



# *Planning*

## *New Forest Log Cabins*



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### **Key Factors to take in Consideration**

#### **Location**

The Caravan must be in the 'Curtilage' of a dwelling house. This is the drive or garden, not adjoining paddock land, for example.

#### **Use**

The use must accompany the house, used by a family member or guest accommodation for example and not rented as a private residence or a separate dwelling or business premises.

#### **Structure**

The actual structure must conform to the legal definition of a 'caravan' based on its size, mobility and construction method.

### **Overview of the Law – Caravans in Gardens**

A caravan, be it a touring or static caravan or a large twin-size mobile home, is regarded as an article of movable personal property known as a 'chattel' and there is no public law preventing one being kept in someone's garden, but there are Laws that regulate the 'Use' of land.

The siting of a caravan within the garden of a property does not require express consent provided a 'material change of use' has not occurred. Gardens are used for the enjoyment of the main dwelling house. If a caravan is parked in a drive or sited in a garden and used by members of the household in connection to the enjoyment of the house or as extra accommodation for visiting guests, provided the occupants continue to use the facilities of the house, then the siting of the caravan has not



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changed the 'use' of the land. However, if for example a caravan is sited in a garden and used as business premises, separately rented or used as a primary independent dwelling, with no relation to the main house, the local planning Authority could decide that an unauthorized 'material change of use' has occurred, for which planning permission will be required.

Mobile Homes and Caravans can be sited and used in a garden without the need for express planning consent. If the use is not considered part of, or incidental to, the house, then a 'material change of use' may have occurred. If the caravan is not considered to conform to the definition of a caravan then 'building operations' may have been carried out. In either case, planning permission will be required.

### **Key Legal References**

Section 55(1) of the Town and Country Planning Act 1990 defines 'development', which requires planning permission, as carrying out of building and other operations or making of any material change in the use of any buildings or other land.

Under s 55(2)(d) of the Town and Country Planning Act 1990 the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not to be taken to involve development of the land.

The Caravan Sites and Control of Development Act 1960 Schedule 1. Cases where a Caravan site License is not required. 1. Use within curtilage of a dwellinghouse. A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.



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### **Example Informal Letter**

EXAMPLE Letter to council seeking confirmation on informal basis

[Date]

[Council address]

Dear Sir

[FULL ADDRESS OF THE PROPERTY]

I am proposing to station a mobile home in the garden of my property above. A location plan is attached with the property edged red.

I understand I do not need planning permission to station a mobile home and would be grateful to receive your confirmation.

The mobile home would be stationed within the curtilage of my house.

The mobile home would be a [type of caravan proposed] which would come within the definition of a caravan in terms of its design, mobility, size and construction.

The mobile home would be placed on the land and would not be fixed to the ground.

The mobile home would be used for [an annexe by a family member(s) / additional bedrooms / guest accommodation / staff accommodation / hobbies] as an integral part of the overall use of the house as a single dwelling. It would share services, facilities and access with the house.



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I believe the proposed use would not be a material change of use and would be incidental to the enjoyment of the dwelling house.

If you have any questions, please contact me. Otherwise, I look forward to receiving your confirmation.

Yours faithfully

[signature]

[your name]

### **Planning For Mobile Homes**

### **Planning Approval...**

If the building is going in your garden you often don't need planning permission but we do recommend you get a 'Certificate of Lawfulness' for peace-of-mind. This is like planning permission but you don't have to submit plans. If you want to put a Mobile Home anywhere other than your garden you will need to contact your local council for approval. This would include any agricultural land jointed to your property and woodland. You will also need approval for conservation areas and new build estates.

Putting a Mobile Home in your garden (up to 6.8 x 20m) falls under the same law as parking a touring caravan in your drive and normally falls within the primary use of the dwelling house. So long as it remains moveable and is not someone's sole or primary residence, it will be acceptable. However, the use is important. There must remain a relationship between the main house and the Mobile, this means the people using the mobile home also have use of the main house. If a caravan is just used for sleeping purposes by a family member it is ancillary and you don't need any approval. If, however, it is capable of



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being used as a separate residence, it is not. There must be an interaction between the two buildings that involves a significant degree of dependence on facilities provided from the main house. This means the people who stay in the building must also have access or a relationship with to the main house, like they take meals there, have their belonging stored there, use the facilities etc.

### **Legal Planning Definition for Caravans in the Garden...**

A caravan (as defined in section.29 of the Caravan Sites & Control of Development) may be parked temporarily (in the same manner as a car) within the curtilage of a domestic property without the need for planning permission, unless there are limiting conditions applied when the house was built. This is more commonplace in modern housing estates..!

A caravan may also be used in a manner ancillary to the residential property; that is, in addition to the use of the house, but not as someone's separate dwelling. You can use a caravan as, say, a granny annex, but it must not become someone's "only or main residence". There must remain a relationship between the caravan and the house, so, for example, meals could be taken in the house. Use the caravan simply in the manner of an extra room / bedroom. Make sure it remains moveable.

Check to make sure your property deeds do not restrict this permitted development right; particularly on more modern estates or where the council has issued an Article 4 Direction – common in Conservation Areas.



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### **Contacting the Council...**

We suggest in the first instance, if appropriate to your situation, you write a letter like the one below to the Council. They will hopefully write back confirming planning isn't required. We then suggest, armed with this reply, you go back to the Council and apply for a Certificate of Lawful Development for a Caravan. Example letter one...

Dear Sirs,

I am writing to inform you of my intention to site a caravan in my garden at (your address).

I understand that I do not need planning permission for this but thought it advisable to check before proceeding.

The caravan will be sited in the actual grounds of the house and will be used by family members and guests in addition to the use of the main house. As an extra bedroom / dayroom it will fall within the primary use of the dwelling house.

The caravan will not be separately metered and relies on the services from the main house. The caravan will be positioned in the curtilage of the building i.e. the garden, not in surrounding paddocks or farmland.

The caravan will be used in a manner ancillary to the main property. It is not someone's separate dwelling. Guests or family members who stay in the caravan can have meals and store belongings in the main residence and will use the caravan only for occasional sleeping purposes and daytime activities. Any use of the caravan will vitally depend on a connection with the main house.



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The caravan falls under the current legal definition of a caravan set in the Caravan Sites and Control of Development Act 1960, 1968 and the 2006 amendment.

I look forward to your reply.

Many Thanks, (name).

