



Planning Statement

**Lawful Development Certificate for the stationing of
a shepherd hut in residential garden to provide
ancillary accommodation**
Folleybridge House, Duncart Lane, Croscombe, BA5 3QR

June 2025

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1. Introduction

- 1.1 This statement has been prepared to support an application for a Lawful Development Certificate relating to Folleybridge House, Duncart Lane, Croscombe, Wells, BA5 3QR.
- 1.2 The application is made under Section 192 of the Town and Country Planning Act and is based on the applicants' case that the stationing of a shepherd hut within the residential planning unit of a dwelling for ancillary use would not amount to development requiring planning permission.
- 1.3 The application is submitted on behalf of the property owners, Mr and Mrs Brock.
- 1.4 This statement should be read in conjunction with the following documents which support the application:
 - LDC application form
 - CM01 - Location Plan
 - CM02 - Existing Site Plan
 - CM03 – Proposed Site Plan
 - Elevation, floor and roof plans

2. The Proposal

- 2.1 The proposal is for the stationing of a shepherd hut on land within the garden of Folleybridge House to provide ancillary residential accommodation. The property (the existing dwelling, curtilage and the proposed shepherd hut) would be used as a single residential unit and any use of the hut would be for ancillary accommodation as an office, garden room and on an occasional basis as overnight accommodation for visiting friends and family.
- 2.2 The hut would be stationed in the southwest corner of the garden. It would be supplied by Blackdown Shepherd Huts and arrive fully constructed on the back of a lorry and towed into place. It would rest on the ground, supported by six adjustable metal legs with rubber feet and would be fully mobile, capable of relocation if required in the future.

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3. Site and Surroundings

3.1 Folleybridge House is located on the south east periphery of the village of Croscombe just outside the designated Conservation Area:-



3.2 The property is bounded by existing dwellings to the north, south and west.



3.3 The property comprises the detached dwelling, garden and parking area. The property is not listed and there are no heritage assets nearby. The site is in an area that has a low probability of flooding from rivers or sea (Flood Zone 1) and the recently updated surface water flood maps do not identify any risk of surface water flooding within the planning unit. The River Sheppey passes beyond the north boundary of the site.



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- 3.4 The shepherd hut would be located in an area of well-established garden and within the planning unit of the dwelling, as is evident from the 2006 Google Earth image:-



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4. Planning History

4.1 There is no planning history recorded on the Council's website.

5. Shepherd Huts and the Law

5.1 In order to assess the legality of stationing a shepherd hut in the garden at Folleybridge House, it is necessary to consider the following points:

- Whether the stationing of a shepherd hut on the application site constitutes development;
- The legal definition of a caravan;
- The definition of a planning unit and the use class of the application site; and
- The intended use of the shepherd hut as ancillary accommodation.

The Definition of Development

5.2 Section 57 of the Town and Country Planning Act states that planning permission is required for any development of land and therefore the starting point is the consideration of whether the stationing of the shepherd hut on the application site amounts to 'development.'

5.3 Section 55(1) defines development 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 of any buildings or other land."

5.4 In respect of this case, the principal consideration is whether the stationing of the shepherd hut will amount to building, engineering, mining or other operations (referred to henceforth as operational development) being undertaken and/or whether it will result in a material change in the use of the land. If it has not, then planning permission is not required.

Has Operational Development Taken Place?

5.5 Section 55(1A) defines building operations (operational development) as including:

- a) *Demolition of buildings*
- b) *Rebuilding*
- c) *Structural alterations*
- d) *Other operations normally undertaken by a person carrying on a business as a builder*

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- 5.6 It is the applicant's case that the stationing of the shepherd hut on the land of the application site does not fall within any of these categories and therefore does not amount to operational development because it is a temporary structure which complies with the definition of a "caravan" contained within the Caravan Sites Act 1960 and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006.

