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Chartered Town Planners & Landscape Architects

TOWN & COUNTRY PLANNING ACT 1990

APPLICATION BY MRS J. SMITH

LAWFUL DEVELOPMENT CERTIFICATE

**STONEY BROKE, RECTORY LANE, BATTLESBRIDGE,
ESSEX, SS11 7QR**

PLANNING SUPPORT STATEMENT

SPL REF: 08.1157

LPA REF:

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APPENDICES

SPL1 Site Plan

SPL2 Photograph

SPL3 Appeal Decision T/APP/W1525/159/P6

1.0 THE SITE

- 1.1. 'Stoney Broke' is situated to the east of Rectory Lane and is a dwelling associated with The Bungalow Nursery to the north.

2.0 THE APPLICANT'S INTENTIONS

- 2.1. It is the intention of the Applicant to site a caravan between the rear of the bungalow 'Stoney Broke' and the hedge (see **SPL1** site plan and **SPL2** Photo 1 indicating proposed siting). It would be sited approximately 6.5m from the rear of the bungalow.
- 2.2. The mobile home would be twin-unit, composed of not more than two sections. It would be assembled on site and would not exceed 12m (40 ft.) in length; 6m (20 ft.) in width and 3m (10 ft.) in height overall. This is within the statutory definition of the caravan as defined within the Caravan Sites and Control of Development Act 1960 as supplemented by Section 13 of the Caravan Sites Act 1968.

3.0 THE PLANNING CASE

- 3.1. The siting of a caravan (falling within the aforementioned definition) does not in itself constitute operational development since it is not the carrying out of a building, mining or other operation (as defined within Section 55 of the Town and Country Planning Act 1990) and because if used for incidental purposes, does not constitute a material change of use¹. This planning view is a fairly well established one. For example, in the Measor vs. S.o.S. and Tunbridge Wells B..C. Enforcement Case (6/8/98) the Inspector determined that a caravan lacked the degree of permanence and attachment to constitute a building.
- 3.2. Turning now to the issue of incidental use, the caravan is for use by the Applicant's son. Clearly the family connection provides a functional relationship between the son and the rest of the family who reside in the bungalow 'Stoney Broke'. The son plans to sleep and perhaps shower and spend time in the caravan. He will eat meals with his family in the bungalow and use the bathing facilities and other facilities (e.g. washing machine) provided there.
- 3.3. Given the family business and the son's involvement in this, it is important that he resides close to the nursery. The operations of the nursery is closely linked to the weather and seasonal changes and therefore a quick response may be required to respond to those changes. This is required on a 24 hour basis. It is understood that this information has been well documented within previous applications submitted to Chelmsford Borough Council in respect of the site.
- 3.4. Additionally, the Council may be aware that the applicant is caring for her daughter who has disabilities. The Applicant's son also assists with his sister's care and clearly his close proximity to the family is also important in this regard.
- 3.5. The family circumstances in this case are important in the determination of the 'incidental' aspect to the use. Of particular relevance here is a case within Chelmsford. Enforcement action was taken against the use of a garden room as separate accommodation. The Applicant's unmarried son occupied the building, sleeping and bathing there, but taking his main meals in the family house. In determining the appeal and despite the fact that the building was capable of separate

¹ They shall not be treated as not being a caravan as defined in the 1960 Act by reason only that they cannot lawfully be so moved on a highway when assembled.

occupation, the Inspector determined it had not been so occupied and no material change of use had taken place (Council Reference DCL/5582/JMW – PI reference T/APP/W1525/159/P6). (See copy of appeal decision at **SPL3**).

