

Officer Recommendation Report

Site address: 17 Park Road, Birstall, Leicestershire, LE4 3AX

Proposal: Certificate of lawfulness (proposed) for the siting of a mobile home for incidental residential use.

App No:

P/21/1810/2

Officer: Sarah Hallam

Date of Site Visit:

N/A

Date of report 06/10/2021

Date authorised: 06/10/2021

By HR

Short description of proposal/site.

The application is for a certificate of lawfulness for the siting of a mobile home for incidental residential use.

The property is not listed and is not located within a conservation area. Permitted development rights for the property have not been removed.

The applicant's mother is in need of care therefore the applicant wishes to provide ancillary accommodation at their property. The mobile home will provide ground level incidental accommodation to the main dwelling. The water and electricity supply will be shared with the main property and the provision of meals etc. will also be shared. There will be no separation of land, and no separate planning unit being created. It will share the garden, day to day facilities and family members will interact with each other throughout the day and evenings socialising with and caring for one another.

List of relevant Development Plan policies:

None relevant

Material planning considerations:

This is a legal determination as to whether the development proposed is lawful and therefore material planning considerations are not relevant.

Relevant Planning History

None relevant

Comments received from Consultees and Neighbours

N/A

Consideration and Recommendation:

The application is for the siting of a mobile home for incidental residential use in association with 17 Park Road, Birstall.

In considering this certificate it is necessary to assess whether the proposal falls within Section 55 of the Act and whether the mobile unit is considered to be a building.

A building is defined in Section 336 of the 1990 Planning Act to include any structure or erection, and any part of a building. There are three primary factors as to what constitutes a building. These are size, permanence and degree of attachment.

In this case the mobile home comprise of two sections, separately constructed, which will be joined together on site. It will not be physically attached to the land (other than via service connections) to the extent that it would not be capable of being moved. It will rest, under its own weight, on 'ground screws' with a void beneath in order that it could be lifted using straps if required. Its size is 9.00m in length and 5.00m wide, with an internal height not exceeding 3.05m. These dimensions are within the size limitation of a caravan within section 13 of the Caravan Sites 1968 Act (as amended). The definition of a caravan is any structure designed or adapted for human habitation which is capable of being moved from one place to another. Therefore the unit falls within the caravan definition rather than a building.

It is now necessary to consider whether the use of the land constitutes development under Section 55 of the 1990 Act. The proposal is for incidental accommodation in association with the main dwelling, for the applicant's mother to reside in and that it will not create a new planning unit as it will share services with the main house, it will have the same address and it will not have an independent curtilage. This being the case it is not considered that a material change of use would occur in this instance.

Provided the mobile unit remains part of the same planning unit and this remains in single family occupation and continues to function as a single family household no material use will occur. A recent relevant inspector decision APP/C1570/X/18/3209244 has been used in deciding this application.

Recommendation:**Grant**

The site is covered by an area Tree Preservation Order therefore the siting of the mobile home must ensure no damage is caused to any protected trees