

KEEPING CARAVANS ON YOUR PROPERTY

This time of year in the West Country caravans become a familiar site on our roads but where do they go when the touring season is over and what are the basic rules relating to keeping and using them on your own property?

WHAT IS A CARAVAN?

This is defined by law 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”.

IS PLANNING PERMISSION REQUIRED?

The basic rule is that you can park a caravan temporarily within the curtilage (usually within what would normally be considered your garden but not an adjoining field) of your home with no need for planning permission. However you must first check the title to your property. There may be a restrictive covenant against keeping a caravan, mobile home or house on wheels within the property. This is quite often imposed on modern estates where there is a limitation designed to preserve the amenity of the estate for everyone’s enjoyment – sometimes this is just restricted to the building line so that caravans are not stored in a front garden. But sometimes it can apply to anywhere within the property. You often see restrictions like this to prevent unsightly extensions and outbuildings for the same reason.

You also have to consider limitations which may be imposed because your property is within a special designated area for example an area of outstanding natural beauty, a conservation area or a site of special scientific interest. There are quite a few of those in Devon and Cornwall. You will also have to take into account the rules relating to environmental and pollution issues.

SHARED CONNECTION

A caravan can be used within the curtilage of your property provided it is not used as a separate dwelling. In other words it must be a use which is ancillary to the residence, an addition to the use of the house but not independent of it. You can use the caravan as a granny annexe for example. There has to be some shared relationship between the caravan and the house. It could be used as an extra room or bedroom and it does not matter that it is connected to the mains services but you must make sure that it remains moveable.

KEEPING A STATIC CARAVAN ON AGRICULTURAL LAND

Much depends on what the mobile home will be used for. There are some particular circumstances where planning permission may not be required – I emphasise the word “may” because there are so many uncertainties in all areas of law and this is no exception. The allowed list is :-

1. Use for stationing a single touring caravan for no more than two consecutive nights and for no more than 28 days in a year.
2. The use for stationing up to 3 caravans provided the holding is of at least 5 acres but for no more than 28 nights in a year.
3. Use as a caravan site of land occupied by an exempted organisation for example the Caravan Club.
4. The use for not more than 5 caravans at a time of a site certified by an exempted organisation.
5. Use as a caravan site for not more than 5 nights for seasonal stationing of caravans as accommodation for agricultural forestry workers.
6. For use as a caravan site for travelling showmen whilst travelling (but not as winter quarters).

As mentioned above there are many uncertainties in law and for that reason it is always wise to make contact with your Local Planning Authority so that they can give you guidance on their interpretation of what you may or may not do.

USE FOR SELF-BUILD OR RENOVATIONS

Here there is an exception to the need for planning approval to live in a mobile home on the site where you are carrying out building work provided that one of the family members is actually involved in the construction or management of the project on a full time basis. As usual there are differences dependent upon whether the house is already in existence and is being restored. In this case the mobile home will be within the dwelling house curtilage as mentioned above with no planning approval required. However, for a completely new building it is wise when making your planning application for the new build to include permission for the mobile home for the duration of the building work. Once again I must emphasise the wisdom of making contact with your Planning Authority from the very outset – there really are so many things to take into account in different planning areas.

MOBILE HOME AND FORESTRY WORK

The likelihood of obtaining planning permission to build a dwelling in a wood is extremely remote. However forestry workers can be permitted to carry out seasonal forestry work. Of course there are all sorts of rules and regulations relating to forestry work which are far too detailed to go into in this brief introduction to the subject .

UPGRADING A MOBILE HOME TO A HOUSE

If a mobile home is essential to a new rural business (and here I am referring mostly to agricultural or horticultural use) a mobile home may sometimes be allowed for a key worker to live on the site. You must, however, obtain permission from the Local or Planning Authority and be able to demonstrate that the business is viable and that at least one person is required on site 24 hours a day. If the business continues to grow and prosper then it may be possible to obtain permission for a permanent building.

10 YEARS USE

If you can prove to the Planning Authority that your static caravan has been kept in its current position for more than 10 years then in the main it would be too late for the Council to take proceedings to enforce its removal. You would have to show proof of permanence of occupation and preferably official paperwork that you have established a postal address and provide evidence from people who will support your application based on their first hand knowledge of the situation. This can lead to a Certificate for Establishment of Lawful Use.

ACTION

The whole subject is very detailed and I cannot emphasise enough the need for careful thought and perhaps expert guidance before you make your approach to the planning authority. Success can often be achieved by making the right approach before you move a caravan or mobile home on to your land and then find your self having to fight a rear guard action with officialdom.

For help on any property matter, do get in touch with me on 01288 35 9000.

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