

**Planning Statement relating to a Certificate of Lawfulness (Under Section 192 of The Town and Country Planning Act 1990) for the proposed siting of a caravan (within the meaning of a caravan given in Section 29 of the Caravan Sites and Control of Development Act 1960 and section 13 of the Caravan Sites Act 1968) for residential purposes ancillary to the use of the dwellinghouse known as The Bungalow**

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**At:**

The Bungalow  
Asney Road  
Walton  
BA16 9RL

**Supporting submission on behalf of the Applicants:**

Mr Crossman and Miss Francis

**By:**

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**Date:** May 2026

**Reference:** PL.5658

## **1.0 Background and Proposal**

- 1.1 The property, known as 'The Bungalow', is a detached dwelling sited just to the north of the village of Walton and to the east of Asney Road. The property was constructed in the 1950's.
- 1.2 The property is occupied by Mr and Mrs Crossman, who are both over 70 years old, and they now wish to site a caravan in their garden so that their son and daughter-in-law, and grandchildren, can assist with day-to-day living, particularly for Mrs Crossman who has difficulties with her eyesight.
- 1.3 This application is made pursuant to Section 192 of The Town and Country Planning Act 1990) and seeks a Certificate of Lawfulness for the proposed siting of a caravan for residential purposes ancillary to the use of the dwellinghouse known as The Bungalow.
- 1.4 The application is made on the basis that the siting of a caravan within the garden of The Bungalow would not be material change of use, or operational development, and so would not require planning permission.
- 1.5 For the avoidance of doubt the application is not made on the basis that the siting of a caravan is 'permitted development' by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015, but rather the Applicant's case is predicated on the basis that the nature of the proposal would not amount to 'development' requiring planning permission.

## 2.0 **Legislative and Procedural Context**

- 2.1 The online Planning Practice Guidance (PPG) says<sup>i</sup> that anyone can apply to the local planning authority to obtain a decision on whether a proposed use or development is lawful for planning purposes or not. If the local planning authority is satisfied that the appropriate legal tests have been met, it is obliged to grant a lawful development certificate.
- 2.2 Section 192 of the Town and Country Planning Act 1990 says that if any person wishes to ascertain whether—
- (a) any proposed use of buildings or other land; or*
- (b) any operations proposed to be carried out in, on, over or under land,*
- would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*
- 2.3 The PPG makes clear<sup>ii</sup> that a local planning authority needs to consider whether, on the **facts of the case and relevant planning law**, the specific matter is or would be lawful. Planning merits **are not relevant** at any stage in this application.
- 2.4 The same section of the PPG succinctly sets out that in determining an application for a prospective development under Section 192 a local planning authority needs to ask *“if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”*

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<sup>i</sup> Paragraph: 002 Reference ID: 17c-002-20140306

<sup>ii</sup> Paragraph: 009 Reference ID: 17c-009-20140306

### **3.0 The Applicant's Case for Granting a Certificate of Lawfulness**

3.1 Planning permission is only needed in respect of matters which meet the statutory definition of 'development' which is set out in Section 55 of the Town and Country Planning Act 1990. This defines development requiring planning permission as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use (MCU) of any buildings or other land.

3.2 The assessment of this application therefore turns on two main questions:

1. Whether the siting of the (caravan) unit constitutes operational development.
2. Whether the proposed occupation would amount to a material change of use.

#### Would the caravan be operational development?

3.3 Operational development requires the carrying out of building operations, whereas here the proposal is to site a caravan on the land. In *Measor v SSETR & Tunbridge Wells Borough Council [1999]*, it was held that a mobile home would not satisfy the description of a building due to the lack of permanence and attachment to the ground.

3.4 The proposal relates to the siting of a caravan within the meaning given in Section 29 of the Caravan Sites and Control of Development Act 1960 and section 13 of the Caravan Sites Act 1968. In summary the statutory definition of a caravan comprises of a structure designed for human habitation which:

- is composed of no more than two sections;
- is designed to be assembled on site by means of bolts, clamps, or other devices;
- is capable of being moved from one place to another; and
- does not exceed prescribed maximum dimensions of 20 m length, 6.8 m width and 3.05 m overall height measured internally.

