for by the 1960 and 1968 Acts, it cannot also be a building, because of its element of mobility. The two definitions are thus mutually exclusive.

3.22 In a recent appeal in Richmond upon Thames (PINS reference APP/L5810/X/15/3140569) (**Document 5**), when considering the 'mobility test' the Inspector noted in paragraphs 16 and 17 of his decision:

> "*The mobility test does not require a mobile home to be mobile in the sense of being moved on any wheels and axles it may have. It is sufficient that the unit can be picked up intact (including its floor and roof) and be put on a lorry by crane or hoist. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant. As a matter of fact and degree, I consider that the proposed accommodation once assembled would be capable of being moved intact within the terms of the statutory definition.*

I note that the proposed unit would rest on concrete "pad stones" placed on the ground. As such, the unit's degree of physical attachment to the ground and the effect on mobility would be minimal or non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved. The mobile home would not acquire the degree of permanence and attachment required of buildings. The mobility test would be met."

3.23 In is particularly important to note here that the Inspector made it clear that "any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved".

3.24 Also, relevant in the context of the 'mobility test' is the judgement reached in Brightlingsea Haven Limited and another v. Morris and others 2008 EWHC 1928 (QB). Here, in paragraphs 83 and 84, Jack J addressed the this as follows:

"*83. Section 13 of the 1968 Act requires that the structure '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)': but it need not be capable of being lawfully so moved. The last provision appears to be because of width problems: I refer to Howard v Charlton, paragraph 6. The phrase 'from one place to another' also occurs in section 29(1) of the 1960 Act, but section 29(1) does not refer to 'by road'. Section 13 provides alternatives, movement by towing, and movement by loading onto a carrier. The two opposing constructions are these: whether the structure must be capable of being moved by road from one place to another, with no specific places or roads in mind, or whether the structure must be capable of being moved from where it is and moved by road to another place.*

84. I have concluded that the first construction is the correct one. My main reason is that it is consistent with the purpose of the Act that, if a structure is once a caravan, it should remain a caravan if it is itself unaltered, regardless of where it is. If a lodge meeting the requirements of the section and so a caravan is assembled on a site, it should not cease to be a caravan if it becomes boxed in by other lodges and cannot be got out because lifting apparatus

cannot sufficiently approach. Likewise, with the growth of trees. Likewise, with the change of season making ground alternatively passable or impassable to equipment or the lodge. It is also very possible that the kind of caravan that is towed behind a car might be placed in a position from which for one reason or another it could not be moved, either temporarily, or permanently. It is surely unthinkable that it would then cease to be a caravan as defined in section 29 because 'it was not capable of being moved from one place to another'. I therefore decline to follow the view tentatively express by HHJ Rich in the Byrne case. In my judgment, the test which the structure has to pass is as follows. It must either be physically capable of being towed on a road, or of being carried on a road, not momentarily but enough to say that it is taken from one place to another. It is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road."

3.25 For a caravan to therefore be capable of being transported on a motor vehicle or trailer all that is required to pass the 'mobility' test is that it can, when assembled, be able to be lifted off the ground and moved from one place to another.

3.26 The Romford appeal (**Document 3**) also considered the 'mobility test', and the appointed Inspector noted how temporary lifting beams would be able to be installed under the structure so as to enable it to be lifted safely as a single entity. This is consistent with the judgement in Carter v SSE & Carrick DC [1991] JPL 131; [1995] JPL 311) which clarified that for a structure to be a caravan for the purposes of the Caravan Sites Acts the fully assembled unit must be capable, as a whole, of being towed or transported by a single vehicle.

3.27 The proposed caravan would not be physically attached to the land (other than via service connections), to the extent that it would not be capable of being moved. It would rest, under its own weight, on 'ground screws' or similar, with a void beneath in order that it could be lifted using straps if required.

3.28 Finally in this regard, attached is a very recent appeal decision in respect of a site in Luton, PINS reference APP/B0230/X/22/3295944 (**Document 6**). This appeal was also lodged in respect of a caravan that would have been supplied by 'The Green Room'. This caravan would also have been constructed on site, in the same manner as the appeal caravan, and would have also rested, under its own weight, on 'ground screws' or similar, with a void beneath in order that it could be lifted using straps if required. The appeal was allowed, and a full award of costs made

against Luton Borough Council. In his decision the appointed Inspector said:

> "*The unit would rest on supporting screw piles by means of its own weight. Other than connections to utilities, there would be no works physically attaching the unit to the ground. It is highly likely that the utilities could be disconnected with ease, within a short space of time. To fall within the definition of a caravan, the unit does not need to be mobile in the sense of being moved on its own wheels and axles. The unit would be capable of being picked up and moved intact, including its floor and roof, and put on a lorry by crane or hoist. There is a void beneath the unit so that it could be lifted using belts or straps if required. As a result, there is little in terms of the size or the extent of physical attachment to the ground to indicate that the unit would be other than a caravan*."

