SITING OF A SINGLE-UNIT MOBILE HOME

Planning Statement

Howells Gill
Friday Street
Rusper
RH12 4QA

Date: November 2025

Document Ref: NAPC/JM/6546/OW

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Introduction

This Planning Statement has been prepared by NAPC Ltd in support of an application for a Lawful Development Certificate (LDC) under section 192 of the Town and Country Planning Act 1990. The applicant seeks confirmation that the proposed siting of a mobile home within the residential curtilage of *Howells Gill, Friday Street, Rusper, RH12 4QA* is lawful. The mobile home has been designed for ancillary residential accommodation associated with the main dwellinghouse.

The proposal comprises a single-unit mobile home, designed for human habitation, to be stationed on land already within the established domestic garden. The mobile home will provide additional ancillary living space for family use, specifically, the applicant's mother. The mobile home will not constitute operational development, and its occupation will not give rise to a material change of use, provided that the structure meets the statutory definition of a "caravan" and that its use remains subordinate and ancillary to the main dwelling.

The definition of development requiring planning permission is outlined in Section 55 of the Town and Country Planning Act 1990 (the Act). It encompasses two primary elements:

1. *Operational development* being "the carrying out of building, engineering, mining or other operation in, on, over or under land."

2. "The making of any *material change of use* of any buildings or other land."

This Planning Statement provides the rationale behind siting a single-unit mobile home for ancillary purposes to *Howells Gill.* The siting of a mobile home for ancillary purposes does not constitute operational development, or a material change of use, as defined by Section 55 of the Act. Consequently, planning permission is not required.

Moreover, this statement aims to address prevalent misconceptions and respond to inquiries commonly associated with such applications. For the purposes of planning law, the terms 'mobile home' and 'caravan' are treated as synonymous.

Given that the proposed mobile home does not amount to operational development, **it is important to note that this application does not fall under Class E Permitted Development under Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015.** Class E pertains to operational development, such as the erection of a garden shed or the construction of a garage. We therefore politely remind the LPA that this application should **not** be assessed in accordance with the criteria for outbuildings under Permitted Development.

In accordance with the principles set out in the legal precedent of Gabbitas v SSE and Newham LBC [1985] J.P.L 630, a Lawful Development Certificate should be evaluated solely based on the facts presented to the Local Planning Authority. The judgment states that the evidence need not be substantiated by 'independent' evidence to be accepted. If the Local Planning Authority lacks evidence to counter or cast doubt on the applicant's account of events, and the applicant's evidence is sufficiently precise and unambiguous, the Lawful Development Certificate should be granted 'on the balance of probability'.

This statement sets out the legal framework, applies the relevant statutory tests, and demonstrates conclusively that the proposed mobile home comprises lawful use of land.

What is a Caravan? (Single-Unit)

A caravan is considered as a 'structure.' It is settled in law that the stationing of a caravan on land, even for extended durations, constitutes a use of the land rather than operational development. This principle is embedded in the legislative framework, endorsed by case law[1], and consistently applied by the Inspectorate.

This perspective arises from the recognition of a caravan as an item of movable personal property, commonly referred to as a 'chattel.' Importantly, there is no public law precluding the placement of a caravan in an individual's garden. As such, the legal standpoint maintains that the act of stationing a caravan on land is a use of the land, and not operational development.

Definition of a Caravan

The definition of a caravan is found in S29(1) of the Caravan Sites & Control of Development Act 1960:

"'Caravan' means 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(2) of the Caravan Sites Act 1968 qualified the definition of caravan in s29(1) of 1960 Act by introducing length, width, and height of living accommodation requirements. The maximum length is 20m, width is 6.8m and overall internal height is 3.05m.

There are three clear tests for a single-unit caravan:

1. It is designed for human habitation.
2. It is of the correct size.
3. It is capable of being moved from one place to another, towed or transported (mobility).

The distinction between single-unit and twin-unit caravans is confirmed explicitly in the 2025 appeal at 8 Forge Close, Farnham (Appeal Ref: APP/R3650/X/25/3359353), where the Inspector held:

'*As a 'single unit' caravan is proposed, it is not necessary under section 13(1) of the CSA 1968 that it is 'composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices. In other words, assembling the prefabricated residential unit on the appeal site does not in this case mean that it is not a caravan with reference to the CSA 1968*.'

The Inspector further confirmed that the unit could be lifted by crane and disconnected from services without difficulty, noting, '*It would be possible to pick up the residential unit using a crane and put it on a lorry… disconnection from services is a simple matter.*'

[1] *In Measor v SOS (1998), the High Court held that generally a structure that met the definition of 'caravan' for the purposes of the 1960 and 1968 Acts above would not generally be considered a 'building' for the purposes of the 1990 Act above because of the lack of permanence and attachment.*

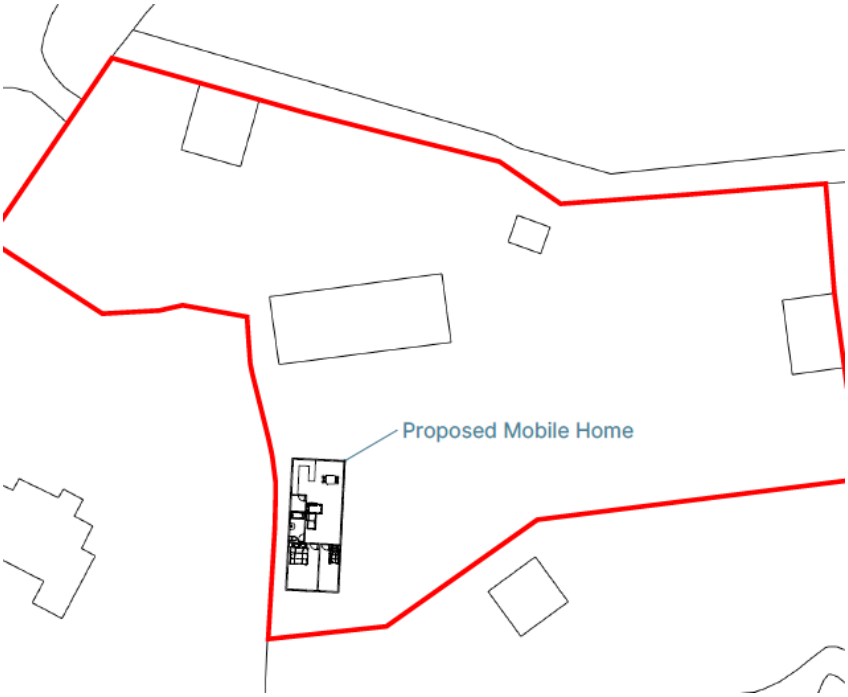
This represents clear, authoritative confirmation that on-site construction of a single-unit structure, does not prevent the structure from being a caravan. Furthermore, in Appeal Ref APP/F5540/X/20/3245429 (Appendix A), the Inspector notes in para. 9 that:

'… legislation (S13(2) of the CSA) introduces a 'mobility test' and a 'size test' that would apply to any case where there is a claim for caravan status. The CSA refers to a further 'construction test' which applies to twin-unit caravans.' This highlights that the construction test is not required to be demonstrated with single unit caravans.

Application Site and Surroundings

The application site is located on the eastern side of Friday Street, located to the west of Rusper, within the administrative boundaries of Horsham District Council. The main dwellinghouse is a detached, Class C3 dwellinghouse, finished in brickwork.

The mobile home will be sited within the garden as outlined in the proposed block plan extract below. While minor adjustments may be made, it is important to note that the ultimate positioning within the garden does not impact the assessment of this application, given that a mobile home can be lawfully sited anywhere within the residential curtilage of the dwelling. However, the chosen site is carefully selected due to its close physical and functional connection with the main dwellinghouse.



The mobile home is sited entirely within the residential curtilage of the dwelling. The dwelling house is located within Flood Zone 1 and is not within any planning or landscape designation. Nevertheless, any designations are not relevant to the assessment of this application, as the focus is on the mobile home's compliance with the Caravan Sites Act 1968. Therefore, the application is not assessed in accordance with planning policy or material considerations.

The current vehicular access to the site remains unaltered, and there are no plans for a separate vehicular access to the proposed mobile home unit.

Operational Development

Human Habitation

The mobile home is designed to be used for human habitation, as highlighted by the inclusion of primary living facilities, such as a bedroom and bathroom. The mobile home also includes appropriate insultation, services, natural light, and ventilation.

Size

Section 13 of The Caravan Sites Act 1968 (amended 2006) outlines the maximum dimensions for a caravan. Our assessment has compared these specified maximum dimensions with those of the proposed mobile home.

	Maximum CSA Requirement	Proposed Size
Length	20.0m	12.5m
Width	6.80m	5m
Internal Height *(measured from finished floor level to the highest point of the ceiling)*	3.05m	3.0m *(internal)*

The submitted drawings are accurately scaled and confirm adherence to the specified measurements outlined in Section 13 of The Caravan Sites Act 1968 (amended 2006). It is crucial to note that the height measurement is internal, from the floor to the highest point of the ceiling. The proposal does not exceed the prescribed measurements, therefore satisfying the requirements of the size test.

Construction and On-Site Assembly

The mobile home will be constructed on site using prefabricated components. Modern caravan construction often involves panelised or modular systems, and importantly, there is no statutory requirement for a caravan to be built off-site or delivered to the land in its finished form.

This principle has been repeatedly upheld in appeal decisions. At Farnham, the Inspector confirmed that on-site assembly of prefabricated components does not alter a unit's status as a caravan. Similarly, in Windsor (Appeal ref: APP/T0355/X/23/3333956, Appendix B), the Inspector stated that there is no legal restriction on the number or size of prefabricated parts that may be brought to the site for assembly.