4.0 CONCLUSION

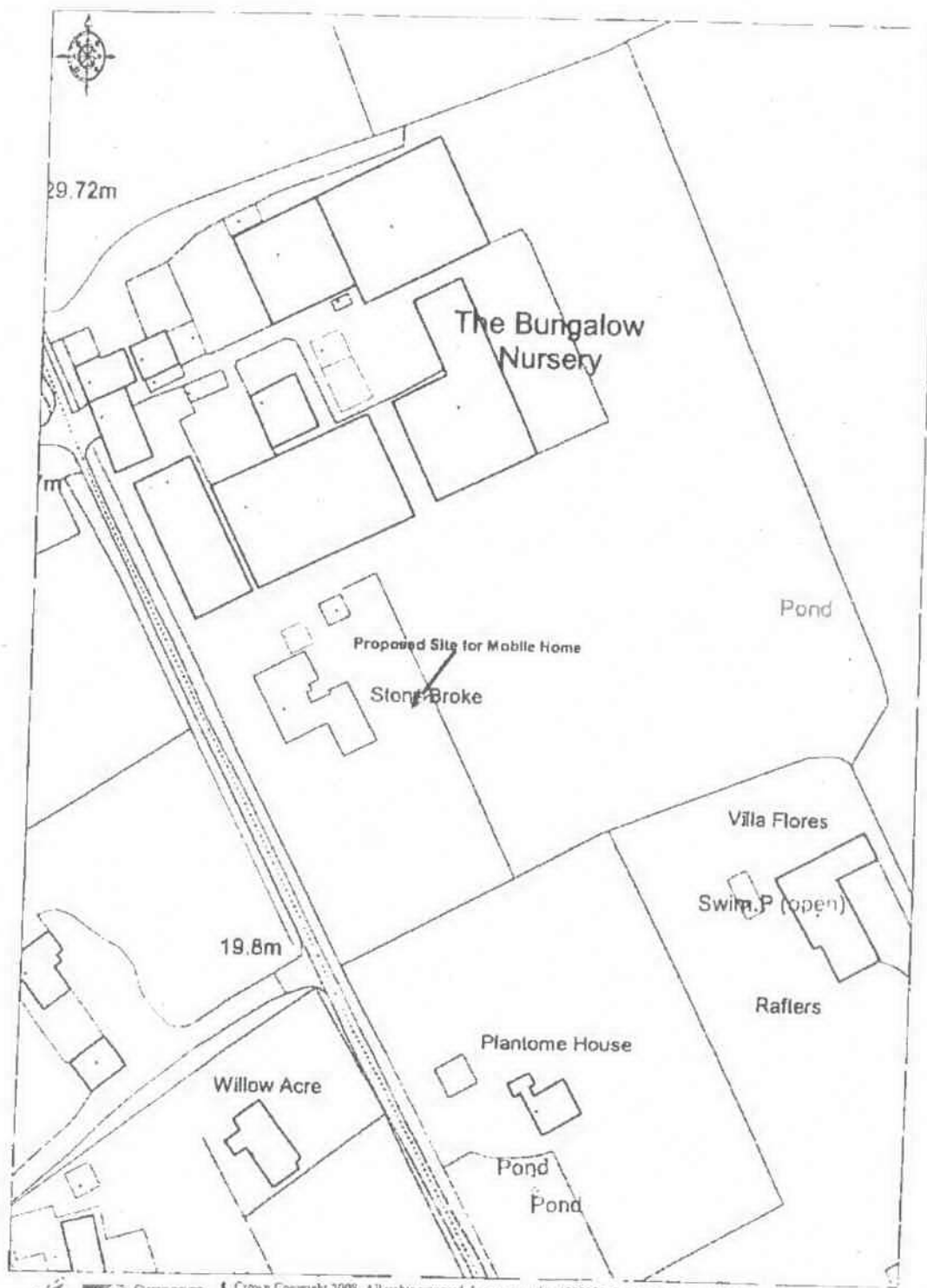
- 4.1. The siting of the caravan as defined within this application does not constitute operational development. Furthermore given the functional and family relationships described, the use of the caravan is incidental to the dwelling and does not constitute a material change of use. Planning permission is therefore not required for the siting of the caravan in this case.

SPL1

SITE PLAN

Project: Stoney Broke, Battlesbridge
 Title: Site of Mobile Home Location
 Scale: 1:1250 Date: 07/03/08
 Drawing: 08.1157/01

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Ordnance Survey

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SPL2

PHOTOGRAPH

Photograph 1: Proposed siting of caravan



SPL3

APPEAL DECISION T/APP/W1525/159/P6



**Department of the Environment and
Department of Transport**

Common Services

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GTN 2074

Council Ref: DCL/5582/JMW

Your reference

Our reference

T/APP/W1525/C/85/159/P6

Date

-3 FEB 86

R Pheby Esq
Beaumont
Meadow Lane
Runwell
WICKFORD
Essex SS11 7DT

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AT BEAUMONT, MEADOW LANE, RUNWELL

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against an enforcement notice issued by the Chelmsford Borough Council concerning the above land. I held an inquiry into the appeal and inspected the site on 3 December 1985.
2.
 - a. The date of the notice is 26 October 1984.
 - b. The breach of planning control alleged in the notice is the unauthorised making of a material change in the use of the land from dwellinghouse and curtilage to 2 separate dwellinghouses and curtilages.
 - c. The requirements of the notice are 1. to cease the use of the said land as 2 separate dwellinghouses and curtilages, and 2. to remove the fence erected on the said land, the approximate position of which is shown by a continuous blue line on the plan attached to the notice.
 - d. The period for compliance with the notice is 2 months.
 - e. The appeal was made on the grounds set out in section 88(2) (b), (c) and (e) of the 1971 Act as amended.
3. The evidence was taken on oath.

