

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/20/2359/OE1	
2.	<b>Proposed Development:</b>	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED MOBILE HOME TO BE USED AS ADDITIONAL ACCOMMODATION	
3.	<b>Location:</b>	SYLVAN CROFT, WOODEND, EGREMONT	
4.	<b>Parish:</b>	Egremont	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Relevant Policies	See Report
		Consultation responses	See Report
7.	<b>Report:</b>	<p>This application relates to a detached property, known as Sylvan Croft, located within Woodend. The property benefits from large gardens and is located within a group of existing residential properties.</p> <p><b>Proposal</b></p> <p>This application seeks a lawful development certificate for the proposed siting for a mobile home in the rear garden for use as additional accommodation to the main dwelling for the applicant's mother. The proposed single mobile unit mobile home would have maximum external measurements of 9.5m x 4.95, with a maximum internal floor to ceiling height of 3.02m.</p> <p><b>Consultation Responses</b></p> <p>National Planning Practice Guidance clarifies that there is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess</p>	

relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

### **Planning Policy**

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

### **Assessment**

A lawful development certificate enables applicants to establish whether a proposed or existing development is lawful for planning purposes. In this instance it is claimed that the siting of a mobile home within the garden of the residential property for use as additional accommodation of the existing single household, is not operational development and does not constitute a change of use.

The following evidence has been submitted to support this lawful development certificate:

- Site Location Plan,
- Block Plan,
- Elevation Plans of the Proposed Mobile Home,
- Certification of Compliance with the Legal Definition of a Caravan,
- Lawful Development Certificate Application Report which includes reference to a number of relevant planning appeal decisions.

Based on the evidence submitted to support this application it is considered that the siting of a mobile home at this site does not constitute development under Section 55 of the Town and Country Planning Act 1990.

The proposed unit is a mobile home structure that complies with the legal definition of a caravan and providing the unit on the land would not result in operational development.

As the mobile home is to be utilised as additional accommodation for the existing property the proposal does not constitute a material change to the main use of the land as a residential dwelling. The use would be incidental to the main use of the land as a residential dwelling and would not result in the sub division of the planning unit.

As part of the application numerous decision notices from Planning Inspectors, confirming this view that this siting does not constitute a material change of use, have been submitted as evidence.

On this basis it is appropriate for a lawful development certificate to be granted in this case.

8.	<b>Recommendation:</b>  Approval of Certificate of Lawfulness	
<b>Case Officer:</b> C.Burns		<b>Date :</b> 04.11.2020
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 09/11/2020
<b>Dedicated responses to:-</b> N/A		