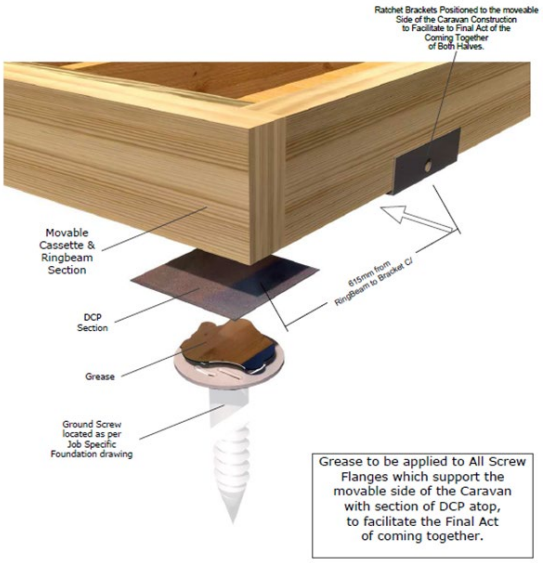
A very recent appeal (ref: APP/R3650/X/25/3359353, Appendix D) further strengthens this position. In paragraph 8, the Inspector concludes:

"*As a 'single unit' caravan is proposed, it is not necessary under section 13(1) of the CSA 1968 that it is 'composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices'. In other words, assembling the prefabricated residential unit on the appeal site does not in this case mean that it is not a caravan with reference to the CSA 1968.*"

That appeal involved a single-unit mobile home measuring 9.1m (L) by 5.0m (W), demonstrating that modestly sized mobile homes can be lawfully assembled in situ without affecting their legal status as caravans.

Mobility

The placement of the caravan on a screw pile foundation system, without being fixed down and instead, resting on these foundations under its own weight, as illustrated in the diagram below. This design ensures a minimum ground clearance of 150mm, allowing for the use of lifting straps/rigging to be positioned under the structure. As such, the caravan can be lifted by crane and placed onto a flatbed lorry.



The proposed caravan is not affixed to the ground through permanent works, and any connections to services are easily reversible. Legal precedent has established that such connections are deemed de-minimis by the courts.

Furthermore, Appeal Ref: APP/J2210/X/22/3298471 (Appendix E) dealt with this point. In paragraph 8, the Inspector confirms that:

'It is proposed to assemble the structure on site using pre-manufactured components; it was estimated that such works would take around five days to complete. The definition of a caravan contains no requirement for pre-assembly or for it being brought to site intact. Moreover, the number of components involved in assembling the structure has only a limited bearing on whether it is capable of being moved subsequently. The requirements set out in s13(1)(a) of the 1968 Act to be no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other device apply in respect of twin-unit caravans. However, the above requirements do not extend to single unit caravans. It is more appropriate to regard the structure as a single unit, as it would be much smaller than a twin-unit caravan.'

Considering the caravan can be lifted as a whole unit, which satisfies the mobility test, it is evident that the proposed structure meets the statutory definition of a caravan.

Common Mobility Misconceptions

"You can't physically move the caravan!"

Appeal Ref: APP/N1025/C/01/1074589 (Appendix F)

'To fall within this definition the structure must be capable of being moved by road from one place to another in its assembled state. It may be moved by trailer, but it is not excluded from the definition merely because it would be unlawful to move it in such a manner on a highway. The fact that the private drive to [the appeal property] is too narrow to allow the passage of the Park Home in its assembled state along it is not the point. It seems to me that it is the structure that must possess the necessary qualities, not the means of access… It is not necessary for it (a caravan) to be towed, only that it is capable of being moved my road.'

As per the Brightlingsea judgement,[2] *'...it is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road.'*

Appeal Ref: APP/L5810/X/15/3140569 (Appendix G)

'The mobility test does not require a mobile home to be mobile in the sense of being moved on any wheels and axles it may have. It is sufficient that the unit can be picked up intact (including its floor and roof) and be put on a lorry by crane or hoist. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant.'

Appeal Ref: APP/J2210/X/22/3298471 (Appendix E)

'A factor critical to ascertaining whether the structure would be a caravan, or a building is its mobility. The structure would not be wheeled, nor would it have a drawbar as in a caravan in the conventional sense. However, that does not necessarily mean that the structure would be immobile.'

*'Mobility does not require a caravan to be mobile in the sense of being moved on its own wheels and axles**.** A caravan may be mobile if it can be picked up intact and put on a lorry. The available evidence clearly showed that the structure would be capable of being picked up intact and moved, either by lifting it onto a trailer using a hoist attached to a crane, or by using a removable wheeled skid.'*

"You have attached the mobile home to services; therefore, it becomes a permanent structure!"

Appeal Ref: APP/L5810/X/15/3140569 (Appendix G)

Planning Inspector Andrew Dales states in the above appeal that:

'Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes if the mobile home needs to be moved. The mobile home would not acquire the degree of permanence and attachment required of building. The mobility test would be met.'

Appeal Ref: APP/J1915/X/11/2159970 (Appendix H)

The assessment by Planning Inspector Martin Joyce within the referenced appeal highlights key considerations related to the mobility of the mobile home:

1. **Capability:** The primary test is whether the unit, when fully assembled, is capable of being towed or transported by a single vehicle. This highlights the focus on the inherent structural qualities that enable the caravan to be theoretically moved.
2. **Intention:** The lack of intention to move the unit around the site is deemed irrelevant to the main issue. This observation recognises that the term 'static' in the context of caravans on

[2] *Brightlingsea Haven Ltd v. Morris [2008] EWHC 1928 (QB)*

lawful caravan sites does not negate their classification as caravans. The criterion remains the structural capability for theoretical mobility.

3. **Practicalities:** Practical considerations, such as a narrow driveway or awkward craning points, are considered immaterial. The critical factor is whether the mobile home possesses the necessary structural qualities for theoretical mobility, irrespective of the site-specific challenges that may impede actual movement.

These points reinforce the legal perspective that the focus of the mobility test is on the structural qualities of the mobile home, emphasising the theoretical capability for its movement.

"The mobile home won't be moved periodically!"

A further misconception is that a mobile home becomes a 'building' if it is intended to remain on the land for a long period. This isn't correct, permanence it's a matter of physical attachment and physical alteration to the land, not to duration. In the case of Measor v Secretary of State for the Environment, Transport and the Regions [1998] 4 PLR 93, the Court of Appeal examined whether a structure could still be classified as a caravan even if it is not moved frequently. The court held that a caravan does not cease to be a caravan merely because it is not moved regularly. The definition of a caravan, as provided by the Caravan Sites and Control of Development Act 1960 (amended by later statutes like the Caravan Sites Act 1968), focuses on the physical characteristics and the ability to be moved, rather than the frequency of movement.

Appeal Ref: APP/B0230/X/22/3295944 (Appendix I)

'It is reasonably safe to assume that the unit [mobile home] might remain in situ for some years, having regard to its intended use. Even so, I do not regard this as being a significant factor in relation to the test of permanence. A caravan can often stay in one position for an indeterminate period, without adversely affecting its ability to be moved. For example, a static caravan at a residential or holiday park will often remain in the same position for several years without being moved. Such a caravan would also generally remain connected to services. In no sense could a residential or holiday park caravan be described as a building simply because it had not been moved periodically.'

Appeal Ref: APP/M2840/X/23/3327605 (Appendix C)

'It is likely that the caravan would be on the site for a period of years… however, it is not unusual for a caravan to remain in situ for a considerable period of time, and this does not necessarily mean that it would be permanent… There is no evidence that the proposal would result in the permanent physical alteration of the land or interfere with its physical characteristics… The proposed caravan would lack such a degree of physical attachment and permanence to render it a building within the meaning of section 336(1).'

"The caravan must have wheels and a drawbar to be considered a caravan for planning purposes!"

Appeal Ref: APP/J2210/X/22/3298471 (Appendix E)

The absence of wheels or a drawbar does not prevent the structure from being considered mobile. The test of mobility is broader, encompassing the potential for the structure to be moved, whether by alternative means such as lifting onto a trailer using a hoist attached to a crane or utilising a removable wheeled skid. This interpretation supports the legal understanding that mobility is not confined to a specific mode of transportation but is dependent on the structure's inherent capability to be moved in its assembled state.

Operational Development Conclusion

The proposed mobile home satisfies all relevant statutory criteria. It is not affixed to the land, is not permanent in nature, can be moved as a whole, and falls within the definition of a caravan. Its stationing is a use of land, not operational development.

Material Change of Use

To ensure there is no material change of use of the land, the mobile home must be ancillary/incidental to the C3 residential use. Although there is no statutory planning definition for ancillary/incidental, the following four widely recognised 'incidental' tests, derived from significant case law, and documented in the House of Commons (Hansard, 22 November 2005[3]), serve as benchmarks:

1. The relationship between the respective occupants.
2. The relative size of the house, its garden, and the caravan.
3. The relative scale of accommodation in the caravan and the house.
4. The degree to which the caravan is functionally connected and subordinate to the dwelling.

Relationship – The mobile home will be used as additional living accommodation to the main dwelling, used by the applicant's mother. The provision of the mobile home will allow the applicants to provide the essential care and support to their mum.

Size/Scale of Accommodation – The proposed caravan entails only a modest increase in footprint. The accommodation within the caravan is designed with minimal scale, offering the necessary facilities for the occupant to lead a comfortable life.

Function – While a caravan typically possesses all the amenities needed for independent day-to-day living, the mere inclusion of primary living accommodation does not automatically create a material change of use. The intent is to facilitate comfortable living without resulting in a change of use.