SUMMARY OF THE DECISION

4. The formal decision is set out in paragraph 37 below. The appeal succeeds under ground 88(2) (c) and the notice is being quashed.

THE SITE AND SURROUNDINGS

5. The site, with a frontage of some 37.5 m (123 ft) to the east side of Meadow Lane, is approximately 0.9 ha (2.22 acres) in area. It contains Beaumont, a detached bungalow, and, to the north-east of that, another building known as Horseville. The latter has 2 rooms at the front, one on the day of the inquiry furnished as a bedroom, and the other equipped as a physical exercise room; to the rear are a hall, a kitchen, and a bathroom and toilet. In front of and immediately

behind both buildings is garden land, and further to the rear is rough land. On a straight line between the buildings from the frontage to the rear boundary, are, from west to east, recently planted trees, wooden panel fencing, chain link fencing, and post and wire fencing. To the north and south of the front part of the site are dwellings, and to the site's rear and across the road to the west is open land.

UNDISPUTED FACTS

6. You and your wife purchased the site in 1970.
7. On 6 April 1979 plans were passed under the Building Regulations for proposed extensions to a garden room at the site, the garden room being a building then existing and known as Horseville. The plans showed the proposed addition as comprising a sun room (table tennis) and a sauna.
8. On 5 March 1982 plans were passed under the Building Regulations for a proposed extension to a garden room at the site. The plans showed the proposed addition as comprising a kitchen, and the existing rooms as comprising a rest room, a games room, a hall, and a bathroom.
9. You and your wife live in Beaumont.

YOUR CASE

The material points are:

Evidence

10. Horseville existed as long ago as 1933. Until 1979 it consisted of a single room with wooden walls, and was used as occasional residential accommodation. Electricity was connected and there was an outside chemical toilet, but there were no cooking or washing facilities.
11. Your immediate predecessor as owner of the land was a Mr or Mrs Farey, and previous owners were a Mr Hinchliff and a Mr and Mrs Booth. Mr and Mrs Booth used Horseville as week-end accommodation, and Mr D De'Ath can remember their son and daughter having friends to stay who used to sleep in the building. Mr Fearn can remember Mrs Farey letting Beaumont and Horseville to a Mrs Cross, who had 3 boys and a girl, and the children used to sleep in Horseville. From September 1970 to December 1971 you let both Beaumont and Horseville to a Mrs Bridgeman, who had 6 girls and a boy, and 3 of the girls slept in Horseville.
12. When you began to occupy Beaumont after Mrs Bridgeman's departure, you had 2 daughters and 2 sons living at home. Subsequently your daughters married and left home, but until about 1974 your sons used Horseville as a bedroom. Thereafter and until 1979 Horseville was used by your sons as a playroom.
13. By 1979 Horseville was in poor condition. You therefore replaced the walls, one after another, with blockwork walls and built an extension for which you obtained Building Regulations approval. Your sons, aged 14 and 16 in 1979, used the accommodation for purposes of recreation, and in 1982, since they needed somewhere to prepare refreshments, you obtained Building Regulations approval for, and built, the kitchen extension.

14. Your older son is now proposing to be married, and your younger son is engaged. You would like one of them after marriage to take over Horsefield as his home and be responsible for its upkeep, the cost of which is a burden on you as an unemployed ex-lorry driver. Meanwhile, and for the past 12 to 18 months, your older son has been using the building as residential accommodation; he has been sleeping, bathing and changing there, but has been having all his main meals with you and your wife in Beaumont; the kitchen in Horseville has been used only for the occasional preparation of light refreshments.

Submissions

15. A dwelling has existed on the Horseville land for a long time, and no new dwelling has been created. The existing building was erected in stages with Building Regulations approval. Beaumont and Horseville are used solely by you and members of your family. No justification exists for issue of the enforcement notice.