Will the Caravan be sited within the garden grounds of 244 Broadgate, Sutton St Edmund?

3.29 The application site is a single residential planning unit that comprises 244 Broadgate, Sutton St Edmund, and its garden grounds, as outlined in red on the submitted location plan. The proposed caravan will be sited within this planning unit.

Will the caravan be used solely for purposes ancillary to the use of 244 Broadgate, Sutton St Edmund?

3.30 With respect to the proposed use of the land, the application property (244 Broadgate, Sutton St Edmund) is currently occupied by the applicants, Megan and Benjamin Glazebrook. The proposed caravan will be occupied by Megan's parents, Michael and Elizabeth Loubser. Mr Loubster is 77 years old, and Mrs Loubster is 74 years old. They have recently moved from South Africa to Sutton St Edmund are and currently living with Megan and Banjamin in the main dwelling.

3.31 These proposed living arrangements will have a number of benefits. Having a caravan, with accommodation all on one level, will be extremely beneficial for Mr and Mrs Loubster. Furthermore, rather than having to consider going into care, as they get older, their daughter and son-in law can become their primary carers. This will enable them to retain a degree of independence for as long as is possible. As well as providing care, when necessary, Megan will also be able to facilitate taking them out, to go shopping etc. and in doing so, do her best to make her parents lives comfortable.

3.32 There is absolutely no intention that the caravan will be made available for separate, independent, residential use; the water and the electrical supply would both be shared with the main property. The provision of meals etc. will also be shared, and the caravan will not be registered a separate unit of occupation with respect to the payment of Council Tax.

3.33 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 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.

Submitted Evidence

3.34 In order to support this line of argument the following documents are submitted alongside the current application:

Transcript of House of Commons Debate (22 November 2005)

3.35 This debate, in part, concerned the stationing of caravans belonging to gypsies and travellers within the curtilages of the residential properties that they had purchased (**Document 7**). Reference (on page 3) is made to paragraph 29 of former Circular 01/1994 which stated:

> *"Some kinds of activity will not fall within the definition of 'development' in Section 55 of the 1990 Act and will not therefore require planning permission. Any gypsy living in a dwellinghouse will not require planning permission to use a caravan within the curtilage of the dwellinghouse, provided that the purpose is incidental to the enjoyment of the dwellinghouse as such. A caravan within the curtilage of a dwellinghouse may have a number of ancillary uses for which planning permission would not be required. For example, it could be used for additional living accommodation, provided that it remained part of the same planning unit as the dwellinghouse, and the unit remained in single family occupation."*

3.34 On page 6 of the transcript, in response to the question, "to what extent would the usage of a caravan fall outside the definition of being incidental to enjoyment of the dwelling house", it was stated that:

> "*A caravan is not a building. Stationing one on land is not itself 'operational development' that requires planning permission,*

although associated works such as the provision of infrastructure and hygiene facilities may well be. Under planning law, householders can park caravans in their gardens or driveways indefinitely, provided that no material change of use of land occurs. However, in certain circumstances, the placing of a caravan on land may change the principal use of that land, which would amount to development in the form of a material change of use of land. It is for that reason that the use of land for an occupied caravan generally requires planning permission. The hon. Lady asked whether adding extra caravans would still be incidental. A householder is entitled to use caravans as extra accommodation without planning permission, provided that the occupants continue to use the house, for example, the kitchen or bathroom. If, on the other hand, a caravan is there for another purpose not incidental to the enjoyment of the main dwelling, known as the dwelling house - for example, it is inhabited quite separately from, and independently of, the dwelling house - planning permission for change of use of the land would, generally speaking, be required. As it would result in the creation of a new planning unit, such permission may well not be granted in a residential area."

3.35 At a later point in the transcript (on page 8) it is confirmed that examples of ancillary uses could include uses such as storage, home office, additional sleeping accommodation and a garden shed. The original transcript can be found at: http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051122/debtext/51122-39.htm

Homefield Appeal Decision and Costs Decision (12 November 2009)

3.36 This appeal concerned a Lawful Development Certificate application to site two caravans on land within a residential curtilage, for use as ancillary accommodation incidental and subordinate to the residential occupation of the main dwellinghouse (**Document 8**). In allowing the appeal the appointed Inspector concluded that:

"*The evidence for the appellants is that the caravans would be used by the two sons to provide their sleeping accommodation, "and for social purposes and entertaining friends". The supporting statement goes on to say that "the sons will, as now, take all meals in the main house, use laundry facilities and generally inter-react with their parents in the normal manner associated with family occupancy." As such, I consider the proposal is to use the caravans solely as living accommodation additional to that which exists at*

Homefield. The stated intention is that the caravans will not be used as independent units of accommodation but will remain very much part and parcel of the main dwelling. If the caravans were to be used as self-contained living accommodation, then it is likely that would amount to a material change of use of the land. But, so long as the caravans are sited within the residential planning unit, and so long as use of the caravans remains ancillary to the main dwelling, I am satisfied their siting does not result in any material change of use of the land."