To confirm, there will be **no** separate:

- Address
- Post Box
- Utility meters
- Services (such as internet, phone line and television)
- Parking
- Garden area or curtilage
- Access

The caravan will not be independently registered as a separate unit of occupation for Council Tax purposes. The mobile home is not viable in isolation and is dependent on the main dwelling for its functionality and operation.

However, it is important to note that the assessment of this application must adhere to the proposed use rather than what may potentially occur. A Certificate of Lawfulness is to certify the explicitly proposed use. If the caravan deviates from its proposed use in association with the dwelling, as described, and the functional connection is severed, it will not benefit from the certificate.

As such, the proposed mobile home should not be assessed on its potential to be used as an independent unit from the main dwelling, as this goes beyond the use and evidence described in the application and is not what this application is proposing.

[3] *https://publications.parliament.uk/pa/cm200506/cmhansrd/vo051122/debtext/51122-40.htm*

Common Ancillary Misconceptions

"The mobile home contains all the facilities to be used independently of the main dwelling!"

The judgement in the High Court case Uttlesford v SoS for the Environment & White [1991] considered that, even if an annexe within a residential curtilage possesses all the essential living facilities, allowing the occupier to live independently and potentially qualify as a separate dwelling house, this does not automatically signify a material change of use. The Court concurred that the annexe, despite its residential amenities, did not amount to the creation of a separate planning unit that required planning permission.

The Judge in this case deemed several factors as significant in reaching this conclusion. Notable factors included the absence of separate utility meters, a postal address, and telephone line. Additionally, emphasis was placed on the absence of any separate curtilage or access. These considerations supported the view that the annexe, while functionally self-sufficient, did not represent a separate planning unit, requiring planning permission.

The Judge in this case deemed several factors as significant in reaching this conclusion. Notable factors included the absence of separate utility meters, a postal address, and telephone line. Additionally, emphasis was placed on the absence of any separate curtilage or access. These considerations supported the view that the annexe, while functionally self-sufficient, did not represent a separate planning unit, requiring planning permission.

This is further emphasised in the appeal decision ref: APP/J2210/X/22/3298471 (Appendix E) where the Inspector notes in para. 10 that: *'the stationing on land of a caravan for purposes that are part and parcel of and integral to the lawful use as a single residential planning unit would not involve the material change of use… the provision within the curtilage of a dwelling of a separate structure which would provide the facilities for independent day-to-day living but is nevertheless intended to function as part and parcel of the main dwelling would also not involve a material change of use.'*

This principle is reaffirmed by the appeal decision ref: APP/T3725/X/21/3266375 (Appendix J). This decision acknowledges that:

'Much depends on how the unit [mobile home] would actually be used and the proposal should be assessed on the basis of the stated purpose and not what might possibly occur.'

In the above-mentioned appeal, the intended occupant of the mobile home was the appellants' Godfather. At the time of the application, the Godfather was residing at the appellants' residence. Given the Godfather's health issues and the anticipation of another baby within the applicant's household, the provision of the mobile home was deemed necessary.

The rationale behind this decision was in the understanding that the limited space within the main dwelling, coupled with the impending addition to the family, would make accommodation challenging. The introduction of the mobile home was a strategic measure to ensure that the Godfather could continue to stay with the appellants. This arrangement aimed to facilitate close support and assistance in managing the health and well-being of their Godfather, thereby addressing the unique circumstances and needs of the occupants.

The Inspector concluded the following:

'…there would be a family and functional link with the land which would remain in single ownership and control. The proposed use of the mobile home in the manner described would not involve physical or functional separation of the land from the remainder of the property. The character of the use would be unchanged. Thus, the use described would form part of the residential use within the same planning

unit. Only if operational development which is not permitted development is carried out or if a new residential planning unit is created, will there be development.'

Moreover, in the appeal ref: APP/B0230/X/22/3295944 (Appendix I), the Inspector acknowledged that the mobile home would serve a function akin to that of a residential annexe; the Inspector reached the conclusion that:

'The intended use would therefore be integral to and part and parcel of the primary use of the planning unit as a single dwellinghouse. The planning unit would remain in single family occupation and would continue to function as a single household. Therefore, as a matter of fact and degree there would be no material change of use.'

"You can't use a mobile home interchangeably with the accommodation in the main dwelling!"

Appeal Ref: APP/L5810/X/15/3140569 (Appendix G)

In this determination, the appointed Inspector stated that a mobile home can be deemed ancillary if it would be used interchangeably with the accommodation in the main dwelling. Specifically, the interchangeability should encompass aspects such as socialising and providing practical support for day-to-day living needs.

"The size and level of facilities of the mobile home allows for independent use!"

Appeal Ref: APP/R3650/X/16/3161457 (Appendix L)

This very point was raised in the above appeal for a comparable mobile home. The inspector made the following comments:

'Whilst I note that the Council have concerns that adding a further four bedrooms in the Proposed Caravan may be excessive, I do not consider this is a matter which should concern the Council when dealing with a LDC for a proposed use. If the Appellant were to permit the use of the Proposed Caravan for any uses that were not ancillary to the residential use of the Dwellinghouse it is likely that planning permission would be required, and the Council would retain control over any non-ancillary uses of the Proposed Caravan.

Further, whilst the plans show four bedrooms it could well be that these rooms were used for other ancillary uses e.g. as a study room, a home cinema, a home library, a home fitness room.

I therefore conclude that the size and scale of the Proposed Caravan do not preclude it from being used for ancillary residential uses to the Dwelling-House.'

Material Change of Use Conclusion

The mobile home will be used ancillary to the main dwelling. Despite the mobile home being equipped with all the necessary facilities for independent use, the occupants of the mobile home will maintain a reliance on the main dwelling. The main dwelling and the mobile home to be used interchangeably, ensuring the planning unit would remain as one whole unit, therefore meaning a change of use of the land will not occur.

Planning Precedents

Whilst we note that Lawful Development Certificates are assessed against facts and evidence and are not assessed against a local development plan or material considerations, to ensure this application is determined efficiently and fairly, we would like to direct the case officer towards previous applications that were approved by Horsham District Council. The LPA was satisfied that the proposed mobile homes met the statutory definition of a caravan and did not result in a material change of use.

DC/25/1185 | Use of the land for siting of a mobile home (caravan) within the residential curtilage for ancillary use to the main dwellinghouse. (Lawful Development Certificate - Proposed) | 21 Hawkesbourne Road Horsham West Sussex RH12 4EH

DC/25/0942 | Siting a mobile home (caravan) within the residential curtilage for ancillary use to the main dwellinghouse (Lawful Development Certificate - Proposed) | Old Forge Rusper Road Ifield West Sussex RH11 0LQ

DC/25/0655 | Stationing of a mobile home to provide ancillary residential accommodation to the existing dwelling (Lawful Development Certificate - Proposed) | Stakers Gill Stud Stakers Lane Southwater Horsham West Sussex RH13 9JQ

DC/25/0534 | Proposed use of land for siting a mobile home for use ancillary to the main dwelling and the proposed mobile home meets the definition of a caravan as set out in the Caravan Sites Act 1968, and as amended in October 2006 (CSA). (Lawful Development Certificate – Proposed) | 35 Shooting Field Steyning West Sussex BN44 3RQ

DC/24/1796 | Siting of a mobile home (Lawful Development Certificate - Proposed) | Sheiling Southwater Street Southwater West Sussex RH13 9BN

DC/24/0263 | Siting of twin unit mobile home within the garden of the dwelling house for use as additional accommodation (Lawful Development Certificate - Proposed) | Gracefield Farm West Chiltington Lane Broadford Bridge West Sussex RH14 9EA

DC/23/1731 | Siting of a twin unit mobile home within the garden of the dwelling house for use as additional accommodation by family members as part of one household (Lawful Development Certificate - Proposed) | Holly Gate Spear Hill Ashington West Sussex RH20 3BA

DC/23/1245 | Siting of a mobile home for use ancillary to the main dwelling (Lawful Development Certificate - Proposed) | Two Acres Langhurst Wood Road Horsham West Sussex RH12 4QD

Conclusion

This Statement has been prepared by NAPC Ltd in support of a Certificate of Lawfulness for a proposed use of a single-unit mobile home at for ancillary residential use to *Howells Gill, Friday Street, Rusper, RH12 4QA*. The proposal 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.

The caravan would be situated entirely within the residential curtilage of the existing dwelling, forming an integral part of the planning unit. Furthermore, the mobile home will be used ancillary to the main dwelling. This assertion is reinforced by shared services, the scale of facilities contained within the mobile home, and the commitment to maintaining the site as one planning unit.

Considering the submitted evidence and the referenced case law and precedents, it is firmly contended that the correct application of planning law should warrant the issuance of a Certificate of Lawfulness for the proposed use of the land.

In conclusion, under the provisions of Section 192 of the 1990 Act, the Certificate of Lawfulness for the proposed use or development should be granted.

Positive and Proactive Decision-Making

NPPF Paragraph 39 states that local planning authorities should approach decisions positively and proactively, working with the applicants and agents to reach amicable solutions. Should the Council require any further information or any clarification on any aspects of the application, we ask that this is requested from NAPC Ltd before a decision is issued, to ensure that a positive outcome can be reached on the application.

Appendices

Appendix A - Appeal Ref: APP/F5540/X/20/3245429

The Planning Inspectorate

Appeal Decision

Site visit made on 20 October 2020

by Roy Curnow MA BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal A Ref: APP/F5540/X/20/3245429
80 Hounslow Road, Hanworth TW13 6QQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Gabriel and Mrs Josephine Menezes against the decision of the Council of the London Borough of Hounslow.
- The application Ref 00632/80/LAW2, dated 22 August 2018, was refused by notice dated 20 December 2018.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is use of the land for siting a mobile home family annexe for use incidental to the main dwelling.