The Legal Definition of a Caravan

- 5.7 Under Section 29(1) of the Caravan Sites and Control of Development Act 1960 a caravan is defined as:

"Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether 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 system, or

(B) Any tent"

- 5.8 The proposed shepherd hut is a single unit caravan, but the maximum dimensions of caravans are often considered to be defined by the Caravans Sites Act 1968 which sets out some of the legislation defining twin unit caravans provided that they are (Part III, 13(1)):

"(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."

- 5.9 The 1968 Act included maximum dimensions for twin-unit caravans within the definition, which were then further amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes)(England) Order 2006 (Definition of Caravan)(Amendment)(England) Order 2006. Therefore, the up-to date definition in respect of size is as follows:

"(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

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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): 20 metres

(b) Width: 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): 3.05 metres

5.10 Therefore, in order for it to be compliant with the definition of a caravan, the shepherd hut must be capable of human habitation and must comply with:

- The construction test;
- The mobility test and;
- The dimensions test.

5.11 The proposed shepherd hut to be stationed at Folleybridge House is, as previously mentioned, a single-unit mobile home and is fully capable of human habitation being of insulated construction and fitted out with basic eating, sleeping and washing facilities.

5.12 Construction test: The shepherd hut is comprised of a single unit and would be delivered to the site fully completed.

5.13 Mobility test: The shepherd hut would rest on adjustable legs with the chassis elevated above ground. It would not rest on any foundations and would remain capable of being moved in the event that relocation was required in the future.

5.14 Dimensions test: In respect of size, the shepherd hut would measure:

(a) Length: 4.75 metres

(b) Width: 2.6 metres

(c) Maximum internal height of living accommodation: under 3.05 metres

5.15 Therefore, in respect of construction, mobility and size, the proposed shepherd hut is compliant with the legal definition of a caravan.

5.16 For the reasons set out above, it is concluded that the stationing of the proposed shepherd hut at Folleybridge House does not amount to the carrying out of building, engineering, mining or other operations in, over or under land and therefore does not fall to be considered under the first strand of section 55 of the Act. Hence, the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning

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(General Permitted Development Order) 2019 are not of any relevance in the consideration of this case.

Would a Material Change in the Use of the Land Occur?

5.17 Given that the stationing of the proposed shepherd hut does not amount to operational development, it follows therefore that it is instead classed as a use of land. It then falls to be considered whether the siting of the shepherd hut on the land would constitute a 'material change in use' of that land, which would require planning permission.

5.18 In appeal decision APP/R3325/X/11/2166751, the Inspector sets out the correct approach to considering the lawfulness of the siting of a mobile home to be used as ancillary accommodation to a dwelling:

"The stationing of mobile homes constitutes a use of land. For the mobile home in this case to be lawfully sited it would need to be used in association with the use of the land. A key factor in deciding that use is whether the appeal site is part of the same planning unit as the main dwelling. Whether or not the land is part of the curtilage is not particularly relevant. The appellant's case is not reliant on permitted development rights or that the proposal would not involve development under s55(2)(d) of the 1990 Act."

5.19 It is the applicant's case that the stationing of the shepherd hut within the application site would not amount to a material change in use of the land because the shepherd hut would be situated within the same planning unit as Folleybridge House and its intended use is to be ancillary and incidental to the use of the host dwelling and not as an independent dwelling. Therefore, the existing planning unit would remain unchanged, and no new planning unit would be created.

The Planning Unit

5.20 The concept of a planning unit was developed in the Courts and the principal cases in defining a planning unit are *Uttlesford District Council v SSE (1991)* and *Burdle v SSE (1972)*. In *Uttlesford*, it was found that the identification of a separate planning unit is a question of fact to be decided on the evidence. It is always a question of fact and degree, looking at the physical layout of the land and its functional interdependency as determined by actual use.

