

Planning Statement in Support of a Certificate of Lawfulness (Proposed Use)

Applicant: Mr John Davies

Site Address: 2 Tyn Y Brwyn Farm, Coedkernew, Newport, NP10 8UD

Proposal: Certificate of Lawfulness for the Siting of a Transportable Lodge for Ancillary Residential Use within Domestic Garden Land

1. Introduction

This statement is submitted in support of an application under **Section 192 of the Town and Country Planning Act 1990**, for a **Certificate of Lawfulness (Proposed Use)**. The application seeks confirmation that the **siting of a transportable lodge (caravan)** within the domestic garden of 2 Tyn Y Brwyn Farm, for **ancillary residential use**, constitutes lawful development and does **not require planning permission**.

2. Background and Site Context

The applicant, Mr John Davies, is the owner and occupier of the main dwelling at 2 Tyn Y Brwyn Farm. The site includes a substantial area of land that has been maintained and used as domestic garden since at least **2013**.

As part of this application, **substantive evidence** has been submitted to **Newport City Council via the Planning Portal** to confirm this, including:

- Historical **photographs** showing regular garden maintenance since 2013
- **Satellite imagery** from Google Earth (2013 to present)
- Clear **physical separation** between domestic garden and agricultural land
- Records demonstrating continuous use for garden-related purposes

Accordingly, under the provisions of the **“10-year rule”**, the land proposed for the lodge is confirmed to be **lawfully in domestic (residential) use**, not agricultural.

3. Proposal Summary

The proposal is to **site a pre-used, twin-unit transportable lodge**, which falls under the statutory definition of a **“caravan”** in accordance with the **Caravan Sites Act 1968 (as amended)**. The lodge will be placed within the domestic curtilage and used solely as **ancillary accommodation** for Mr Davies’s **elderly parents**, who require 24-hour care due to age-related health issues and mobility needs.

Key points of the proposal:

- The lodge is a **second-hand**, transportable twin-unit caravan
 - It will remain **entirely ancillary** to the main dwelling
 - It will be used only by Mr Davies's **parents, visiting carers**, and Mr Davies himself (who resides in the main house)
 - The lodge includes a **bedroom, accessible bathroom, lounge, and kitchenette** (for drinks/light snacks only)
 - **All meals** will be prepared in and provided from the main house
 - It will be connected to existing utilities and **not separately metered**
 - It is **not a separate planning unit** and will have **no independent address or occupancy**
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4. Legal Framework and Justification

According to established case law and planning guidance, **no material change of use occurs** when a caravan is sited **within the residential curtilage** of a dwelling **for ancillary purposes**, provided that:

- The structure qualifies as a **caravan** (Caravan Sites Act 1968 criteria)
- It is used for **incidental or ancillary purposes** (not as a separate dwelling)
- The land is lawfully in **residential/garden use**

This application satisfies all of the below:

- The lodge is a **moveable twin-unit structure**, complying with the **maximum size and mobility** criteria set out in the legislation
- The proposed use is **clearly ancillary**, as the occupiers will rely on the main house for care, meals, and overall supervision
- The land has been **lawfully in domestic garden use for over 10 years**, evidenced by photos and satellite images

Therefore, the proposed development constitutes **lawful permitted development** and does **not require express planning permission**.

5. Conclusion

Mr John Davies / I seek a Certificate of Lawfulness for the proposed siting of a transportable lodge within the domestic garden of his property. The lodge:

- Is a twin-unit caravan in law

- Will be used only for ancillary residential purposes
- Is sited on land that has been used continuously as residential garden land since at least 2013
- Is not a separate dwelling and does not amount to a material change of use

The proposal is compliant with planning law and well-supported by historical and photographic evidence. It represents a lawful use of land within residential curtilage for the care and accommodation of dependent relatives.

Given the urgent care needs of my elderly parents, and the my immediate requirement to provide safe, accessible, and on-site care within a family setting, we respectfully request that Newport City Council expedites this application.

This will enable me to begin supporting my vulnerable parents as soon as possible, avoiding unnecessary delays to a compassionate and lawfully permitted solution.

Accordingly, it is respectfully requested that Newport City Council issue a Certificate of Lawfulness confirming the legality of the proposed development.

John Davies

June 6th 2025