Appeal B Ref: APP/F5540/W/20/3245426
80 Hounslow Road, Hanworth TW13 6QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gabriel and Mrs Josephine Menezes against the decision of the Council of the London Borough of Hounslow.
- The application Ref 00632/80/P1, dated 2 May 2019, was refused by notice dated 24 July 2019.
- The development proposed is detached ancillary family annexe in the form of a mobile home.

Decisions

1. **Appeal A** is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

2. **Appeal B** is allowed and planning permission is granted for detached ancillary family annexe in the form of a mobile home at 80 Hounslow Road, Hanworth TW13 6QQ in accordance with the terms of the application, Ref 00632/80/P1, dated 2 may 2019, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2777.18-HA-OPT1-PLEL; 2777.18-HA-OPT1-PLPL; 2777.18-HA-OPT1-PLBAYS; 2777.18-HA-OPT1-PLBP; 2777.18-HA-OPT1-PLLP; 2777.18-HA-OPT1-PLBP Rev 1; and HSBMH.

3) The mobile home hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 80 Hounslow Road, Hanworth TW13 6QQ.

Appeal A

Preliminary Matter

3. The description of what is proposed differs between the application form and the Council's decision notice. As it is an accurate reflection of what is proposed, I have used the former in my decision.

Main Issues

4. From the Council's decision notice, the main issues are: whether what is proposed is a caravan; and whether the proposed use would be for a purpose incidental to the use of the main house.

Reasons

5. 80 Hounslow Road is a detached dwelling that is set back from Hounslow Road, behind a service road that runs parallel to it. It has a fairly generous garden to its rear, which backs on to an academy. The application sought a certificate of lawfulness to show that the siting of a mobile home in the rear garden as an annexe to the main dwelling would be lawful. The onus lies with the appellants to prove their case on the balance of probability.

Whether what is proposed is a caravan?

6. The definition of a caravan is given in s29(1) of the Caravan Sites and Control of Development Act 1960 (CSCDA) 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. It excludes (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

7. Section 13(1) of the Caravan Sites Act 1968 (as amended) (the 'CSA') defines a 'twin unit' as a caravan as a "structure designed or adapted for human habitation which—(a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)".

8. S13(2) of the CSA confirms that, for the purposes of the CSCDA, the expression 'caravan' shall not include a structure designed or adapted for human habitation, where its dimensions, when assembled, exceed any of the following limits: 20 metres in length; 6.8 metres in width; a maximum internal floor to ceiling height in relation to the living accommodation of 3.05 metres.

9. In summary, the aforementioned legislation introduces a 'mobility test' and a 'size test' that would apply to any case where there is a claim for caravan status. The CSA refers to a further 'construction test' which applies to twin-unit caravans.

10. The Council's position on whether what is proposed is a caravan has evolved since its decision to refuse the certificate. Its Officer's delegated report, whilst agreeing that the size test was met, stated that what was proposed would not be a caravan, as it would fail the mobility test. However, in paragraph 5.8 of its statement of case it states that "The LPA accept that as a matter of fact and degree, the mobile home would not be a 'building' within the definition set by the 1990 Act. It does not therefore constitute operational development and Class E of the GPDO cannot apply". This paragraph then goes on to refer to "the stationing of the mobile home". Thereafter, its statement refers to what is proposed as a mobile home.

11. In the light of this, I take it that the Council accepts that a mobile home is proposed, in accordance with the definition in the 1968 Act. Even if this is not the case, from an assessment of the drawings that accompanied the application, and the various submissions made by the appellants - including details from the manufacturers of the Homelodge, decisions that have involved the provision of Homelodges, and a letter from a structural engineer addressing the matter of its portability, I determine that the proposed Homelodge would pass the size, construction and mobility tests. To this end, it would accord with the definitions of a caravan in the CSCDA and CSA.

Material change of use

12. The appellants state that the mobile home would be sited within the curtilage of No 80 and that there is no intention to sub-divide this. They state that the mobile home would be used for a purpose incidental to the enjoyment of the dwellinghouse. It would be occupied by the brother and sister-in-law of Mrs Menezes. They currently live in the house with the family, but the proposal would provide them with private space and give more space for the family within the main house. They would help look after the appellants' children and would live with them as part of an extended family, including taking meals and socialising with them. They would also share the use of the garden and undertake their laundry in the main house. The mobile home would not be separately metered and would not be sold or rented separately to the main house.

13. The Council states that the proposed mobile home would have a scale, form, layout and all of the facilities required of a dwellinghouse. It would be capable of being used as a separate unit and have the capacity to function as a primary residence. Given this, and the side entrance to the garden, its occupants would have no reason to use the facilities at No 80. Therefore, the required degree of interdependence would not be achieved. It could easily be converted in future. Its conclusion is that what is proposed would be an independent dwelling and, thus, there would be a material change of use of the land; therefore, the appellants have failed to prove their case.

14. In support of their respective positions, both sides have referred me to a number of Court judgements, appeal decisions and the decisions of other local planning authorities. Albeit that it was said in relation to the appellants' submissions regarding the physical nature of mobile homes, in paragraph 5.28 of its statement the Council says "those judgments will have been made as a matter of fact and degree, with each case considered on its own specific merits". That position is germane to the submissions of both parties, referred to above, on this main issue.

15. Having said this, I have not been provided with sufficient details of the proposals that formed the subject of the appeals at Court Farm House[1] or Grafton Mill[2] to be able to draw any firm conclusions with regards to the case that is before me. In any event, those decisions were made on the basis of the particular circumstances of the case before each Inspector. Each proposal of this kind will be based on site- and person-specific information, and it is on the basis of that which is before me that I must assess this main issue.

16. From the evidence, and from what I saw at my site visit, I find that the curtilage of No 80 is as shown edged in red on the location plan that accompanied the application. This defines the relevant planning unit for the purposes of assessing the materiality of any change of use. It is a physically distinct area with a clear functional purpose associated with the dwellinghouse. The primary use of the planning unit is that of a single dwellinghouse. The proposed mobile home would lie within this curtilage of No 80.

17. With maximum dimensions of a little over 7.5m length, 3.8m width and 3.4m height, the proposed mobile home would not be large. Notwithstanding that it would have a small kitchen area shared with the lounge, it has been demonstrated that the occupants of the mobile home would be reliant on the kitchen of the main house. They would use the fridge-freezer and washing machine there and would take their meals there. The small kitchen would provide basic facilities to provide for its occupants and I do not find that the scale, form and layout of the mobile home would negate its use for purposes incidental to the enjoyment of the main dwellinghouse.

18. I saw what appeared to be a rear/side access at the southeast corner of the rear garden. However, this was thoroughly overgrown and appeared to have been blocked off along its length. Notwithstanding this, it is proposed to access the mobile home through the main house, and it is on this basis that I assess the proposal. My finding here is that accessing the rear garden in the manner proposed would equate the use of the mobile home for purposes incidental to the main house.

19. Therefore, overall, I find that the appellants have shown that the manner in which they propose to use the mobile home would provide the required degree of interdependence between its occupants and the main house.

20. I take it that the phrase, in paragraph 5.19 of the Council's statement, that "whatever the Appellant's current intentions, it could easily be so converted in the future", means that were it to be held to be incidental at this time, works could easily be undertaken to change the mobile home to an independent residential use. However, this is a proposal relating to the siting of a mobile home for incidental purposes and I have to assess it on that basis, using the evidence before me. That it might be capable of being used for another purpose is not an issue for me here. It is a question of whether the use that it is proposed to be put to would be lawful. It is important to bear in mind that a section 192 LDC reflects the lawfulness of a proposed use of land subject to compliance with a particular description of intent and at a specific point in time. If circumstances change with time, such that there is a significant departure from the terms of provision or use described or the occupancy of the unit, the

[1] APP/R3325/X/10/2138801
[2] APP/H1840/X/12/2173850

LDC will be of no benefit to the appellant and the scheme may then become unlawful and subject to planning control.

Other Matters

21. Third party comments regarding: their fears of overlooking; previous extensions to No 80; and how facilities serving the mobile home will work are 'planning matters' that are not relevant to this appeal for a certificate of lawful use.

Conclusion

22. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of use of the land for use of the land for siting of mobile home family annexe for use incidental to the main dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Appeal B

Background

23. The application that forms the basis of this appeal was submitted following the Council's decision to refuse to issue a certificate of lawfulness for the mobile home. The appellants state that this was in order to avoid an appeal and to give the Council the opportunity to control the use of the mobile home through conditions.

24. The Council's decision has been based on its assertion that what is proposed would be a new, independent dwelling. Although each decision stands alone, for the sake of brevity I refer to the reasoning set out in Appeal A as to why I find that this would not be the case. However, the proposed development still has to be assessed using the statutory approach in s38(6) of the Planning and Compensation Act 2004.

Main Issues

25. From the decision notice, the main issues are the effects of the proposed mobile home on: the living conditions of its future occupants, having particular regard to its internal and external space; the living conditions of the occupants of neighbouring properties, having particular regard to privacy, noise and disturbance; and its effect on the character and appearance of the area.

Reasons

Living conditions – Future Occupants

26. The mobile home that is proposed would not be large. Its external dimensions, shown on the submitted drawings, would be a little over 7.5m length by 3.8m width by 3.4m height. Internally, this would provide a small wc/shower room, kitchen-living room and bedroom.