16. There is no chance of a grant of planning permission setting a precedent. Whereas this case concerns an established building, the other cases mentioned by the Council relate to unlawful uses of land.

THE COUNCIL'S CASE

The material points are:

Evidence

17. The original Horseville structure, referred to as a garden room in the Building Regulations plans passed on 6 April 1979, appears from the plans to have had an external frontage length of 12 ft and an external depth of 10 ft. The proposed additional accommodation was shown as intended for use as a sun room and a sauna. The development was considered to be permitted within class 1.3 in Schedule 1 to the General Development Order 1977.

18. On 3 December 1979 Mr Ripley inspected the site and found that the original timber structure had been demolished and a T-shaped building erected, having block walls and a pitched and tiled roof. The remains of the original building lay on the ground nearby and on the floor of the new building.

19. On 4 December 1979 Mr Ripley interviewed you at the site and said to you, "There was a small timber hut on the site before you commenced construction of this building. Did you demolish it?" You replied, "It used to be a small house and was built in 1932. It was called Horseville then. Beaumont was built in 1945. I bought both plots in 1970. The little house was leaning over and the timbers were rotten. I know it was supposed to be an extension but I honestly thought it would be all right. It has cost me over £3,500 already."

20. Mr Ripley took 3 photographs of the building and checked the measurements, finding that, whereas the Building Regulations plans showed an overall frontage length of 29 ft and an overall depth of 22 ft, the building under construction had a frontage length of 36 ft 6 ins and a depth of 27 ft 7 ins.

21. It was subsequently concluded that the development remained permitted within class 1.3 in Schedule 1 to the General Development Order.

22. On 21 April 1982 a further inspection by Mr Ripley revealed construction work in progress on the extension in respect of which plans under the Building Regulations had been passed on 5 March 1982. You said that the extension would be equipped as a kitchen. The rest of the building then comprised a bathroom and toilet, an entrance lobby, a games room with billiard table and garden hammock/settee, and a television room with 2 armchairs and a table.
23. On 5 July 1984 a further inspection by Mr Ripley revealed the larger of the front rooms furnished and equipped as a games, physical exercise and television room, and the smaller room furnished with 2 armchairs. The kitchen extension was equipped as a kitchen. The building had mains electricity and mains water connected with drainage to a septic tank. Six photographs were taken of the property and of the fencing which had been erected on a line between it and Beaumont. Mr Ripley told you that by erecting a fence you had created 2 units, and that Horseville, in view of its design and equipment, was a dwellinghouse. You replied, "No, a games room". Mr Ripley advised you that his information was that Horseville was in residential use, and you replied, "No".
24. Horseville is no longer incidental to the dwellinghouse, Beaumont. The structure has become capable of occupation as a separate dwellinghouse, and a change of use and development have taken place.
25. On planning merits the area is predominantly rural in character. In the absence of an approved local plan for the area the approved Review Development Plan is the statutory land use document and forms the basis for development control decisions. The Plan shows the site as within the extended Metropolitan Green Belt. On 27 April 1982 the Council resolved that prior to the definition of the Green Belt boundaries in local plans they would, in dealing with planning applications, have regard to the approved Review Development Plan and the County Informal Green Belt Plan. The latter plan defines the detailed boundaries of the Green Belt around settlements, and shows the site to be within the Green Belt.
26. The Council's Green Belt policy is set out in the approved Structure Plan, in particular in Policy S9. A consultation plan forming the second stage in the production of a local plan for the area was considered by the Council's planning committee on 3 September 1985, when it was resolved that the plan should be published for public consultation and treated as a material consideration in the handling of planning applications. The plan shows the site as within the Green Belt, and endorses Structure Plan Policy S9.
27. The advice on green belts contained in Development Control Policy Note 4 and Circulars 22/80 and 14/84 is also relevant.
28. The development to which the enforcement notice relates is contrary to the well-established Green Belt policies mentioned above. It amounts to the creation of a new dwelling in an area of countryside unrelated to the existing settlement of Runwell and beyond any area where such development is normally considered acceptable. No justification for the development is claimed on the basis either of an essential agricultural need or of any special circumstances.
29. Moreover, if this development were permitted, the Council would find it more difficult to resist similar development in the vicinity and might come under increased pressure in dealing with enforcement investigations. The long-term effect would be a further erosion of the character of the Green Belt.
30. On the west side of Meadow Lane a caravan at Meadow Farm is currently the subject of a planning appeal, and an unauthorised residence at Dobe Farm is subject

to an enforcement notice upheld on appeal. Further down the lane to the south an unauthorised gypsy site is to be the subject of a public inquiry following a refusal of planning permission.

