MH Planning Associates

26 January 2015

Angela Rainger
Planning (Development Management)
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN.

Reference MHP: 2015_0003

Dear Ms Rainger

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED SITING OF A CARAVAN FOR ANCILLARY RESIDENTIAL USE, LAND AT 10 MALCOLM ROAD, CHANDLERS FORD, EASTLEIGH, HAMPSHIRE, SO53 5BG

Further to your letter to my client, Mr Paul Godfrey, dated 15 December 2014, and your subsequent discussions, I have pleasure in now submitting an application under the provisions of Section 192 of the Town and Country Planning Act 1990. The application has been submitted in order to establish that the siting of a caravan for ancillary residential use, within the garden grounds of 10 Malcolm Road, Eastleigh, would not require an express grant of planning permission. The proposed caravan would be occupied by the applicant's mother, who currently resides elsewhere.

Section 192(2) of the 1990 Act provides that, when an application has been made under Section 192, provided that the Planning Authority has been provided sufficient with information to demonstrate that the proposed use or operations described in the application would be lawful, if instituted or begun at the time of the application, it must issue a Certificate to that effect.

The land outlined in red on the submitted plan is a functionally separate planning unit, comprising 10 Malcolm Road and its garden grounds. The caravan proposed to be sited on the land will comply in every respect with the statutory definition contained within the 1960 Sites Caravans and Control of Development Act (as amended by the 1968 Caravans Act etc.), i.e.

- It will be designed for human habitation;
- It will be capable of being moved from one place to another; and
- Its maximum dimensions will not exceed:
  a) length (exclusive of any drawbar) - 65.616 feet (20 metres);

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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).

No operational development, as defined by Section 55(1) of the 1990 Act will take place. The caravan will not be made available as separate, independent accommodation; it will not have its own postal address or utility meters and all bills will be sent to 10 Malcolm Road. It will also not be registered a separate unit of occupation with respect to the payment of Council Tax. Whilst the caravan might be seen as being capable of independent occupation, this is not the basis upon which a Certificate is being sought. There will be no physical or functional separation of land, and no separate planning unit will be created. On the basis that at all times the occupation of the caravan will remain ancillary to the primary use of the land, no material change of use of land requiring planning permission will take place.

As the application falls to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the 2010 Development Management Procedure Order. Similarly, as the policies of the Development Plan (or the National Planning Policy Framework) are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact on the character or appearance of the area, or neighbouring amenity, are not matters that the Council can attach any weight to. Having said this, every effort will be undertaken to ensure that the proposed caravan will be sited so as to minimise any potential adverse impacts.

In conclusion, the current application for a **Certificate of Lawfulness of Proposed Use or Development** (CLOPUD) is submitted on the basis that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to "development" as defined by Section 55(1) of the Town and Country Planning Act 1990.

The application has been submitted electronically through the 'Planning Portal' (reference PP-03906695) and comprises the following:

- The completed application form;
- The required fee of £192.50 (being half of £395.00);
- The following drawing:
  - 2015_0003/00 – Site Location Plan (1:1,250 @ A3) and Site Plan (1:500 @ A3);
- A Supporting Statement;
- The following Supporting Documents:
  - Document 1 - Transcript of House of Commons Debate (22 November 2005);
  - Document 2 - Homefield Appeal Decision (12 November 2009);
  - Document 3 - Homefield Costs Decision (12 November 2009);
  - Document 4 - Braeside Appeal Decision (21 November 2011);
  - Document 5 - Sandy Holt Appeal Decision (8 April 2013);

    - Document 6 - Waterworks Cottage Appeal Decision (23 November 2011); and
    - Document 7 - 159 Victoria Avenue, Borrowash, Appeal Decision (23 June 2002); and
- A Statement of Ownership as required under the provisions of Article 35(2)(c) of the 2010 Development Management Procedure Order.

In conclusion, I hope that given the urgency of the situation the Council will determine the submitted application timeously, and that a Certificate of Lawful Use for the siting of the proposed caravan will soon be able to be issued.

Please do not hesitate to let me know if you wish me to provide more information on any point.

Yours sincerely



Michael Hyde MRTPI
MH Planning Associates