27. The mobile home is proposed to be used as an annexe to the main house and, as I have described in Appeal A, its occupants would be reliant on the main house for many of its facilities. As such, the 'Technical housing standards –

nationally described space standard'[3], (the Standards) referred to in Policy SC5 'Ensuring suitable internal and external space' of the London Borough of Hounslow Local Plan 2015-2030 (HLP), are not strictly applicable. Both the Standards and Policy SC5 relate to new dwellings, rather than annexes where facilities will be shared with the main house. I have not been given a copy of London Plan (LP) Policy 3.3 Quality and design of new housing, nor its Table 3.3. However, from the text of the Officer's report, this reflects the requirements set out in the Standards.

28. Having said this, it is still necessary to follow the approach set out in paragraph 5.18 of the supporting text to Policy SC5; that is to say that the aim should be to ensure the highest quality of internal space to meet the demands of everyday life for the occupants. Given the individual circumstances of this case, I find that the occupants of the proposed annexe would be provided with an appropriate amount of internal space to cater for their day-to-day needs. Used in association with the facilities in the main house, the mobile home would meet the needs of its occupants. It would not be cramped, nor would it be sub-standard.

29. In terms of external space, the occupants of the annexe would share the use of the garden with the occupants of the main house. There is a fairly generous garden at No 80 and this would provide adequate space for the occupants of both it and the annexe, to share, when living as a single family unit.

30. Windows to the rear of No 80 would allow its occupants to look directly towards the proposed annexe. However, given that its occupants would be family members that would share facilities in the main house and its garden, this would not lead to harm to their living conditions.

31. The windows in the neighbouring houses would be at an angle to the annexe. This, allied to screening along their boundaries with No 80, would mean that there would not be overlooking from those properties to the degree that would cause significant harm to the privacy of its occupants.

32. In addition to its reference to Policy SC5, the reason for refusal in the decision notice states "and the London Plan". However, I have not been provided with a copy of the relevant part of that Plan. Notwithstanding this, on the basis of the evidence that is before me, I find that the annexe would provide appropriate internal and external space, in accordance with the aims of LP Policy SC5.

Living conditions – Existing Residents

33. Amongst its terms, HLP Policy CC2(t) seeks to ensure that proposals provide adequate levels of privacy and minimise direct overlooking through their layout. Amongst its terms, that Plan's Policy SC7 supports proposals for outbuildings that would not result in harm to the amenity of neighbouring residents. Although I have not been provided with a copy, the Council states that the LP's Housing Supplementary Planning Guidance states that a distance between habitable room windows of 18-21m is a "useful yardstick". As this has not been countered by the appellants, I take it to be the case.

34. Section 3.4 of the Councils, 'Residential Extension Guidelines Supplementary Planning Document – A Guide for Householders', adopted 20 December 2017 (SPD) states that neighbours will be entitled to a reasonable level of privacy,

[3] DCLG – March 2015

inside their homes and outside in their private gardens. It acknowledges, however, that in dense urban areas there is always going to be some degree of mutual overlooking. Its message is that extensions and alterations should not result in any substantial loss of privacy to neighbours' dwellings and gardens.

35. I am told that the windows at the rear of 78 Hounslow Road would be 17m from those in the annexe; again, this is not countered by the appellants. However, the two would not directly face one another. Given this angle and the presence of more vegetation along the common boundary towards the end of the gardens, where No 78 also has an outbuilding, direct overlooking would be minimised to an acceptable level.

36. I have also taken into account that in an urban situation such as this there will always be a degree of over- and inter-looking between properties. This is already the case here. It is possible to look into neighbouring gardens from upper floor windows, and the post and wire fence between Nos 78 and 80 allows those in their respective gardens to easily look into the other. However, as the proposal would not result in the creation of a new dwelling in a separate planning unit, the effects on the occupants of No 78 would be little, if any, different from that which presently exists.

37. The windows in the rear elevation of 82 Hounslow Road would be set an angle to those in the annexe, in much the same way as with No 78. Furthermore, the Council informs me that the separation distance between the two would exceed that in the LP's Housing Supplementary Planning Guidance. As such, there would be no resultant loss of privacy in rooms at the rear of No 82 that might justify refusing permission. The fairly high timber fence between the gardens of Nos 80 and 82, allied to the single storey design of the proposed annexe, would ensure that the garden of the latter property would retain its current level of privacy.

38. As the proposal is for an annexe and, therefore, there would not be the creation of a separate dwelling and planning unit, noise generation and general disturbance would be little different from that which presently exists.

39. I therefore find that the proposal would maintain levels of privacy, minimise direct overlooking and would not result in an increase in noise and disturbance. It would, therefore, accord with the terms of HLP Policies CC2 and SC7 that relate to these issues. It would also be in accordance with the relevant terms of the SPD.

Character and Appearance

40. Although there are commercial enterprises nearby, and the site backs onto a school, the character of the area is overwhelmingly residential. From what I saw when I visited the site, it appeared that properties in the vicinity were in use as single dwellings.

41. I have found that what is proposed would be a mobile home for a use ancillary to the main dwelling. It would not create a separate dwelling at the end of the garden that would be at odds with the prevailing character. Many properties in the area have outbuildings within their rear gardens. Although what is proposed is a mobile home, it would nonetheless be eminently consistent with the area's character and appearance. It would be sited at the upper end of the garden, away from the house and its neighbours, in accordance with guidance

in section 4.8 of the SPD. Although that relates to the siting of outbuildings, the essence of this advice in terms of the protection of an area's character is nonetheless relevant. Further, what is proposed would follow the advice in the SPD in terms of its scale and design, both of which are appropriate to its setting.

42. On this main issue, I find that the proposal would accord with the character of the area and would, therefore, accord with the terms of HLP Policies CC1 and CC2 and the SPD.

Other Matters

43. Third parties have referred to a lack of parking on the site to cater for the occupants of the mobile home. The Council has not objected on this point and states that there is sufficient on-street parking to cater for the development. In the absence of substantive evidence to the contrary, I have no reason to find otherwise. Similarly, I have been given no substantive evidence to show a link between the proposed development and damage to road signs. Although the property has been extended previously, assessed on its individual merits the siting of a mobile home as an annexe is acceptable. Sufficient evidence has not been submitted to show that there would be any ill-effects resulting from inadequate service provision, including sewerage infrastructure.

44. I note the fear of the Heston Residents Association that what is proposed is a '*de facto* beds in sheds' scheme. However, that description does not reflect what has been applied for. Should the use of the mobile home not accord with the terms of the permission, the Council has powers to enforce compliance.

Conditions

45. The Council has put forward four conditions, should the appeal be allowed. For the sake of clarity, given that my two decisions are linked, these conditions can only be applied if the mobile home is erected under the terms of this planning permission.

46. The statutory time limiting condition is required, as is a condition requiring adherence with the approved plans for the reason of clarity. However, I have simplified this and referred to the plan numbers in this regard. The condition proposed regarding the occupation of the mobile home is required, as the establishment of an unrestricted dwelling in this location would be contrary to housing policy and would have an adverse effect on the living conditions of the occupants of neighbouring dwellings. I have not been provided with sufficient evidence to justify the condition requiring the removal of the mobile home. Given that I have found that the proposed mobile home would accord with the character and appearance of the area, it would be contradictory to apply this condition without such evidence.

Conclusion

47. For the above reasons, and having taken all other matters into consideration, I allow the appeal.

Roy Curnow

INSPECTOR

Appendix B - Appeal ref: APP/T0355/X/23/3333956

Planning Inspectorate

Appeal Decision

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/T0355/X/23/3333956
5 Combermere Close, WINDSOR, SL4 3PY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Ms Katherine Shewell against the decision of Royal Borough of Windsor and Maidenhead.
- The application ref 23/00609/CPD, dated 15 June 2023, was refused by notice dated 10 August 2023.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is the proposed siting of a mobile home to be used as additional accommodation to the main dwelling.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This is subject to a separate decision.

Preliminary Matters

3. For the avoidance of doubt, the planning merits of the proposed development are not relevant and they are not therefore an issue for me to consider, in the context of an appeal under s195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority. Accordingly, a site inspection is unnecessary

4. The onus of proof rests with the appellant and the standard of proof is on the balance of probabilities.

Main Issue

5. The main issue in this appeal is whether or not the Council's decision to refuse to grant an LDC was well-founded. In particular, the question is whether the proposed development represents a mobile home for the purposes of the Caravan Sites Act 1968 (CSA) as amended and the Caravan Sites and Control of Development Act 1960 (CSCDA), or whether it represents a building operation under s55 of the Town and Country Planning Act 1990, as amended.

Reasons

6. The appeal site comprises a bungalow set in a large plot. The appellant states that the proposed mobile home located within the residential curtilage is to provide flexible additional accommodation for family use which would be functionally reliant on the main house, that no operational development or material change of use would occur, and as such planning permission is not required.

7. I note that a previous LDC application was withdrawn due to concerns by the Council on the extent of information submitted. The re-submitted application subject to this appeal consists of a wide range of technical information provided by the manufacturer including sections, plans and elevations, structural calculations, padstone layout, centre joint details, a caravan compliance information pack and other matters, all of which contributes to an understanding of what is proposed.

8. The CSA defines a caravan as a structure that is designed or adapted for human habitation and that the structure must be capable of being moved from one place to another. Section 13(1)of the CSCDA extends the definition of a caravan to include twin-unit caravans, which must be "(a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or being transported on a motor vehicle or trailer),…"

9. Accordingly the three tests of size, construction and mobility must be met to satisfy the definition of a twin unit caravan and therefore not to constitute a building.

Size

10. The submitted details show the length of the unit as 7.38m, the width as 6.32m and the internal height as 3.05m, which are within the permitted measurements set out in s13(2) of the CSA.