31. A possible condition to be imposed in the event of planning permission being granted would be one removing permitted development rights under the General Development Order.

Submissions

32. Up to 1979 the Horseville structure comprised, in essence, a small wooden shack which was used until 1974 as occasional sleeping accommodation, and thereafter for purposes of recreation, both uses being in conjunction with the use of the dwellinghouse, Beaumont. Mr Ridley's evidence of demolition of the structure has not been challenged. There now exist, in essence, 2 separate dwellings, the intention apparently having been since 1984 that they should be used as such. Horseville has been occupied since then by your older son, and, although the evidence is that he has his main meals in Beaumont, the building is used as residential accommodation, and a fence separating the 2 properties has been erected.

33. Planning permission for the development should not be granted for the reasons given in evidence.

CONCLUSIONS

34. The evidence satisfies me that a new building has been erected in place of the original Horseville structure, and I note the Council's view that it was erected as permitted development within class 1.3 in Schedule 1 to the General Development Order. In my opinion any use rights pertaining to the original structure were lost on its demolition.

35. The new building, other than the kitchen subsequently added, was under construction in December 1979, and I accept that after its completion and until 1984, the building, together with the kitchen extension when added, was used for purposes of recreation in association with the use of Beaumont as a dwellinghouse. I also accept that from 1984 up to the present time your older son has been using the building as residential accommodation. He is unmarried, and the evidence, which I see no reason to reject, is that he sleeps, baths and changes there, but has his main meals in Beaumont. Whilst there can be no doubt that the building in design, layout, fixtures and fittings is capable of use as a separate dwellinghouse, and you do not disguise your intention that one of your sons should occupy it as his home after marriage, I take the view that the use of the premises since 1984 has been as ancillary residential accommodation to the main residential accommodation at Beaumont. This has involved no material change of use from the previous use for purposes of recreation.

36. It follows that, notwithstanding the indications of Horseville being a separate dwellinghouse with its own curtilage, and its capability of use for that purpose, use as 2 separate dwellinghouses and curtilages has not begun. Whereas I see strong reasons on Green Belt grounds for Horseville not to be used as a separate dwellinghouse, I conclude that the breach of planning control alleged in the enforcement notice has not taken place. Therefore the appeal succeeds under ground 88(2)(c), the notice will be quashed, and the other 2 grounds under which the appeal was made, and the deemed application for planning permission, do not fall to be considered.

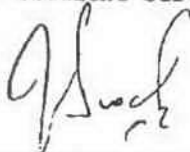
FORMAL DECISION

37. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal and direct that the enforcement notice be quashed.

RIGHT OF APPEAL AGAINST DECISION

38. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed.

I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to be 'J Brock', written in a cursive style.

J BROCK MA (Cantab)
Inspector

ENC

APPEARANCES

THE APPELLANT

Mr R Pheby

- Beaumont, Meadow Lane, Runwell,
Wickford, Essex SS11 7DT.

He called:

Mrs I F Pheby

- His wife.

Mr J Fearn

- Nearby resident, Hillcrest, Meadow
Lane.

Mr L Smith

- Nearby resident, St Edmunds, Meadow
Lane.

Mr D A De'Ath

- Owner of nearby land.

Mr F W De'Ath

- Nearby resident, The Warren, Meadow
Lane.

FOR THE PLANNING AUTHORITY

Mr J Harris

- Barrister designated as Assistant
Solicitor, Chelmsford Borough
Council.

He called:

Mr H J Ripley

- Planning Enforcement Officer,
Chelmsford Borough Council.

Mr M Dakeyne BA(Hons)

- Planning Assistant, Chelmsford
Borough Council.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

- " 2 - Inquiry notification letter and circulation list.
- " 3 - Copies of planning permissions dated 29 June 1971 and 11 May 1977.
- " 4 - Copies of refusals of planning permission dated 8 June 1971 and 17 November 1976.
- " 5 - Copy of extract from Chelmsford District Council Register of Applications 1974.
- " 6 - Copy of letter dated 20 June 1980 from John R Bishop ARIBA to the Council.

DOCUMENTS CONTINUED

Document 7 - Structure Plan extract.

" 8 - Local Plan extract.

