

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/24/2279/0E1 |
| 2. | Proposed Development: | LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE - SITING OF A STATIC CARAVAN AS A WELFARE UNIT ANCILLARY TO AGRICULTURAL & EQUESTRIAN USE |
| 3. | Location: | HIGH VIEW, MILL LONNING, LOWCA |
| 4. | Parish: | Lowca |
| 5. | Constraints: | ASC;Adverts - ASC; Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way |
| 6. | Publicity Representations &Policy | See Report |
| 7. | Report: Site and Location <p>The application relates to an agricultural field, named High View, located on Mill Lonning, approximately 0.8 miles north-west of Lowca. The site is bound by a hedge and currently contains a gravel hard standing area, with a shipping container and static caravan, and a close boarded fence on the north side elevation having been erected since the submission of this application.</p> <p>Access to the site is located in the top North corner of the site, off the unclassified road known as Mill Lonning.</p> Relevant Planning History <p>Erection of a new agricultural shed and change in the ground levels, approved in January 2024 (application reference 4/23/2283/0F1 relates).</p> | |

Proposal

This application seeks Certificate of Lawfulness for a Proposed Development for the proposed use of the static caravan as a welfare unit in relation to the agricultural and equestrian use of the site. The application is made under Section 192 of the Town and Country Planning Act 1990 (as amended)

The static caravan is 3.6m x 6m and has an overall height of 3.3m.

The Applicant has an agricultural holding number of 08/206/0139.

Consultation Responses

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 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.

Public Representation

No comments have been received.

Planning Legislation

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

Assessment

Section 192 of the Town and Country Planning Act 1990 enables any person to apply for a decision as to whether a proposed use of buildings or land, or operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes.

In this instance it is claimed that the proposed use complies with Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to temporary buildings and structures.

The act states:

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

Definition of a caravan

The Agent has provided information with regards to the definition of a caravan. It states:

A caravan in relation to the Caravan Sites and Control of Development Act 1960 in that:

“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..”

“Provided that when assembled:

(a) Its length (exclusive of any drawbar) does not exceed 60 feet (18.288m);

(b) Its width does not exceed 20 feet (6.096m);

(c) The overall height of the living accommodation (measured internally from the floor to the lowest level of the ceiling at the highest level) does not exceed 10 feet (3.048m)”

Furthermore, a statutory definition of a caravan can be found in the Caravan Sites and Control of Development Act 1960, as supplemented by section 13 of the Caravan Sites Act 1968. The 1960 Act at section 29 states that 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 other 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, on b) any tent.

With the details provided within the application and viewing the structure during the undertaken site visit, the static caravan is considered to comply with this definition and is moveable. As such, the caravan is not considered to be operational development under Section 55 of the Town and Country Planning Act (1990).

Is the static caravan ancillary to agriculture?

Therefore, the main planning consideration is the use of the caravan and the land on which it is sited. If the caravan is used for residential purposes, this would constitute the creation of a new planning unit and a material change of use. This would not be lawful development. However, if the caravan is to be used ancillary to the primary use of the site (as a welfare unit), this does not constitute a material change of use of the land. In addition, the caravan is not considered to be “development” as defined by Section 55 of the Town and Country Planning Act (1990).

The static caravan is used as a welfare room for workers tending to livestock associated with the agricultural use of the land. The Applicant has a growing herd of sheep and some horses and has an Agricultural Holding Number for their site. The use is considered to be directly and ordinarily functional in relation to the keeping of livestock and therefore represents an ancillary or incidental use.

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| | <p>Whilst the static caravan includes sleeping areas, it is accepted that an insignificant amount of overnight use can be an integral part of the farming process, should there be instances of sickness or lambing. This is still considered to be ancillary. Should the overnight use exceed 28 days per year as permitted under Part 4 of the GDPO, this would be considered as significant residential use and require Planning Permission.</p> <p>Conclusion</p> <p>If the caravan is used in accordance with the description for this application (“siting of a static caravan as a welfare unit ancillary to agricultural and equestrian uses”), and not for residential purposes, no material change of use or operational development will occur and it is considered to be lawful.</p> <p>As such, the Certificate of Lawfulness for a Proposed Development can be granted.</p> | |
| 8. | <p>Recommendation:</p> <p>Approval of Certificate of Lawfulness</p> | |
| Case Officer: Sarah Papaleo | | Date : 05/12/2024 |
| Authorising Officer: N.J. Hayhurst | | Date : 20/12/2024 |
| Dedicated responses to:- N/A | | |