Construction

11. As a consequence of restricted access to the appeal property, the submitted details indicate that the mobile home would be assembled from pre-manufactured interlocking parts by in-house manufacturing operatives. Twin unit caravans are assembled into two independent sections and brought together by lifting or wheeling into position with the final act being the connection of the two halves in compliance with the legislation. The process of assembly is stated to be the same whether undertaken on or off-site. There is no foundation but the unit is supported on 'EasyPAD' adjustable base pads. Service connections are by quick release socket connectors for electricity and push fit fittings for water and foul drainage.

12. Counsel for the appellant considers that there is no statutory requirement for the two halves of a twin-unit to be constructed off-site, only that the final act is the bringing together of the two halves. In support is the case of Byrne v SSE and Arun (1997) P&CR 420. Although this case established that a log cabin had not been constructed as two sections and failed the construction and mobility tests, the judge does not suggest that the construction test requires the two sections to be constructed off-site.

13. The appellant refers to three appeal decisions in general support of this approach which indicate[1] that what is required is that the two sections are each constructed separately.

14. The Council accepts that the wording of s13(1) does not manifestly state that the two sections must be constructed off-site but considers that the framing of the wording has an implicit nature to them by emphasising the conjunction 'and' between 'construction' and 'design', such that there is an act of pre-fabrication followed by assembly on site. Two appeals are referenced in support[2]. I note that in the Chiltern decision, the inspector was unclear about the work involved to assemble the structure and that that he had reservations about the Erewash case in which the inspector for that appeal was of the view that there was no requirement within s13(1) of the CSA for the two sections to be constructed off site. The Chiltern inspector expressed reservations about the wider applicability of those conclusions. Similarly, the Oxford inspector had reservations about a similar case in West Devon but notwithstanding the need for consistency in decision making reached different conclusions on the facts of the case.

15. The Council cites Lloyd v SSCLG [2014] EWCA Civ 839. At paragraph 39 of the judgement, Sullivan LJ states "Mobile homes are not built or constructed on a site, they are constructed off site and are designed (if in two sections) to be assembled on site by means of bolts, clamps or other devices so that when they have been assembled, they are physically capable of being moved off the site". Whilst comments of Sullivan LJ should not be set aside lightly but in the context of that appeal, which was in distinguishing mobile homes from buildings, the comments were arguably not intended to be a statement about the proper interpretation of s13.

16. The Council makes the point that the CSA definition differentiates between a caravan which should be separately designed and constructed before being assembled on site and more complex building operations that would take place on site. It is argued that as the CSA post-dated the Planning Act 1962 it would not have been necessary for the draughtsperson to explicitly say within the wording of the CSA that the construction of the two units should take place off-site because by definition in the Planning Act 1962 any on-site construction would be caught by s12 relating to the meaning of development (s55 of the 1990 Act). Whilst this is possible, I am inclined to believe that the Council is placing too much reliance on what has not been said.

17. The Council has raised issue about whether the fixtures and fittings, the installation of windows and doors and plumbing arrangements would take place after the sections have been assembled. A signed statement by Edward Taylor of the manufacturers Norwegian Log confirms that the two separate parts of the twin unit will be finished to habitable standard prior to being joined together as the final act of assembly, including the kitchenette, bathroom, all piping and wiring and windows and doors.

18. However in their determination of the LDC, the Council considered that the twin-unit would fail both the construction and mobility tests as by virtue of its size, permanence and resultant change in the character of the land, it would constitute a building. They consider that the volume of individual component parts delivered to

[1] APP/N1025/C/1074589 (Erewash), APP/B5480/C/17/3174314 (Romford), APP/L5240/X/22/3295099 {Croydon)
[2] APP/X0415/X17/3174735 (Chiltern), APP/G3110/X/17/3181229 (Oxford)

the site, the skills of the tradespersons, and the construction steps involved would be representative of building operations for garden buildings and would be development as defined by s55 of the Planning Act. However, there is no limitation in statute or case law limiting the number of parts that can be brought onto site to create a twin-unit mobile home.

Mobility

19. The third test requires the completed unit when assembled being physically capable of being moved from one place to the other. The applicant has submitted detailed lifting calculations and it is shown that the structure can be moved without structural damage as one unit or as two halves. The Council has not submitted any evidence to contradict this claim but refers to cases in which "when assembled" requires mobility to be tested by reference to the circumstances of where and how a structure was assembled and how the structure was fixed to the ground.

20. I am satisfied that the appellant has adequately demonstrated that the structure meets the mobility test.

Conclusion

21. Interpreting legislation that was designed for a time when the concept of a caravan was that of a more simple and mobile structure inevitably makes it somewhat difficult to apply at a time when design and technological changes have considerably altered what actually appears on a site. This has led to different views by inspectors on the interpretation of the construction test when considering the particular circumstances of those cases.

22. I consider that the appellant has shown on the balance of probability that the proposed mobile home/twin-unit would satisfy the definition of a caravan in the CSA. In so doing, it follows that it would not constitute a building under s55 of the 1990 Act.

23. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the proposed siting of a mobile home to be used as additional accommodation to the main dwelling is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

P N Jarratt

INSPECTOR

Appendix C - Appeal Ref: APP/M2840/X/23/3327605

Planning Inspectorate

Appeal Decision

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/M2840/X/23/3327605
17 Farmstead Road, Corby, Northamptonshire NN18 0LE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr David Watt and Mrs Debbie Watt against the decision of North Northamptonshire Council.
- The application ref NC/23/00117/CLD, dated 17 April 2023, was refused by notice dated 28 July 2023.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is described as "The unit in question is a caravan (as defined in the Caravan Sites and Control of Development Act 1960 (as amended)), and that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to development under Section 55(1) of the Town and Country Planning Act 1990".

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Application for costs

2. An application for costs was made by Mr David Watt and Mrs Debbie Watt against North Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. In an appeal under s195 of the Town and Country Planning Act 1990 ("the 1990 Act") the planning merits of the matter applied for do not fall to be considered. The decision will be based strictly on the facts and on relevant planning law. Consequently, no site visit was made as it was not necessary for me to view the property in order to determine the appeal.

4. The description of the proposal in the banner header above is taken from the application form. So that the Certificate is concise, I have used a shortened version which relates only to the matter for which an LDC is sought.

Main Issue

5. The main parties are in agreement that the proposal would not bring about a material change of use of the land, owing to the particular circumstances of the site, and the use and purpose of the proposed caravan. I see no reason to find differently.

6. The main issue is therefore whether the Council's refusal to grant an LDC was well-founded. This turns on whether the proposal would involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

7. The appeal property is a semi-detached dwelling located on the southern side of Farmstead Road. The appellant proposes the siting of a freestanding unit, described as a caravan (hereafter referred to as "the caravan"), in the garden of the property. The submitted plans show that the caravan would be designed for human habitation and contain a living area, and a bedroom with an en-suite WC and shower. The caravan would be used to provide additional living accommodation for an elderly member of the appellant's immediate family.

8. The information provided indicates that the proposed caravan would be made up of two sections that would be separately constructed, and then joined together on the appeal site. As such, it is the appellants position that it is a twin unit caravan. However, as set out in the Council's reason for refusing the application, the Council is not satisfied that the proposal would not constitute a building operation as defined within section 55(1) of the 1990 Act. This is due to the Council considering that it would be fixed to the ground and would not be transportable.

9. The stationing of a caravan is normally taken as constituting a use of land, rather than operational development, and so I need to consider, based on the information provided, whether what is proposed would constitute a caravan or not.

10. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (CSA) as amended. Section 13 of the CSA defines twin unit caravans as:

    (1) A structure designed or adapted for human habitation which – (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devise; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason that it cannot lawfully be so moved on a highway when assembled

    (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely – (a) length (exclusive of drawbar): 65.616 feet (20 metres); (b) width: 22.309 feet (6.8 metres); (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

11. In view of the above, the tests to be applied in determining whether a proposed structure is a caravan are commonly referred to as the size test, construction test, and mobility test.

12. In respect of the size test, the caravan would measure 7.46 metres in length by 6.5 metres in width at its widest point, with the internal height of the accommodation (when measured from the lowest floor level to the ceiling at the highest level) not exceeding 3.05 metres. There is therefore no dispute that the proposed caravan would satisfy the size test.

13. Regarding the construction test, the appellants state that the proposed caravan would consist of two sections which would be separately constructed and then joined together on the site as the final act of assembly. The submitted drawings also indicate that there would be two sections (Unit 1 and Unit 2) joined together. This being the case, I have no reason to believe that, based on the information provided, the proposal would not satisfy the construction test.

14. In respect of the mobility test, the proposed caravan would rest under its own weight on ground screws, with a void underneath. Whilst the ground screws will no doubt offer support and stability, there is no evidence to suggest that the caravan would be fixed or otherwise attached to the ground. In my view, the ground screws would not be integral to the caravan, and all caravans, mobile homes, and park homes sit raised off the ground in some way to avoid damp and to facilitate mobility. A lifting diagram has also been provided which show how lifting beams and straps could be installed and used to lift the caravan off the site for transportation. I find no reason to believe that this would not be the case, and that the caravan would be physically capable of being moved from one place to another.

15. As the drawings indicate that the caravan will contain basic amenities and would be used as additional living accommodation, it is highly likely that the caravan would need to be connected to services. However, it is invariably simple to detach a caravan from connections to services such as water, drains and electricity.

16. Given the limited degree of the proposal's attachment to the ground, which would be limited to service connections and the caravan resting on ground screws by its own weight, I consider that based on the information provided the mobility test is satisfied.

17. Taking all of the above points together, I consider, as a matter of fact and degree, that the proposed unit would accord with the statutory definition of a caravan.