3.5 The Applicant's intend to site a twin-unit caravan on the land, an illustrative example of which is given below:



**Image 1: an example of a twin-unit caravan ('Heritage Glade') measuring 12.1 x 6 m**

- 3.6 Whichever final model of caravan the Applicant's purchase it will fall within the definition, including the maximum permitted dimensions, for a twin-unit caravan, as annotated on drawing PL5658/002<sup>iii</sup>.
- 3.7 The proposed caravan unit will be capable of being transported using standard lifting and haulage methods and will delivered in no more than two prefabricated sections and will be assembled on site. It will rest on the ground without foundations and will not be permanently attached to the land. Connections to services will be simple, removable and do not constitute attachment in planning terms. In short, the unit will meet the statutory definition of a caravan and accordingly, the siting of the unit does not amount to operational development.

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<sup>iii</sup> The granting of a Certificate of Lawfulness does not fetter the Council from using its enforcement powers to address any subsequent breach of planning control should the unit not meet the statutory definition of a caravan.

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Will the proposed occupation amount to a material change of use?

3.8 The online Planning Practice Guidance says<sup>iv</sup> the following in respect of this matter:

*“A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of ‘material change of use’; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.”*

3.9 The concept of a Material Change of Use (MCU) of land is not defined in any statute or statutory instrument; it is a question of fact and degree in each individual case. Relevant to the discussion is the concept of the ‘planning unit’ which is a principle which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change in the use of land or building.

3.10 The leading authority on planning units, *Burdle and Williams v Secretary of State for the Environment and New Forest District Council [1972] 1 WLR 1207*, establishes that where activities are part and parcel of the primary use of the land, they do not create a separate planning unit. As a useful working rule, it should be assumed that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.

3.11 The host property (The Bungalow) comprises a single dwellinghouse and its residential garden. The caravan would be occupied by the son, daughter-in-law and grandchildren of the occupiers of The Bungalow, and it would be located in the garden of the main house. The caravan will not be separately occupied, let, or used as an independent dwelling and so key characteristics of the proposed use include:

- Single family occupation, including some meals, socialising and daily living activities shared with the main household
- Shared access, garden and domestic facilities.
- No separate postal address or utility accounts.

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<sup>iv</sup> Paragraph: 011 Reference ID: 13-011-20140306

- 3.12 All those factors demonstrate that there is no intention to create a separate unit of occupation. In any event, it should also be noted that the Council is able to rely on the Applicant's description that the proposal is to use the caravan for ancillary residential accommodation occupied by members of the same family, without the need for further evidence. This is consistent with an appeal decision<sup>v</sup> in Orpington, Kent decision where the Inspector opined the following (at paragraph 5):

*"In S192 applications it is not a question of evaluating the character of an existing use, I am entitled to rely on the appellant's description of the proposed use of the building as ancillary residential accommodation. It is not necessary for the appellant to give examples of what that might mean or to describe a particular proposed type of occupation to add flesh to the description since it is a well-established concept in planning law... It would be for the occupier of the main house to comply in order to remain within the terms of the certificate and open to the council to take enforcement action if that ancillary link were lost."*

- 3.13 In pulling all these points together the proposed use of the caravan as part of the same planning unit as the dwellinghouse (The Bungalow) will not result in a material change of use.
- 3.14 The use is therefore ancillary to the lawful residential use and does not constitute a material change of use.

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<sup>v</sup> Appeal reference APP/G5180/X/04/2000549 dated the 31<sup>st</sup> October 2005 at 92 Towncourt Lane, Petts Wood, Orpington.

#### **4.0 Overall conclusion**

- 4.1 The proposal relates to the proposed siting of caravan for the occupation by immediate family members of the owners and occupiers of The Bungalow.
- 4.2 The proposed unit will fall within the meaning of a caravan given in Section 29 of the Caravan Sites and Control of Development Act 1960 and section 13 of the Caravan Sites Act 1968. The proposal does not relate to any operational development.
- 4.3 The caravan is to be located within the residential garden of the host dwelling. The proposed use of the caravan as part of the same planning unit as the dwellinghouse (The Bungalow) will not result in a material change of use.
- 4.4 Taking all the factors into account, the proposal does not constitute development statutory definition of 'development' which is set out in Section 55 of the Town and Country Planning Act 1990.
- 4.5 These conclusions are the same as those reached in a similar case elsewhere in Somerset Council's administrative area (Area East – former Mendip District), namely in respect of the appeal at Manor Farm, Worth (PINS ref. 3333233 and LPA ref. 2023/0476). A copy of this appeal is given as Appendix 1.
- 4.6 On this basis, and having regards to the facts of the matter, the Applicant would respectfully request that a Certificate of Lawful Development is granted.