5.21 In *Burdle* three broad tests were suggested for determining the appropriate planning unit:

- A single main purpose, to which any secondary activities are ancillary or incidental. In that case the whole of the unit of occupation is the planning unit; or

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- A variety of activities, which do not have a primary/ancillary relationship to each other e.g. a composite use with fluctuating component activities, not in separate or physically distinct areas. In that case the entire unit of occupation is the planning unit and the planning unit is in mixed use; or
 - Separate and distinct areas occupied for substantially different and unrelated purposes, in which case these are separate planning units and each is to be considered by itself.
- 5.22 The general working rule established by *Burdle* is that the unit of occupation is the planning unit, until or unless a smaller unit is identified as the site of activities which amount in substance to a separate use, both functionally and physically.
- 5.23 The applicants are the freehold owners of Folleybridge House and the surrounding garden. Folleybridge House comprises a single private dwelling and the associated land enjoyed with it for domestic purposes as shown outlined in red on the Location Plan.
- 5.24 All this land is in Class C3 Residential Use. It has a single main purpose, that being residential use. There have not been any uses of the land within this unit other than residential, nor are there any subdivided, separate or distinct areas within it used for substantially different purposes. The whole of this area is the unit of occupation by the applicants for residential purposes and taken as a whole, comprises the planning unit of Folleybridge House.
- 5.25 The submitted Location Plan indicates that the proposed shepherd hut would be situated within the defined planning unit of Folleybridge House and is therefore stationed on land which is within Class C3 Residential Use i.e. land associated with the dwelling and enjoyed with it for domestic purposes by Mr and Mrs Brock.
- 5.26 Provided that a caravan is stationed within the same planning unit as a single private dwellinghouse and the land enjoyed with it for domestic purposes, it can be used for any ancillary purpose in connection with the residential use of that planning unit, provided that this does not amount to use as a separate dwelling.
- 5.27 NB: This is irrespective of the more narrowly defined 'curtilage' of a single private dwellinghouse. Defining the curtilage is only relevant in deciding whether or not permitted development rights granted by Part 1 of the Second Schedule of the GPDO allow the erection of a new outbuilding or extension in that precise location. 'Curtilage' has already been shown to be irrelevant given that a 'caravan' is the issue here and that this concerns the use of land rather than the construction of a 'building.'

Ancillary Use of the Shepherd Hut

- 5.28 For the shepherd hut to be classed as ancillary, its accommodation must be subordinate to Folleybridge House and its function supplementary to its use.

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- 5.29 The shepherd hut is intended for use as overspill domestic accommodation, in association with the residential occupation of the dwelling.
- 5.30 Clearly in physical terms, it would be entirely subordinate to Folleybridge House, which is a detached dwelling to the north of the location of the proposed shepherd hut. However, in respect of its use, there are also very clear functional links which all support the case that its use is intended to be supplementary to the host dwelling. The shepherd hut would have a close physical and functional relationship with Folleybridge House. There would be a single means of vehicular access and the driveway, parking area and garden would all be shared. There would be no subdivision of any external areas within the residential planning unit, either physically or notionally to provide the shepherd hut with any private amenity or parking space and nor is there any intention or need to do so.
- 5.31 In addition, there is a high degree of physical dependence on the facilities provided by the main house because the shepherd hut would not be separately metered, and services and utilities are only available through connections with the main house.
- 5.32 Those using the facilities within the proposed shepherd hut would have a high degree of dependence on the facilities within the dwelling.
- 5.33 For the reasons given, it is evident that the use of the proposed shepherd hut is to be subordinate and supplementary to the use of Folleybridge House and is not tantamount to the creation of separate planning unit or a material change of use of any part of the site. It would remain within a single Class C3 Residential use. For this reason, a material change of use will not occur and planning permission is not required.

6. Conclusion

- 6.1 Prior to investing in this shepherd hut, it is considered prudent to secure formal determination of the proposed use from the Local Authority in the form of a Lawful Development Certificate.
- 6.2 The proposed shepherd hut complies with the definition of a caravan as detailed in the Act. As such, the stationing of the shepherd hut does not constitute development.
- 6.3 Given that there would be no development or change of use of the land; that the use of the shepherd hut would be ancillary to the dwelling; and that the shepherd hut would be stationed within the residential curtilage of the dwelling, an application for planning permission is not required. Therefore, we respectfully request that a Lawful Development Certificate be granted accordingly.