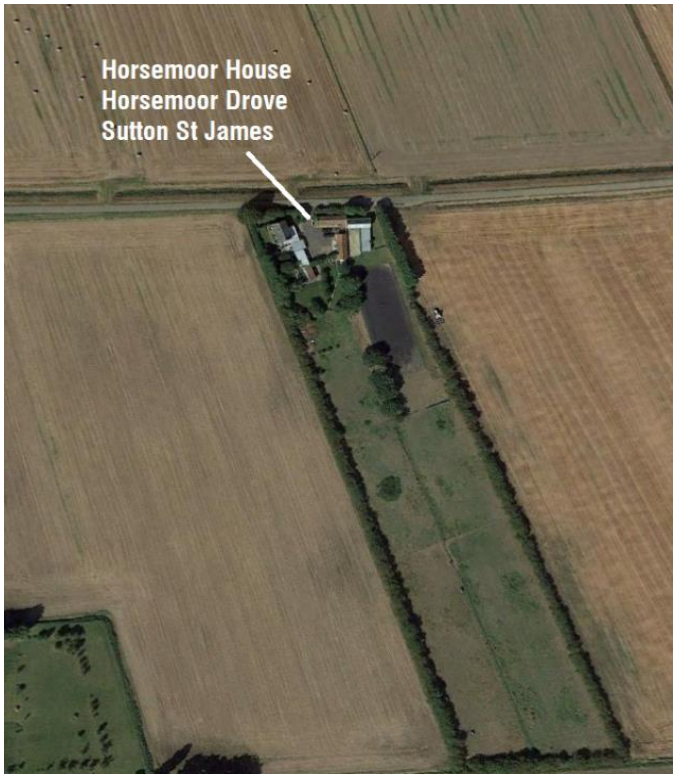
Lawful Use Certificate Application under Section 192
of Town and Country Planning Act 1990 (as amended) for
Use of Residential Curtilage of Horsemoor House to site a mobile home
for ancillary family use

Horsemoor House Horsemoor Drove
Sutton St James Spalding PE12 0EY

for Mr. & Mrs. A. Mason & family



PLANNING STATEMENT

September 2025

mlp Moulton Land and Planning alan j finch

PROPOSAL

In 2023 the Mason family invested in a mobile building to provide annexe accommodation for their daughter. The unit was purchased from a national supplier of such units.
This is an application for a Lawful Development Certificate to validate the annexe unit as being permitted development by the fact that it does not constitute operational development, or result in a material change of use, within the meaning of Section 55 of the Town and Country Act 1990 (as amended)

THE SITE

Horsemoor House is an isolated property situated in open countryside just to the north of Sutton St James. The dwelling has a defined residential curtilage within its larger land holding where grazing land and paddocks are established.
The annexe building is sited within the defined and established residential curtilage of the family home.

PRE- APPLICATION DISCUSSION

Prior engagement with the Local Planning Authority included a site meeting on the 31st July 2025 with Kate Bellamy of SHDC to assess the siting and physical properties of the mobile building.

At a subsequent meeting with Dan Allen, Principal Planning Officer at SHDC offices the options available to seek verification of the status of the annexe building was discussed.
Following that meeting it was decided that a Section 192 Lawful Development Certificate application was appropriate.

COMPLIANCE WITH RELEVANT LEGISLATION

Section 192 of the Town and Country Planning Act (1990) (as amended) sets out the following:
"Certificate of lawfulness of proposed use or development.
(1) 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, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
(2) 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 shall issue a certificate to that effect; and in any other case they shall refuse the application.
(3) A certificate under this section shall –
(a) specify the land to which it relates;
(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use or operations to be lawful; and
(d)specify the date of the application for the certificate.
(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.]"
Therefore, the LPA needs to be provided with sufficient information to demonstrate that, the proposed building is lawful in planning terms and would not require full planning permission.

SUPPORTING INFORMATION

This application is supported by a Location Plan, a Site Plan, details of the mobile home and other documents including recent LPA decisions on identical proposals and Appeal decisions relevant to this application.

A mobile home generally falls under the definition as a caravan. The Caravan Sites and Control of Development Act 1990, under Section 29 (1), details that for the purposes of the Act, a 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".
The siting of a caravan or mobile home on land therefore comprises a use of land rather than operational development."

The building in this instance is of modest size and well within the prescribed dimensions applied to 'caravans'

Section 13(2) of the Caravan Sites Act 1968 (amended Oct 2006) prescribes the following maximum dimensions :-

a) Length (exclusive of any drawbar) – 20 metres (65.6 ft)
b) Width – 6.8metres (23.3 ft)
c) Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) – 3.05 metres (10 ft)

The mobile home unit is placed on levelling bearers with no permanent foundation works required

The unit is capable of being lifted and moved as a single unit

As can be seen from the site layout the annexe is located to the rear of the main dwelling and does not occupy more than 50% of the extensive garden area

The annexe has been installed for the use by an immediate family member who does share services and some facilities of the main family dwelling and the unit was specified to be suitable for human habitation albeit with limited kitchen facilities. The main family home provides full kitchen and laundry facilities.

Any utilities that are connected to the annexe do not amount to permanent 'attachment' as has been established through Case Law as their detachment is a simple and immediate matter
Such utilities are not separately metered and the annexe has no separate postal address

This Statement is supported by relevant Decision Notices issued by South Holland District Council as well as Appeal Decisions which are also relevant this current application

CONCLUSION

The annexe unit is a mobile home structure that complies with the legal definition of a caravan and placing the unit on the land does not result in 'operational development'.
The proposed occupation of the mobile home by the applicant forming one household as part of the existing single residential planning unit would comprise an integral part of the primary residential use or alternatively, would be incidental to the main use of the land as a residential dwelling and as such would not result in a 'material change of use'.
As such the proposal does not result in development within the definition at S.55 of the Town and Country Planning Act 1990 (as amended)
For the reasons stated in this statement and the supporting information it is considered that a Lawful Development Certificate should be issued in accordance with the terms of the application.

Supporting Documents

Drawing No. HOR 24/01 – Location Plan Site Plan

Drawing No. HOP 24/02 – Annexe Unit details

SHDC Lawful Use Certificates

H14-0655-20 Provision of a twin mobile home within the garden of the residential property for use as additional accommodation by one household - Pyewipe Farm North Drove Spalding - granted 15/09/2020

H15-0504-23 Provision of twin-unit mobile home - 55 Main Road Quadring - granted 16/06/2023

H09-0527-25 Use of land to site a mobile home for ancillary use to the main dwellinghouse – 8 Washway Road Holbeach - granted 31/07/ 2025

Planning Inspectorate Appeal Decisions

32 Wembley Avenue, Mayland Chelmsford

Heathfield House West End Road Tiptree

3a Coombe Lane West Kingston-upon-Thames

542 Blandford Road Poole

4 Waterworks Cottage Redricks Lane Sawbridgeworth