PLANS

Plan A - The enforcement notice plan (submitted before the inquiry).

" B - Plan showing location (coloured blue) of Horseville original structure (submitted at the inquiry).

" C - Copy of Building Regulations plan passed on 6 April 1979 showing Horseville original timber building edged red (submitted at the inquiry).

" D - Plan indicating external dimensions of Horseville building as at 4 December 1979 (submitted at the inquiry).

" E - Copy of Building Regulations plan passed on 5 March 1982 (submitted at the inquiry).

" F - Approved Review Development Plan extract (submitted at the inquiry).

" G - Informal Green Belt Plan extract (submitted at the inquiry).

" H - Local Plan extract (submitted at the inquiry).

PHOTOGRAPHS

Photos HJR/1-3 - Views of front and south side of Horseville building taken on 4 December 1979.

" HJR/4-5 - Views of front and rear of Horseville building taken on 5 July 1984.

" HJR/6 - View of mobile home, garage and store to rear of Horseville building taken on 5 July 1984.

" HJR/7 - View of north side of Horseville building from the east taken on 5 July 1984.

" HJR/8 - View of fencing between Horseville and Beaumont taken on 5 July 1984.

" HJR/9 - View of fencing between Horseville and Beaumont to the rear of the buildings taken on 5 July 1984.

SPL4

**HOPE COTTAGE CLOPUD 11/00891/LDC, 15 DECEMBER 2011;
PLANNING SUPPORT STATEMENT**

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
ORDER 2010:
ARTICLE 35

CERTIFICATION OF LAWFUL USE OR DEVELOPMENT

To: Mrs Hayley Webb
Smart Planning Ltd
Old School House
Rettendon Turnpike
Battlesbridge
Wickford
Essex
SS11 7QL

For and on behalf of
Mr and Mrs Mayer
Hope Cottage
Bury Farm Lane
Crays Hill
Billericay
Essex

The Basildon Borough Council hereby certify that on 13 September 2011 the proposed matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red with the approximate siting of the proposed mobile home shown in blue on the plan attached to this certificate, would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

Evidence provided demonstrates that on the balance of probabilities, the proposed siting of a caravan within the residential curtilage to be used for purposes incidental to the primary use of Hope Cottage as a single dwelling house, would not amount to development and is therefore considered lawful.

L. Bourne

Signed:

Manager of Legal Services
and Solicitor to the Council

On behalf of Basildon Borough Council

Date: 15-12-11

First Schedule

Proposed siting of a mobile home in the residential curtilage.

Second Schedule

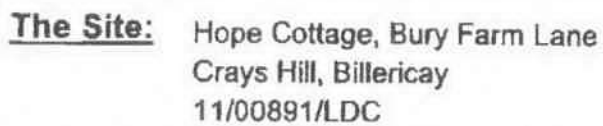
Hope Cottage, Bury Farm Lane, Crays Hill, Billericay, Essex

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the proposed matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the proposed matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of this certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Solicitor to the Council

L. Bourne



Scale 1:1250



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Basildon Council
BASILDON ESSEX SS16 5LN

TOWN & COUNTRY PLANNING ACT 1990

APPLICATION BY MR AND MRS P MAYER

**HOPE LODGE, BURY FARM LANE, CRAYS HILLS,
BILLERICAY, ESSEX, CM11 2XG**

**APPLICATION FOR CERTIFICATE OF LAWFULNESS OF
PROPOSED USE OR DEVELOPMENT**

PLANNING SUPPORT STATEMENT

SPL REF: 11.1621

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APPENDICES

SPL1 Photographs

1.0 INTRODUCTION

- 1.1. This Certificate of Lawfulness of Proposed Use or Development (CLOPUD) application is in relation to the siting of a mobile home in the residential curtilage of Hope Lodge. Please refer to plan 11.1621/02 that depicts the proposed location of the mobile home, outlined red and **SPL1** for photographs of the site.
- 1.2. The mobile home would comply with the definition of a caravan as defined within the Caravan Sites and Control of Development Act 1960 as supplemented by Section 13 of the Caravan Sites Act 1968.
- 1.3. Mr and Mrs Paul Mayer, the applicants, reside at Hope Lodge. Mrs Mayer suffers from poor health and requires assistance with daily routines. Mr Paul Mayer is unable to solely assist his wife and thus their son Mr David Mayer and his partner Mrs Lorna Jones visit often.
- 1.4. It is the applicant's intention that Mr David Mayer and Mrs Lorna Jones should live at the site, and the proposed mobile home would provide the required accommodation.
- 1.5. The planning support statement will; consider the relevant legislation, examine the planning case for the proposed mobile home and then conclude at the final section of the statement.

