

From: Tompkins, Matt
Sent: 05 December 2016 11:55
To: 'Rebecca Lord' <rebecca@rlplanning.co.uk>
Subject: RE: 163590 CLOPD for Mobile Home and Hardstanding

Dear Ms Lord,

Whilst I appreciate there is no definition of the term 'incidental', I am aware of significant and consistent case law which directs that incidental uses are those not ordinarily undertaken within a dwelling. The list you provide, parking cars etc. strike me as uses falling in to the category of incidental. However, you state that the use of the caravan is a non-incidental use. Accepting this, I'm struggling to see how the hardstanding provided for the sole purpose of supporting the non-incidental use of the caravan, could itself be considered incidental? Taking your analogy of parking spaces, whilst they relate to the dwelling, their provision is not integral to the use of the dwelling. Here, the mobile home physically relies upon the hard standing to exist.

I've not suggested, nor do I that an incidental use needs to be transient. I've also not taken issue with the definition of a mobile home/caravan.

The appeal case, of which you provide a paragraph, doesn't deal with matters of concrete pads, but pad stones. Further the appeal case appears to centre on a discussion re permanence and not an interpretation of the word 'incidental'. This matter doesn't appear to have been out before and thus hasn't been addressed by the inspector.

Thank you for attaching other LDCs though I remain unconvinced by the conclusions drawn therein. There is no assessment nor consideration of the incidental nature of the hardstanding.

I will consider the matter further before reaching a conclusion unless you wished to provide further information.

Regards,

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