



Appeal Decisions

Site visit made on 13 November 2024

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 NOVEMBER 2024

Appeal A Ref: APP/L3625/X/23/3322836

Cambridge House, Lodge Lane, REDHILL, RH1 5DJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Ian Morley against the decision of Reigate and Banstead Borough Council.
 - The application ref 22/02259/CLP, dated 17 October 2022, was refused by notice dated 21 February 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of the land for siting of a mobile home for use ancillary to the main dwelling.
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Appeal B Ref: APP/L3625/W/23/3319670

Cambridge House Lodge Lane, REDHILL, RH1 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Morley against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 22/02258/HHOLD.
 - The development proposed is erection of a timber pre-fabricated single storey granny annexe for ancillary residential use associated with the dwelling.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for erection of a timber pre-fabricated single storey granny annexe for residential use associated with the dwelling at Cambridge House Lodge Lane, REDHILL, RH1 5DJ in accordance with the terms of the application, Ref 22/02258/HHOLD, and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal A

3. The main issue is whether the Council's decision to refuse to grant the LDC was well-founded.
4. The Council refused to grant the LDC because the appellant had failed to demonstrate that the mobile home falls within the relevant definition of a caravan, or that it would be used for purposes incidental to the enjoyment of the existing dwellinghouse.

5. Whilst it is not disputed that that the size of the proposed mobile home would fall within that permitted for a twin unit caravan within section 3 of the Caravan Sites Act 1968, the Council held that insufficient evidence had been provided regarding whether the structure is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), or whether it would be assembled on site by the bringing together of two sections (or if it would constitute operational development).
6. Technical information was provided regarding the mobility of the structure. However, whilst the structural calculations related to a similar mobile home from the same installer it was not the same model. As such, the appellants have not shown that this proposed model in this case could be lifted and moved in one piece.
7. I have noted that the inspector in decision APP/B5480/C/17/3174314 was satisfied that the putting together of the requisite parts of a mobile home on site from the same installer did fall within the definition of construction. However it did not relate to the same model as is proposed to be used here, and an application for proposed development should be sufficiently clear and precise so that the proposal can be properly assessed. In this case, given that the appellant has not proven on balance that the proposed mobile home could be lifted or that the structure would meet the construction requirements, it has not been shown that it would fall within the definition of a caravan, nor that it would not constitute operational development.
8. In any event, the LDC application and appeal describes the proposed development as "annexe for ancillary residential use associated with the main dwelling." It is not possible to have a residential use "ancillary" to an existing residential use. Indeed the permitted planning use of the land which constitutes the garden is already residential. The LDC should have sought confirmation that the proposed use of the mobile home would be part and parcel of the existing residential use, and therefore not material development. Section 192 does not permit me to modify the terms of the LDC application for a proposed use.
9. For the reasons given above I conclude that, the Council's refusal to grant a certificate of lawful use or development in respect of the use of the land for siting of a mobile home for use ancillary to the main dwelling was well founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Appeal B

10. The main issues are the effect of the development on the character of the area and the living conditions of the occupiers of the neighbouring properties.
11. The development proposed is the stationing of a mobile home in the rear garden of the existing dwellinghouse which is located on a residential street. The mobile home would not be used as a separate dwellinghouse, but rather as additional residential accommodation which would be part and parcel of the use of the main house. The use can be controlled so that it must be associated with the existing dwellinghouse by the imposition of a condition.
12. The rear garden is fairly long so that the mobile home would be set back from the houses on the adjoining properties and it would be single storey. Given the

size of the mobile home which includes one double bedroom and a living area, and intention that it will be used in association with the existing house, the development will not cause harm to the occupiers of the neighbouring property. The mobile home will not be seen from the road or other public area, and is not so large so as to appear completely out of place when compared to the scale and layout of the surrounding plots and outbuildings. There is a large hardstanding at the front of the existing house which can accommodate several cars, and the proposal does not include a separate access. It will not therefore cause harm to the character and appearance of the area.

13. I do not accept that the development, or its location within the wider plot, would lead to such an increase in the use of the site so as to cause harm to the living conditions of the neighbours. The size and additional living space is not such that the residential use of the site overall will be disproportionate to its size, and its effect (if its use is restricted so that it is in association with the existing house) would be no different to the additional of a large extension to the house.
14. The proposal is therefore in accordance with the Reigate and Banstead Development Plan 2019 and the Reigate and Banstead Local Plan: Core Strategy 2014 which form part of the development plan for the area. As there are no other material considerations to indicate otherwise the appeal succeeds and planning permission should be granted.

Conditions

15. The following conditions (which all meet the statutory and policy tests) should be imposed as set out in the attached schedule
16. Conditions 1 and 3 are required to provide certainty regarding the design, size and location of the structure. Condition 2 is necessary to ensure certainty and Condition 4 is required to restrict the use to one associated with the existing dwellinghouse as stated in the application.

Conclusion

17. For the reasons given above the appeal should be allowed.

Zoë Franks

INSPECTOR

Schedule of Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Floor Plan Unnumbered 1 17.10.2022

Elevation Plan Unnumbered 1 17.10.2022

Location Plan Unnumbered 1 17.10.2022

Block Plan Unnumbered 1 17.10.2022

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

3. No development shall take place until written details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority, and on development shall be carried out in accordance with the approved details.

4. The development hereby permitted shall not be occupied at any time other than for purposes associated with or part and parcel of the residential use of the dwelling known as Cambridge House.