2.0 LEGISLATION

- 2.1. The siting of a mobile home (falling within the aforementioned definition) does not in itself constitute operational development since it is not the carrying out of a building, mining or other operation as defined within Section 55 of the Town and Country Planning Act 1990. The proposed mobile home will be used for purposes incidental to the enjoyment of the dwellinghouse, as set out within section 2(d) of Section 55 and thus it does not constitute a material change of use.
- 2.2. This planning view is a fairly well established one. For example, in the Case of *Measor vs. S.o.S. and Tunbridge Wells B.C.* (6/8/98) the Inspector determined that a caravan lacked the degree of permanence and attachment to constitute a building.
- 2.3. DCP Online also sets out the legal background in terms of the location of a mobile home/ caravan within the curtilage of an existing dwellinghouse, paragraph 24.61;

'...The siting of an empty caravan on land does not normally involve development provided that it is not judged that a material change of use has taken place from the previous use to a use for the storage of caravans. However, as soon as a caravan is inhabited as a dwelling unit development will occur in terms of a material change of use requiring planning permission except where permitted development rights operate within the curtilage of a dwellinghouse or the where the extent of residential use is *de minimis*.'

3.0 EXAMINATION OF PROPOSED MOBILE HOME

- 3.1. The mobile home will not be used as a separate self contained dwelling.
- 3.2. The use of the mobile home will be incidental to the enjoyment of the main dwellinghouse, Hope Lodge.
- 3.3. The mobile home will be utilised by Mr David Mayer and his partner Mrs Lorna Jones, Mr David Mayer is the son of the owners of Hope Lodge, thus they are family members.
- 3.4. There is a functional relationship between the applicants and Mr David Mayer and Mrs Lorna Jones.
- 3.5. The mobile home will be located within the residential curtilage, please refer to location plan 11.1621/03 and photographs of the site at SPL1.
- 3.6. Mr David Mayer and Mrs Lorna Jones will provide the essential assistance to Mr David Mayer's mother; Mrs Mayer who is of poor health.
- 3.7. Mrs Mayer is eighty years old.
- 3.8. Mrs Mayer receives an attendance allowance.
- 3.9. Mrs Mayer suffers from a heart condition, diabetes and has mobility issues.
- 3.10. Mr David Mayer and Mrs Lorna Jones will primarily assist with the daily routines; cooking, cleaning and also driving. Their presence will also be beneficial to Mr David Mayer's father; Mr Paul Mayer, particularly with regard to domestic chores. Mr Paul Mayer is also eighty years old, and is a blue badge holder.
- 3.11. Mr and Mrs Paul Mayer also were recently the victims of a serious burglary, which has left them feeling very vulnerable in their home. The close presence of their son and his partner will provide them with the necessary reassurance and assistance, which will naturally be beneficial to the health and well being.
- 3.12. Mr David Mayer and Mrs Lorna Jones will depend on the main dwelling house. They plan to sleep and perhaps shower and spend time in the mobile home. They will eat meals with their family in the bungalow and use the bathing facilities and other facilities (e.g. washing machine) provided there.

4.0 CONCLUSION

- 4.1. The proposed mobile home will be located within the residential curtilage of Hope Lodge.
- 4.2. The proposed mobile home will be resided in by family members with a functional and family relationship between Mr David Mayer, Mrs Lorna Jones and Mr and Mrs Paul Mayer.
- 4.3. Mr David Mayer and Mrs Lorna Jones will provide the essential assistance to Mrs Mayer who is of poor health and also more general assistance in terms of general domestic chores and reassurance for both parents.
- 4.4. Mr David Mayer and Mrs Lorna Jones will be reliant on the main dwellinghouse, eating meals there, bathing there and using other facilities (i.e. washing machine).
- 4.5. In essence a separate residential unit is not being created.
- 4.6. The siting of the mobile home as defined within this application does not constitute operational development. Furthermore given the functional and family relationships described, the use of the mobile home is incidental to the enjoyment of the dwellinghouse and does not constitute a material change of use.
- 4.7. It is considered therefore that planning permission is not required for the siting of the mobile home in this case and it is requested that the Local Planning Authority (LPA) grant this CLOPUD application.