

30 January 2024

Sent via email only to:

Development.Control3@cumberland.gov.uk

Cumberland Council
The Market Hall
Market Place
Whitehaven
CA28 7JG

Dear Sir/Madam

**LAND EAST OF MOOR ROW CA24 3LJ
CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT
SITING OF A CARAVAN ON AGRICULTURAL LAND FOR AGRICULTURAL PURPOSES**

Introduction

Please find enclosed an application for a Certificate of Lawfulness of Proposed Use or Development for the siting of a caravan on agricultural land for agricultural purposes. The application was submitted by email today. A list of documents submitted with the application is included below. The planning fee has been transferred today using the reference 'Addis Moor Row'.

The Context

The application is made on behalf of Mr and Mrs A. Fleming who have owned this land and other land nearby for a number of years. Over the past few years, the applicants have invested in the land/agriculture use of the land, and this is most obvious through the construction of the agricultural shed – planning approval reference 4/21/2537/0N1 and the construction of the polytunnel – planning approval reference 4/23/2178/0F1.

The applicants will use the caravan in association with the land. The caravan will be somewhere dry and warm in which they 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 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.

The Legislation

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.

Section 57 of The Act states that planning permission is required for 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. 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.

Our Commitment

In accordance with the above we would ensure that the caravan that was stationed met with the definition of a caravan. We would ensure that its use remained in association with the agricultural use of the land and that it would not be used for any other purpose including residential.

We trust that the above is in order. If there are any outstanding issues or if you need clarification on any aspect of the application, please do not hesitate to contact us at your earliest convenience.



Yours faithfully

Daniel Addis BSc MSc MRTPI
On behalf of Addis Town Planning Ltd

Enc: Application Form
Location Plan A01b

