

DELEGATED DECISION REPORT

HPK/2026/0130
Valid 25/03/2026

WOODCOCK VIEW CHAPEL
BROW
CHARLESWORTH

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED USE - THE
SITING OF A CARAVAN FOR
PURPOSES ANCILLARY TO
WOODCOCK VIEW

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the siting of a caravan comprises lawful development or whether the proposals would amount to a building operation, taking into account the legal definition of a caravan, and/or whether any material change of use of the land would occur.

DESCRIPTION OF SITE

The application site refers to a two storey detached property and its curtilage located on Chapel Brow within the established settlement boundary of Charlesworth.

The surrounding area comprises predominantly two storey detached dwellings. The surrounding properties do not respect a uniform building line and are positioned with a variety of orientations. The application site is directly adjacent to the Charlesworth Conservation Area and the Green Belt.

PROPOSAL

The proposals seek a Section 192 Certificate of Lawfulness application to determine whether the siting of a Caravan within the Curtilage of the property of Woodcock View would comprise lawful development.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2025/0104: Extension and remodelling of the existing dwelling (Refused 20/06/2025 and Allowed at Appeal 06/11/2025)

HNT/2025/0010: Prior Approval application for single storey rear extension (Approved 29/09/2025)

HPK/2025/0313: Certificate of Lawfulness Application for proposed –
• Two Storey Rear Extension • Single Storey Side Extension • Single Storey Rear Extension • Erection of Rear facing Dormer Window • Erection of a single storey garden room • Erection of two porches • Erection of velux style rooflights (Pending Determination)

HPK/2026/0121: Certificate of Lawfulness application for the proposed temporary construction compound (Pending Determination)

HPK/2026/0131: Erection of a replacement dwelling (Pending Determination)

CONSULTATIONS

Publicity

Charlesworth Parish Council Comments

The Parish Council resolved to object to this application on these grounds:

1. The Parish Council noted with disappointment that this application is not subject to public consultation, despite the wide public interest in previous applications on this site.

2. This application for a Lawful Development Certificate is in conjunction with plans approved on appeal (HPK/2025/0104). The applicants, by submitting a fresh application for a replacement building, have confirmed that the development approved on appeal will not be built. This application should therefore be a full planning application, with all necessary consultations.

3. The site area of the proposal (400m²) inordinately large for a modest development project.

4. The proposal will have a significant visual impact on the entry into Charlesworth, on its Conservation Area and on the Green Belt (which it lies within). These matters are not considered in the application.

5. The site is immediately adjacent to Chapel Brow. There is no indication as to how it is to be accessed; if a new, albeit temporary, access direct onto Chapel Brow **is required**, that should be shown on the application and the views of the Highways Authority sought site.

6. The southern tip of the site is about 8 metres or so from its north western tip. Presumably the site will be subject to cut and fill. There is no indication on the application of the finished ground level, or what is to be done with the Overburden

7. The proposal shows the surface area to be covered with MOT. There is no mention of land drainage

8. The stone wall on the south and west is historic and will be vulnerable to this development. The application needs to show how the wall is to be safeguarded and reinstated or replaced in due course.

OFFICER COMMENTS

Principle of Development

The determination of whether the proposed siting of the caravan constitutes lawful development depends on whether the proposal would amount to a building operation, taking into account the legal definition of a caravan, and/or whether a material change of use of land would occur.

Building Operation

The definition of a caravan is set out in section 29 of Part 1 of the 1960 Caravan Sites and Control of Development Act. The Act 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 by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—*
(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
(b) any tent”;

Section 13 of the Caravan Sites Act 1968 further clarifies that a caravan structure designed or adapted for human habitation must be composed of not more than two sections, designed to be assembled on site and which is physically capable, when assembled, of being moved by road from one place to another.

It is confirmed that the proposed caravan under this application comprises of one unit and can be transported from one place to another. The plans indicate that the caravan would not be fixed to the ground and is a mobile unit capable of being removed.

The 1968 Act further sets out a size criteria for a caravan. The maximum size is defined as 20 metres by 6.8 metres with an overall internal height of 3.05 metres. The plans indicate that the size of the proposed caravan under this application would be less than these maximum size requirements.

The proposed caravan would therefore meet the legal definition set out in the above Acts and would not be classed as a building. No building operations would take place and the siting of the caravan would not amount to operational development as defined under section 55 of the Town and Country Planning Act 1990.

Use of Land for Siting of a Caravan.

The lawful use of the application site is a dwelling house under Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed caravan would be sited within the rear garden of the dwelling house and within the curtilage of the main house. The supporting statement advises that it is solely to be used by the household occupants of Woodcock View during the construction works approved under a extant planning permissions, and would allow the occupants to remain onsite during these construction and renovation works. The supporting statement identifies that the caravan will not be occupied by any third parties, let, leased or otherwise used for any commercial or independent residential purposes.

It would share utilities with the main house and would not have separate metered supplies which are to be derived from the host dwelling.

It is therefore clear that a close functional link will be retained with the main dwelling and the caravan would be part of the same planning unit. The caravan would provide accommodation which is ancillary to the main dwelling and a separate self-contained dwelling house would not be provided. Therefore, there would be no material change of use of the land or planning unit requiring planning permission.

An objection has been received from Chapel-en-le-Frith Parish Council which states that "The applicants, by submitting a fresh application for a replacement building, have confirmed that the development approved on appeal will not be built." And therefore there is no requirement for the proposed caravan unit. The Parish Council have also raised concerns pertaining to drainage and the use of hard surfacing.

Nonetheless, the extant permission allowed at appeal still stands and subject to any following permissions the applicants would have the option as to which permission to engage and construct. Therefore, it is judged, given the extant permissions that the proposed construction caravan is required temporarily in connection with operations to be carried out on the land. Notwithstanding this, as noted above, the caravan will be within the domestic curtilage and ancillary to the dwelling. The applicant is therefore not reliant on Part 4 of the GPDO.

Any other operational development

The proposed hardstanding, following receipt of additional information has been confirmed to comprise a permeable hardstanding of a Type 1 aggregate base with a loose stone / gravel surface finish. The applicant has also confirmed that no cut and fill is to be undertaken with the caravan secured to the gradual sloping grade via the use of temporary adjustable support stands. The use of permeable hardstanding is deemed to constitute permitted development under part 1 Class F of the GPDO and the use of temporary adjustable stands is judged to be appropriate for the supporting of the caravan of the undulating terrain and does not comprise operational development.

It has also been noted that Chapel-en-le-Frith Parish Council have objected on grounds of scale, access, lack of information, drainage and impact upon the stone wall to the south. These matters are judged to be planning material considerations which are not pursuant to the determination of a S192 Certificate of Lawfulness application.

CONCLUSION

The proposed caravan meets the definition of a caravan under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and is not classed as a building under Section 55 of the Town and Country Planning Act 1990. No operational development would take place requiring planning permission and, as the caravan would be used for purposes ancillary to the main dwelling house, there would be no material change of use of the planning unit or land.

It is therefore recommended that a Lawful Development Certificate for the proposed development is approved.

OFFICER RECOMMENDATION: **Approval**

Case Officer: Stuart Talbot
Recommendation Date: 20/05/2026

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council