3.37 In parallel to submitting their appeal against the refusal to issue a Lawful Development Certificate, the appellants made an application for an award or costs on the grounds that the Council had acted unreasonably. In making a full award in favour of the appellants the appointed Inspector found that by considering the proposal primarily in the context set by the 2008 [General Permitted Development] Order the Council failed to first address whether or not the siting of 2 caravans amounted to development (**Document 9**).

Woodfords, Shipley Road Appeal Decision (20 September 2016)

3.39 In this decision, which also concerned the siting of a caravan for occupation by elderly parents, within the garden grounds of a dwelling, the appointed Inspector concluded (PINS Reference APP/Z3825/X/16/3151264) (**Document 10**):

"*Use of the caravan in the way set out in the supporting statement would not, in my view, result in a separate unit of occupation, in planning terms, and the use of the existing planning unit comprising the house at Woodfords and its grounds would remain in domestic residential use as a single dwellinghouse. The character of the use would not change. Whilst I can appreciate the concerns of the Council, the size of the caravan and the facilities provided, which would be found in most large caravans, do not cast substantial doubt on the applicant's explanation of the use that is proposed. <u>On the balance of probabilities, I consider that that use proposed would be subordinate and ancillary to the use of the property as a single dwellinghouse</u>. It would not result in a material change of use. For that reason, I conclude, on the evidence now available, that the Council's refusal to grant an LDC in respect of the siting of a caravan for ancillary residential use within the residential curtilage of Woodfords was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under s195(2) of the Act*."

Heathfield House Appeal Decision (2 November 2017)

3.40 In this final decision, the appointed Inspector similarly concluded (PINS reference APP/A1530/X/17/3177321) (**Document 11**):

> "*It is clear that there would be a close family and functional link between the uses with the land also remaining in single ownership and control. Use of the caravan in the manner described would not involve physical or functional separation of the land from the remainder of the property. The character of the use would be unchanged. Thus, the use described would form part and parcel of the residential use within the same planning unit. Only if operational development which is not permitted development is carried out or if a new residential planning unit is created, will there be development. From the application, neither scenario is proposed. Accordingly, the proposal would not have required separate planning permission*."

3.41 All of these appeal decisions conclusively demonstrate that the siting of a caravan, to be used for ancillary purposes, is not to be regarded as operational development, and does not bring about a material change of use of the land. Whether or not the caravan is capable of independent occupation is of no relevance; the assessment of whether development is involved can only be made on the basis of how the caravan in question will actually be used.

3.42 Finally, whilst not in respect of the siting of a caravan, reference is also made to Uttlesford District Council v Secretary of State for the Environment & White [1991], one of the leading cases in respect of the use of an existing building within the curtilage of a dwellinghouse, for the provision of ancillary residential accommodation. Here it was concluded by Mr Lionel Read QC (sitting as a deputy judge of the Queen's Bench Division) that a building within the garden of a property could similarly be used as an integral part of the main residential use, without this representing a breach of planning control (i.e., a material change of use). As he noted in his judgement:

> "*… the Department's present view is that the use of an existing building in the garden of a dwelling-house for the provision of additional bedroom accommodation … merely constitutes an integral part of the main use of the planning unit as a single dwelling-house and, provided that the planning unit remains in single family occupation, does not therefore involve any material change of use of the land*."

3.43 Although the proposed caravan could contain the facilities required for independent living, there will be sufficient linkage between any occupants, and the occupants of the main dwelling, for the two to remain a single planning unit. As was observed in Uttlesford:

> *"… the elderly relative to be accommodated would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent she will be independent from the rest of the family. I find no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling."*

4. Conclusions:

4.1 To summarise, the key elements of this application are as follows:

- The additional accommodation provided would be within a caravan as defined in the 1960 and 1968 Caravan Sites Acts (as amended);
- The caravan would be sited within the lawful garden grounds of the existing dwelling;
- It would be when sited, and will thereafter remain, a movable structure;
- It would not be permanently affixed to the ground and no operational development would need to take place; only services would be connected;
- The use of the caravan would at all times be ancillary to the use of the planning unit that is 244 Broadgate, Sutton St Edmund;
- The provision of meals, laundry facilities, etc. will be shared;
- The caravan would not be provided with its own separate curtilage; and
- The caravan would not have a separate postal address, it would share the existing dwelling's utility services, and it will not be registered a separate unit of occupation with respect to the payment of Council Tax.

4.2 For these reasons, and having regard to the submitted evidence, it is therefore clear that there would be no material change in the use of the planning unit, and thus no development as defined by Section 55(1) of the Town and Country Planning Act 1990 would take place. A Certificate of Lawfulness of Proposed Use or Development, under the provisions of Section 192 of the 1990 Act, should therefore be able to be issued.