18. In *Measor*[1] the court was wary of holding, as a matter of law, that a structure which satisfied the definition of a mobile home under section 13 of the CSA could never be deemed a building for the purposes of the 1990 Act. However, a mobile home would not generally satisfy the well-established definition of a building, with regard to permanence and attachment.

19. Given that a "statutory caravan" could potentially be a building for the purposes of the 1990 Act, coupled with the Council's concerns that the proposal may constitute building operations, I have had regard to section 336(1) of the 1990 Act.

20. Section 336(1) defines a "building" as including "*any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*". The *Skerritts*[2] case established three primary factors as

[1] Measor v SSETR & Tunbridge Wells DC [1999] JPL 182
[2] Skerritts of Nottingham Ltd v SSETR (No. 2) [2000] 2 PLR 102

decisive of what constitutes a “building”. These were size, permanence, and physical attachment to the land. No one of these three factors is decisive.

21. For the reasons set out above, I have found that the proposal would be a caravan which is mobile by definition and would have a very limited degree of physical attachment to the ground. With regards to its size, it would consist of two sections that upon being joined together would be of considerable size. Nevertheless, its size is not such to prevent it being transported to the site, albeit in sections, or prevent it from being capable of being moved as a whole.

22. As to the degree of permanence, it is likely that the caravan would be on the site for a period of years rather than months or weeks. However, it is not unusual for a caravan to remain in situ for a considerable period of time and does not necessarily mean that it would be permanent. There is no evidence that the proposal would result in the permanent physical alteration of the land or interfere with its physical characteristics.

23. Drawing all of these points together, I find as a matter of fact and degree, that the proposed caravan would lack such a degree of physical attachment and permanence to render it a building within the meaning of section 336(1) of the 1990 Act. Accordingly, I conclude that what is proposed is not a building.

24. Finally, given I have found that the proposal meets the definition of a caravan and would not be operational development, it is not necessary for me to assess whether the structure would meet the limitations and conditions of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including which elevation of the dwelling constitutes the “principal elevation”.

Conclusion

25. For the reasons given above I conclude, on the evidence now available, that the Council’s refusal to grant a certificate of lawful use or development in respect of the proposed siting of a caravan for use ancillary to the main dwelling was not well-founded and the appeal succeeds. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

David Jones

INSPECTOR

Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 17 April 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposal described in the application documents and shown on the submitted drawings constitutes a caravan and would not be operational development or a material change of use of the land. Consequently, planning permission is not required.

Signed

David Jones

Inspector

Date: 31 January 2025
Reference: APP/M2840/X/23/3327605

First Schedule

The siting of a caravan for use ancillary to the main dwelling

Second Schedule

Land at 17 Farmstead Road, Corby, Northamptonshire NN18 0LE

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Appendix D - Appeal Ref: APP/R3650/X/25/3359353

Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 SEPTEMBER 2025

Appeal Ref: APP/R3650/X/25/3359353
8 Forge Close, Farnham, GU9 9PX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Jonathan Stackhouse of Julius Bahn Limited against the decision of Waverley Borough Council.
- The application ref WA/2024/02157, dated 6 November 2024, was refused by notice dated 17 December 2024.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is the siting of a mobile home to provide ancillary annexe accommodation.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Preliminary Matter

2. For the avoidance of doubt, I make clear that the planning merits of the proposed siting of a mobile home to provide ancillary annexe accommodation are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether (i) the proposal is, by definition, a caravan and, (ii) if not, whether it is a building which would meet the limitations and conditions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and, if not, (iii) whether use of the land for the siting of a caravan would constitute a material change of use of the land requiring planning permission.

Reasons

4. The term caravan is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 as meaning '*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'.*

5. It is proposed to position a prefabricated wooden single storey one-bedroom residential unit within the garden area of 8 Forge Close. The facility would also include a sitting area, kitchen/dining area, and a shower/WC. It would be used by a *'dependant relative'* of the occupiers of the associated dwellinghouse. It would be positioned on top of a steel chassis which would rest on adjustable concrete pads, neither of which would be physically attached to the ground. The steel chassis would include lifting eyes/hooks to enable the residential unit to be lifted by crane and placed on the back of a flatbed lorry for transportation elsewhere. The appellant states that prefabrication of the main components would take place off site, and assembly (i.e., the walls, roof and internal partitions) would take place on-site. There would be no foundations formed for the residential unit: it is proposed only to strip back the grass to provide a level area.

6. It is not proposed that the residential unit would be a *'twin unit caravan'*. This is relevant as there are specific restrictions with the Caravan Sites Act 1968 (CSA 1968) relating to this type of caravan. As a *'single unit'* caravan is proposed, it is not necessary under section 13(1) of the CSA 1968 that it is *'composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices'*. In other words, assembling the prefabricated residential unit on the appeal site does not in this case mean that it is not a caravan with reference to the CSA 1968. The claim made by the local planning authority that assembly on site automatically means that what is proposed is a building is not reasonably substantiated when the CSA 1968 is considered.

7. Section 13(2) of the CSA 1968 imposes a maximum size restriction in respect of twin-unit caravans. The proposal would measure about 9.1 metres (length) by 5.0 metres (width) by 3.0 metres (internal floor to ceiling height) as shown on the submitted plans. Even accounting for the fact that a twin unit caravan is not proposed, in size terms the proposal would, in any event, be well within the maximum size restriction imposed for a caravan as stipulated in the CSA 1968.

8. I am satisfied that it would be possible to pick up the residential unit using a crane and place it onto the back of a flatbed lorry so that it could be moved elsewhere. In my judgement, the attachment of the unit to services would not in itself mean that the proposed residential unit was not a caravan. This is not the same as a physical attachment to the ground. Disconnection from services is generally a simple matter which can be achieved within a very short period if a caravan needs to be moved.

9. Any perceived difficulties in gaining access to the garden from the point of view of transportation of the residential unit in its assembled state, or craning it onto a flatbed lorry, is not the point. It is the residential unit that must possess the necessary mobility qualities and not the means of access to or from the site. In any event, and despite the relative narrowness of Forge Close in parts due to parked vehicles, there is no reason why it would not be possible for the appellant to pre-arrange an unobstructed highway if it was necessary to transport the proposed residential unit.

10. In addition to the above, I emphasise that a lack of any suggested intention to move the proposed residential unit around the site would not mean that what is proposed is not a caravan. Indeed, it is often the case that static caravans remain in the same place for long periods of time.

11. For the above reasons, I conclude that the proposal would, by definition, comprise a caravan. As it meets the definition of a caravan, it cannot therefore be a building. The mobility, construction and size tests as laid out in the CSA 1968 are met. Moreover, the residential unit would be used for human habitation. In this regard, and notwithstanding the Council's contention that a building is proposed, it is not necessary for me to assess the proposal against Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because a caravan and not a building is proposed.

12. In concluding that a caravan is proposed to be positioned within the garden area of No. 8 Forge Close, it is necessary that I also consider whether what is proposed would amount to a material change of use of the land. The existing primary use of the land is a single dwellinghouse (use class C3) falling within one planning unit. While the caravan would include all the facilities needed for independent living, the appellant has made it clear that it would be occupied only by a *'dependant relative'.* It is not proposed to separate the caravan off from the rest of the garden or that it would have its own separate curtilage. I physical relationship with No. 8 Forge Close would be maintained. Moreover, there is no suggestion that separate car parking areas would be formed, that there would be a separate postal address, or that the caravan would be occupied by anyone who is unconnected with the family living in No. 8 Forge Close.

13. On the evidence that is before me, I am satisfied that the proposal would not result in a material change in the character of activities on the land from what has gone on previously. I do not find that the likely relative increase in vehicular and pedestrian comings and goings on the land from use of the caravan by a '*dependant relative'* would be material. Furthermore, there would be functional relationship with the use of No. 8 Forge Close from the point of view of the occupant of the caravan being a *'dependant relative'*.

14. On the evidence that is before me, I consider that a material change of use of the land would not occur. In this regard, the proposal would not amount to an act of development given section 55(2)(d) of the Act which states that development does not include *'the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such'.* The local planning authority appears to accept this point in so far that it states in its officer report *'the proposed use is therefore ancillary to the existing dwelling, and the structure would be sited within the existing domestic plot. Therefore, it is not considered that the proposal would constitute a material change of use of the land'.*

15. Overall, I conclude that the proposal would amount to the siting of a caravan on the land. Moreover, it would not constitute a material change of use of the land requiring planning permission. The evidence is that it would be incidental to the primary use of No. 8 Forge Close as a dwellinghouse.

16. In reaching the above conclusion, I acknowledge the comments made by the occupier of No. 23 Guilford Road. However, the comments made relate to planning merits which are not relevant to the consideration of this LDC appeal which rests on the facts of the case and on relevant planning law and judicial authority. In addition, I have also considered the appeal decision referred to by the local planning

authority at No. 28 Ringwood Road, Oxford[1]. However, the type of mobile home relating to such an appeal was not the same as that which is the subject of this appeal. In particular, it concerned a twin-unit caravan and the prefabrication of two separate sections, as opposed to this appeal which is concerned with a single unit caravan.

