

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/24/2038/0E1
2.	Proposed Development:	CERTIFICATE OF LAWFULNESS DEVELOPMENT FOR THE SITING OF A CARAVAN ANCILLARY TO THE AGRICULTURAL USE OF THE LAND
3.	Location:	LAND EAST OF MOOR ROW, MOOR ROW
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: NO</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	Report:	
	Site and Location	<p>The application relates to a field, to the east of Moor Row.</p> <p>The site is accessed via a farm track off Pearson Close and benefits from an existing agricultural building and polytunnel.</p>
	Proposal	<p>This application seeks a lawful development certificate for a proposed development – siting of a caravan on agricultural land for agricultural purposes.</p>

Relevant Planning Legislation

Section 192 of the Town and Country Planning Act 1990 (as amended)

Section 55 of the Town and Country Planning Act 1990 (as amended)

Section 336 of the Town and Country Planning Act 1990 (as amended)

Section 29 of Caravan Sites and Control of Development Act 1960

Caravan Sites Act 1968 Section 13 – definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006

Assessment

Section 192 of the Town and Country Planning Act 1990 as amended (The Act) states that if a person wishes to ascertain whether any proposed use of buildings or other land is lawful, they may make an application to the local planning authority for a certificate of lawful use or development.

On this basis, a Certificate of Lawfulness of Proposed Use or Development for the siting of a caravan on agricultural land for agricultural purposes has been submitted.

A site visit confirmed there is already a caravan on site and therefore concerns were raised with the agent regarding the proposed use and whether this application should relate to an existing use (Section 191). The agent confirmed that caravan on site is an old temporary caravan that is to be removed and the proposed certificate of lawfulness was designed to give the applicant comfort before they buy another unit and place it on the land. An additional site visit confirmed the old caravan has now been removed.

As a result, the proposed development for a new caravan is considered to have been submitted on the correct application form as the applicant seeks to ascertain whether the proposed development is lawful.

Section 57 of The Act states that planning permission is required for the development of land. Section 55 of The Act states that development is operational development or the making of a material change in the use of land.

In terms of the application assessment, the following approach is taken:

1. Establish the lawful use of the planning unit;



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2. Establish the definition of a caravan and operational development;
3. Establish the effect of a caravan and its use on the character of the site and the lawful use;
4. Conclude whether there is an operational development or material change of use.

Planning Unit

The application site relates to a part of a field to the east of Moor Row.

There have been previous planning approvals for agricultural uses on the site, including the construction of the agricultural shed to provide storage of feed, machinery and equipment in association with the management of the land (reference 4/21/2537/0N1) and the construction of the polytunnel to store food crop, animal feed, grow mushrooms and other vegetables and keep poultry including turkeys (reference 4/23/2178/0F1).

It is considered that the site activity falls within the definition of agriculture under Section 336(1) of the 1990 Act and the red line of the application site falls within the planning unit and therefore the lawful use relates to agricultural land.

Caravans and Operational Development

The agent notes the stationing of a caravan is a use of land and does not of itself represent operational development, as long as the caravan meets the statutory definition of a caravan:

Section 29 of Caravan Sites and Control of Development Act 1960:

“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.

Caravan Sites Act 1968 Section 13 – definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006:

- (1) 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 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.

(2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(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) The [Secretary of State] may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

The agent has confirmed in the Covering Letter submitted with the application that the applicant will ensure that the new caravan which is to be situated on the site will fall within the definition of a caravan. He has also confirmed that its use will remain in association with the agricultural use of the land and that it would not be used for any other purpose including residential.

On this basis, so long as the caravan falls within the above, I am satisfied that the proposed caravan siting does not represent an operational development.

Caravans and Material Change of Use

It is well established that a permanent residential use of a caravan at a farm is not ancillary to agricultural use. However, there are a number of lesser situations where a building, or particularly a caravan, is occupied for human habitation but only on a casual or spasmodic basis. An even lower level of "residential" use occurs if a caravan is only used as a day shelter or messroom for agricultural or forestry workers.

The cover letter confirms that the applicants will use the caravan in association with the land. The caravan will be somewhere dry and warm in which the applicant can get changed, eat meals, and store equipment and clothing to be used on the landholding.

On occasion, the applicants are on the land early in the morning and/or late at night and the caravan will allow them to be there in comfort while they monitor their stock. This could



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include monitoring animals that are about to give birth or that are in labour, and this may require on occasion, an overnight stay. This cannot be done remotely from the site. The proposed use of the caravan would be in association with the existing agricultural use of the land.

On this basis of the above, the caravan will mainly operate as a store for equipment in connection with the primary purpose of the land and be used as a mess room which is regarded as an ancillary function to the agricultural use.

Despite the occasional overnight stay to monitor animals during birth, it is confirmed that the caravan would only be used in association with the agricultural use of the land and it would not be used for any other purpose, including residential.

On this basis, I am satisfied the use of the caravan will be ancillary to the agricultural use of the land and therefore it does not involve a material change of use.

Conclusion

The red line of the application falls within the existing agricultural planning unit and therefore the lawful use relates to agricultural land.

The agent has suitably justified that the siting of a caravan does not of itself represent operational development, as long as the caravan meets the statutory definition of a caravan.

In addition, based on the information provided, the proposed caravan is not considered to have a physical or functional distinction between the use of the caravan and that of the land, and therefore there is no material change of use.

The proposed caravan is considered to be ancillary to the agricultural use of the land and therefore it does not constitute development requiring planning permission.

In conclusion, on the basis of the information provided, and as a matter of fact and degree, the stationing of a caravan on the land does not represent an operational development or comprise a material change of use of the land, having regard to Section 55 of the Town and Country Planning Act 1990. This is on the basis that the caravan meets the statutory definition of a caravan and is used only for ancillary purposes to the primary use of the site as agriculture.

The lawful development certificate can be granted.

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| 8. | Recommendation:
Approval of Certificate of Lawfulness |
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Case Officer: C. Wootton	Date : 21/03/2024
Authorising Officer: N.J. Hayhurst	Date : 08/04/2024
Dedicated responses to:- N/A	