

Officer Report

Case Reference: PL/2026/0160
Location: 9 CHELTENHAM ROAD, MIDDLETON, MANCHESTER, M24 1HR
Proposal: Certificate of lawfulness for the siting and proposed ancillary use of a mobile home within the curtilage of the dwellinghouse
Recommendation: Approve
Officer: Aimee Bovaird

Site

The application site is 9 Cheltenham Road, Middleton. This is a bungalow that benefits from off street parking and a rear garden.

Proposal

A certificate of lawfulness is sought for the siting of a mobile home within the existing residential curtilage and serving as ancillary accommodation to the existing home. The proposed mobile home will be located in the rear garden; the mobile home will be finished in oak cladding and have a flat roof.

The mobile home will be 9m in length, 2.5m in height and 6.6m in width. The mobile home will provide living accommodation comprising of a bedroom, bathroom and living area and be occupied by the applicant parents.

The proposal will be wholly in the curtilage of the dwellinghouse.

History

N/A

Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Relevant Policy

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Operational Development

The application seeks to establish whether planning permission would be required for the siting of a mobile home within the garden of the dwellinghouse. Section 13 of the Caravan Sites Act 1968 sets out three stages for a structure to be classified as a caravan which are related to the construction, mobility and size.

The first stage relates to how the structure is constructed under Section 13(1a). The submitted information states the caravan will be constructed on site using prefabricated components.

The second stage is the mobility test under Section 13(1b) that states when assembled whether the structure is physically capable of being moved by road from one place to another. There is no evidence within the submitted statement that disputes this. An inspector has set out in appeal reference APP/R3650/X/25/3359353 that difficulties entering a site to move the mobile home is not the point as it is the residential unit that must possess the mobile qualities not the means of access to or from the site.

The third stage is in regard to the size and under Section 13(2) it outlines the maximum dimensions in order to fall within the definition of a “caravan”. The submitted plans and figures show that the proposed size of the mobile home will be below the figures. Therefore, it is considered that the mobile home would fall into the definition of a caravan based on the information supplied by the applicant.

Officers have considered the proposals alongside legal support and having reviewed the relevant case law and on the basis of the above criteria the Local Planning Authority is satisfied that the siting of the mobile home constitutes a use of the land rather than operational development involving the erection of an outbuilding, meaning it does not fall to be assessed against Class E of the General Permitted Development Order.

Change of Use

The proposed siting of the mobile home would be situated on land which is not physically or functionally separated from the primary garden area serving the main dwelling. Therefore, the proposed mobile home would be sited within the lawful residential curtilage. However, for there to not be a material change of use, it must be demonstrated that the use of the mobile home would be ancillary to the Class C3 residential use.

The mobile home will provide all the necessary facilities to allow the occupiers to live independently including living room, bedroom and shower. The proposed mobile home will be located in the garden, there is potentially adequate space within the plot for the creation of a modest garden and access to serve the mobile home, there is no indication of such sub-division on the submitted plans.

It is noted that in *Uttlesford DC v SSE & White* the judge considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. It is established that much depends on how the unit would actually be used, and the proposal should be assessed on the basis of the stated purpose and not what might possibly occur. In *Uttlesford*, although the mobile home would be sited from the main dwelling, the level of dependency on the occupiers of the main dwelling for care received was sufficient to tip the balance in favour of the annexe being ancillary to the main dwelling.

The proposed mobile home is for the applicants' parents. The supporting statement sets out the parents have had health problems, and one parent would need to go into a care home if this option is not viable, with the mobile home being in the garden the parents could be cared for. Officers have no reason to dispute this and based on this stated description of use the Local Planning Authority considers that the siting of the mobile home would be incidental to the enjoyment of the dwellinghouse and therefore would not lead to a material change of use of the land.

As such the proposed use of the mobile home is not considered to result in a material change of use of the land and does not constitute development as defined under Section 55(1) of the Town and Country Planning Act 1990.

Recommendation: Approve

Approval Reason(s) (1)

- 1 The Local Planning Authority is satisfied that the siting of the mobile home constitutes a use of the land rather than operational development involving the erection of an outbuilding, meaning it does not fall to be assessed against Class E of the General Permitted Development Order. The proposed use of the mobile home is not considered to result in a material change of use of the land and does not constitute development as defined under Section 55(1) of the Town and Country Planning Act 1990.

Informatives (1)

- 2 This certificate relates to the following plans and document:
 - Existing Location, Ordnance Survey and Proposed Site Plans 01A
 - Proposed Elevations and Floor Plan 02A
 - Planning Statement