MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	142366/LP/2025
Date registered valid:	18 March 2025
Proposal:	Siting of a single unit mobile home.
Address:	13 Bampton Road, Manchester, M22 1NH
Ward(s):	Woodhouse Park Ward
Applicant:	Bartle
Agent (if any):	Miss Joss Muir NAPC Limited
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk

Recommendation: Grant

Date of recommendation: 13 May 2025

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Not Required

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building and area
N/A

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the siting of a single unit mobile home.

Consultations & Notification Responses

No Consultation Required - There is no statutory requirement to consult third parties, including neighbours. Any views expressed by third parties regarding the planning merits of the case or concerning the applicant's private rights to carry out the proposed operation, use, or activity, are irrelevant when determining the application.

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied 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, they shall refuse the application.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - *"If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"* In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

The applicant is seeking to confirm that the siting of a single unit mobile home at 13 Bampton Road falls within the definitions outlined in the 1960 and 1968 Acts, as amended in 2006, and is considered a mobile home, therefore not resulting in operational development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).

A caravan as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960 Act and Section 13(1) and (2) of The Caravan Sites Act 1968 (amended 2006) is, by definition not a building if it conforms to the statutory definition.

Section 55(2) of the Town and Country Planning Act 1990 lists a number of operations or uses of land which are not classed as involving the development of the land, and Section 55(2)(d) states:

> *"the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such";*

Therefore, if a caravan/mobile home is within the curtilage of the dwelling house and is incidental to the enjoyment of the house, it would not constitute development.

Section 29(1) of the Caravan Sites and Control of Development Act 1960, and Section 13(1) and (2) of the Caravan Sites Act 1968, as amended by the Social Landlords (Permissible Additional Purposes) (England) Order 2006, together set out the full legal definition of a "caravan" for planning purposes.

In short, 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, whether by being towed, or by being transported on a motor vehicle or trailer. The structure can comprise not more than two sections designed to be assembled on site, which is physically capable when assembled of being moved by road from one place to another, provided the structure does not exceed specified dimensions.

The submitted planning statement in support of the application states that proposed size of the caravan would be a length of 8.1 metres, a width of 4.1 metres and an internal height of 2.5 metres.

Based on the information provided with the applicant's supporting statement, it is clear that the caravan meets the tests for a single unit caravan, in so far as it is clearly designed for human habitation, it meets the correct size in that it is less than the maximum length, width and height stated in section 13(2) of the Caravan Sites Act 1968 and is capable of being towed or transported from one place to another.

As outlined above, Section 55(2)(d) of the Town and Country Planning Act 1990 provides that the use of land within the curtilage of a dwellinghouse for any purpose incidental to its enjoyment does not constitute development and therefore does not require planning permission. Accordingly, for the purposes of this assessment, the stationing of a caravan or mobile home within the curtilage of the dwellinghouse—where it is used for purposes incidental to the enjoyment of the dwelling—would not amount to operational development.

To demonstrate that the caravan would be incidental to the main dwellinghouse the planning statement explains that the mobile home will be used by the applicant's parents to allow the applicant and wider family to provide essential care and support.

The caravan provides all the necessary facilities for the occupants to lead a comfortable life by providing all the amenities need for independent day to day living.

The statement also confirms that there will be no separate address, post box, utility metre, services (such as internet, phone line and television), parking, garden area or curtilage or have its own access.

In addition, the statement confirms that the caravan will not be registered as a separate unit of occupation for Council Tax.

Conclusion

In light of the evidence provided, it is concluded that the proposed siting of a single-unit mobile home at 13 Bampton Road satisfies the statutory definition of a "caravan" under Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) and (2) of the Caravan Sites Act 1968 (as amended). The dimensions and mobility of the structure confirm its compliance with the legal criteria for a caravan.

Furthermore, the intended use of the mobile home providing ancillary accommodation for the applicant's parents to facilitate essential care and support demonstrates a clear functional and familial connection to the main dwelling. The absence of independent services, access, or curtilage reinforces that the use is incidental to the enjoyment of the main dwellinghouse.

Accordingly, the proposal does not constitute operational development under Section 55 of the Town and Country Planning Act 1990. As such, the siting of the mobile home within the curtilage of the dwellinghouse for incidental residential use is considered lawful and does not require planning permission.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Grant

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1.The proposed siting of a single unit mobile home would not constitute development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Airport Noise Index Zone - Noise and Nuisance Index - 40-49
Area Team Boundary - Name: SOUTH AREA