

Application Reference Number:	2025/0783		
Application Type:	Certificate of Lawfulness - Proposed		
Proposal Description:	Proposed lawful development certificate for siting of static caravan in rear garden of residential dwellinghouse		
Location:	Olgadene, Lund Lane, Lundwood, Barnsley, S71 5PE		
Applicant:	Mr Andrew Bartram		
Third-party representations:	None	Parish:	None
		Ward:	Monk Bretton

Summary:

This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 and seeks confirmation that the proposed siting of static caravan in the rear garden of a residential dwellinghouse is lawful and does not require planning permission.

In this case, based on the submitted information, the Local Planning Authority determines that the revised plans demonstrate compliance with the statutory dimensions for a caravan, and that the unit is not intended to function as an independent dwelling. Therefore, based on the evidence provided by the applicant, which on the balance of probabilities establishes the proposed lawful use, it is recommended that the Lawful Development Certificate be granted.

Recommendation:

Lawful Development Certificate - Granted

Site Description

The property is located in Lundwood on Lund Lane. It is a single-storey detached property. To the front is a large front garden and a long driveway which leads to a detached garage to the rear. Also to the rear is a rear garden and a small outbuilding (to be replaced by the proposed caravan). The surrounding properties are varied in terms of their size and design but are all detached.



Proposed Development

This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 and seeks confirmation that the proposed siting of static caravan in the rear garden of a residential dwellinghouse is lawful and does not require planning permission.

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc. The application is framed from a caravan perspective, rather than as an outbuilding.

Relevance of the Caravan Sites Acts

Although the TCPA may not apply, the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 are relevant for determining whether the structure qualifies as a caravan.

- The 1960 Act governs the licensing of caravan sites. However, under s29(1), a site licence is not required where a caravan is sited within the curtilage of a dwellinghouse and used incidental to its enjoyment.
- The 1968 Act, s 13(1), defines a caravan as:

“Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or transported on a motor vehicle or trailer).”

Based on the applicant’s submission, the proposed structure appears to meet this definition and cannot be regarded as a building and subsequently development under the TCPA regime. It is not a twin-unit caravan, and its dimensions and mobility features fall within the statutory limits.

Foundations

On the facts provided, the caravan would not be considered a building. Although substantial in size, it is not permanently fixed to the land and rests only on temporary supports (EasyPads or screw piles) under its own weight. It remains capable of being lifted as a whole by crane and transported by lorry without dismantling. Case law suggests that temporary supports do not amount to sufficient physical attachment to make a structure a building.

Ancillary Use and Planning Implications

If the caravan is to function as an annexe, it must remain functionally dependent on the main dwelling. Indicators of ancillary use include:

- Shared facilities (e.g., kitchen, bathroom);
- No separate postal address or utility meters;
- No exclusive occupation or independent letting.

If the caravan is used as a self-contained dwelling, this would constitute a material change of use and require planning permission.

The applicant has further provided sufficient evidence that the caravan:

- meets the statutory definition,
- is sited within the curtilage of the dwellinghouse,
- and is used ancillary to the main dwelling,

The evidence shows that; the proposed caravan is located within the curtilage of the main dwellinghouse. The Statement of Use is generally sufficient. S13 of the Caravans Act 1968 defines caravans as being such where the maximum dimensions of 20 m (length), 6.8 m (width) and 3.05 m (internal height) are not exceeded. Based on the submitted plans, the proposed caravan complies with statutory guidance.

Therefore, the proposal is deemed to be lawful, and a Lawful Development Certificate may be issued. However, the certificate will only confirm lawfulness at the time of the application and does not prevent future enforcement if the use materially changes.

In this case, based on the submitted information, the Local Planning Authority determines that the revised plans demonstrate compliance with the statutory dimensions for a caravan, and that the unit is not intended to function as an independent dwelling. Therefore, based on the evidence provided by the applicant, which on the balance of probabilities establishes the proposed lawful use, it is recommended that the Lawful Development Certificate be granted.

Recommendation

Lawful Development Certificate – Granted

Barnsley Metropolitan Borough Council hereby certify that the development described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted as part of this application, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason;

- The application proposes the siting of a static caravan under Section 192 of the Town and Country Planning Act 1990, planning permission is only required where this amounts to development which can not be the case with caravans. In this case, based on the submitted information, the Local Planning Authority determines that the revised plans demonstrate compliance with the statutory dimensions for a caravan, and that the unit is not intended to function as an independent dwelling. Therefore, based on the evidence provided by the applicant, which on the balance of probabilities establishes the proposed lawful use.

First Schedule: Proposed lawful development certificate for siting of static caravan in rear garden of residential dwellinghouse

Second Schedule: Olgadene, Lund Lane, Lundwood, Barnsley, S71 5PE