Overall Conclusion

17. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for the siting of a mobile home to provide ancillary annexe accommodation is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

D Hartley

INSPECTOR

[1] LDC appeal reference APP/G3110/X/17/3181229 dated 8 June 2018

Appendix E - Appeal Ref: APP/J2210/X/22/3298471

The Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH JANUARY 2023

Appeal Ref: APP/J2210/X/22/3298471
26 Friars Close, Whitstable, Kent CT5 1NU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Sally Turner against the decision of Canterbury City Council.
- The application Ref CA/22/00409, dated 25 January 2022, was refused by notice dated 26 April 2022.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is use of the land for siting a mobile home for use ancillary to the main dwelling.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Preliminary Matter

2. I consider that the appeal can be determined without the need for a site visit. This is because I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue in this appeal is whether the Council's refusal to grant an LDC in respect of the proposal was well-founded. This turns on whether the appellant has been able to show that, on the balance of probability, the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

4. The appeal site contains an enlarged semi-detached dwelling. It is proposed to set up a detached structure described as a mobile home or caravan within the curtilage of the dwelling. The structure would be around 6 m long and 5.5 m wide, the overall height not exceeding 2.7 m. It would have a timber laminate frame with composite timber cladding and a rubber covered roofing material. The structure would contain a living area and kitchen together with a bedroom and ensuite WC.

5. A caravan is defined in s29 of the *Caravan Sites and Control of Development Act 1960* 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)…". The stationing on land of a structure which would satisfy the definition of a caravan in s29 of the 1960 Act would not normally involve building operations. The established tests of size, degree of permanence and physical attachment are relevant when ascertaining whether a structure is a building.

6. The size of the structure falls well within the maximum size allowed for caravans in s13(2) of the *Caravan Sites Act 1968*. The structure would rest on the site solely by means of its own weight. Services would be provided separately and could be detached with ease. The structure would not be fixed to the supporting foundation. There was no dispute between the main parties regarding the limited extent to which the structure would be physically attached to the site and there is nothing before me to suggest that I should find otherwise.

7. A factor critical to ascertaining whether the structure would be a caravan or a building is its mobility. The structure would not be wheeled, nor would it have a drawbar as in a caravan in the conventional sense. However, that does not necessarily mean that the structure would be immobile. 'Mobility' does not require a caravan to be mobile in the sense of being moved on its own wheels and axles. A caravan may be mobile if it can be picked up intact and put on a lorry. The available evidence clearly showed that the structure would be capable of being picked up intact and moved, either by lifting it onto a trailer using a hoist attached to a crane, or by using a removable wheeled skid.

8. It is proposed to assemble the structure on site using pre-manufactured components; it was estimated that such works would take around five days to complete. The definition of a caravan contains no requirement for pre-assembly or for it being brought to site intact. Moreover, the number of components involved in assembling the structure has only a limited bearing on whether it is capable of being moved subsequently. The requirements set out in s13(1)(a) of the 1968 Act to be no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other device apply in respect of twin-unit caravans. However, the above requirements do not extend to single unit caravans. It is more appropriate to regard the structure as a single unit, as it would be much smaller than a twin-unit caravan. The structure would be about a quarter of the floor area of the largest twin-unit allowed by s13(2) of the 1968 Act. Moreover, it is clear that unlike in the case of a twin-unit, the structure could be brought to the site intact if desired. Consequently, the structure does not need to meet the statutory requirements in respect of the maximum number of sections applicable to a twin-unit caravan.

9. Drawing the above matters together, as a matter of fact and degree the structure would not have the characteristics of a building and it would meet the definition of a caravan in the 1960 Act. It follows that setting up the structure on the site would not involve the carrying out of building operations.

10. The stationing on land of a caravan for purposes that are part and parcel of and integral to the lawful use as a single residential planning unit would not involve a material change of use. Generally, provision within the curtilage of a dwelling of a separate structure which would provide the facilities for independent day-to-day living but is nevertheless intended to function as part

and parcel of the main dwelling would also not involve a material change of use[1].

11. I am given to understand that the structure would be used to provide additional living accommodation for the appellant's family. It was not disputed that the intended use of the structure would be as an integral part of the primary use of the planning unit as a single dwellinghouse; there is no sound reason why I should find otherwise. As a result, the proposal would also not involve the making of any material change of use.

12. On the balance of probability, the available evidence therefore shows that the proposal would not involve the carrying out of development, as it would not involve undertaking building operations or the making of any material change in the use of the site.

Conclusion

13. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a mobile home for use ancillary to the main dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR

[1] *Uttlesford DC v SSE & White* [1992] JPL 171.

Appendix F – Appeal Ref: APP/N1025/C/01/1074589

Appeal Decision

Inquiry held on 9 April 2002

by J G Roberts BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
23 JUN 2002

Appeal Ref: APP/N1025/C/01/1074589
159 Victoria Avenue, Borrowash, Derbyshire.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr R Brentnall against an enforcement notice issued by Erewash Borough Council.
- The Council's reference is ENF/01/254 P2337.
- The notice was issued on 22 August 2001.
- The breach of planning control as alleged in the notice is without planning permission the erection of a single storey building in the approximate position marked with a cross on the plan attached to the notice.
- The requirements of the notice are:
  (i) remove the building;
  (ii) remove from the land all building materials and rubble arising from compliance with requirement (i) above.
- The periods for compliance with these requirements are: (i) Requirement (i) – 12 weeks; Requirement (ii) – 16 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) (f) and (g) of the 1990 Act as amended. An appeal was made on ground (d) but withdrawn on 22 November 2001; after an exchange of correspondence which followed the inquiry the appeal on ground (d) was reinstated. As the appropriate fees were paid within the prescribed period the planning application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended falls to be considered also. Ground (g) was added during the inquiry.

Summary of Decision: The appeal is allowed and the notice is quashed.

Procedural matters

1. I visited the site on the day of the inquiry. At the inquiry an application for an award of costs was made on behalf of Mr R Brentnall against Erewash Borough Council. This is the subject of a separate decision.

The appeal on ground (b)

2. The notice alleges the erection of a building. The appellant contends that the Park Home is not a building and has not involved operational development of land, but falls within the definition of a caravan. This is found in section 29(1) of the Caravan Sites and Control of Development Act 1960. A caravan means 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 railway rolling stock in certain circumstances or tents.

3. Its application to twin-unit caravans is elaborated in section 13 of the Caravan Sites Act 1968. Such a structure, designed or adapted for human habitation and which is (a) composed of not more than 2 sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being a caravan for the purposes of part 1 of the 1960 Act by reason only that it cannot lawfully be so moved on a highway when assembled.

4. However, such a unit which when assembled exceeds 18.288m in length, 6.096m in width or 3.048m in overall height of the living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) are specifically excluded from the expression 'caravan' by section 13(2) of the 1968 Act. Thus there are 3 tests to be applied to the Park Home before me: a construction test, a mobility test and a size test. All 3 are contested.

The construction test

5. The local planning authority draws my attention to the analysis of the meaning of the words 'composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices' which was given in *Byrne v SSE and Arun DC, QBD 1997.* There is no requirement for the 2 sections to be each identifiable as caravans, or capable of habitation, before they are joined together. However, it was found that it was an 'essential part of the construction process in order to bring a structure which would not otherwise be a caravan, within the definition of that which is deemed to be a caravan, that there should be two sections separately constructed which are then designed to be assembled on a site..... If the process of construction was not by the creation of two separately constructed sections then joined together, the terms of the paragraph [section 13(1)(a) of the Caravan Sites Act 1968] are not satisfied'. They were not in that case because the log cabin concerned, composed of individual timbers clamped together as in that before me, had not at any time been composed of 2 separately constructed sections which were then joined together on the site.

6. That was not so in the case before me. Though the Park Home was delivered by lorry in many pieces I see no requirement in section 13(1)(a) that the process of creating the 2 separate sections must take place away from the site on which they are then joined together. It is necessary only that the act of joining the 2 sections together should be the final act of assembly. The appellant's evidence and photographs taken during the process of assembly demonstrate that the 2 sections, split at the base and ridge and each with a separate ridge beam, were constructed separately. The appellant was clear on this point. His evidence as to the facts of the matter was not disputed. In my opinion the process of construction fulfilled the test of section 13(1)(a).

The mobility test

7. Section 13(1)(b) of the Caravan Sites Act 1968 must be satisfied also. To fall within the definition the structure must be capable of being moved by road from one place to another in its assembled state. It may be moved by trailer, but is not excluded from the definition merely because it would be unlawful to move it in such a manner on a highway. The fact that the private drive to No 159 Victoria Avenue is too narrow to allow the passage of the Park Home in its assembled state along it is not the point. It seems to me that it is the structure that must possess the necessary qualities, not the means of access. It is not necessary for it to be capable of being towed, only that it is capable of being moved by road.

8. The appellant claims that it would be possible to lift the assembled structure, having first removed the terrace of timber decking and the porch which have been added to its western side, onto a lorry trailer which could then transport it from one place to another. The Council, however, argues that it has not been demonstrated that this could be done without serious significant damage to the structure – would the bolts hold? would it fall apart? – so that it cannot be regarded as transportable in a single piece.

9. I disagree. The manufacturer (Rural Accommodations) refers mainly to its movement in 2 sections, clearly the easier option here, but indicates that the reference to extra supports when shipping relate to extra safety and are not requirements. It would give a guarantee that 'the unit' is more than substantial enough to transport by road. Hewden Crane Hire indicates the method by which they would lift it, slew it round and lower it onto the ground or onto transport. The Park Home does not have a tiled roof or similar which would be liable to fall apart during the process. The fact that the cost estimate was based on an allowance of 8 hours does not exclude the Park Home from the definition of a twin-unit caravan.

10. The terrace and porch canopy are bolted to the unit and could be removed quickly and easily. The decking appears to have been attached to the remains of a caravan chassis and does not form an integral part of the structure. In my opinion neither affect the transportability of the assembled Park Home. In my opinion it meets the mobility criterion of the 1968 Act.

The size test

11. There is no dispute that the length and width of the assembled Park Home falls within the limits defined in section 13(2) of that Act, but Mr Thorp's measurements of internal height give a maximum of 3.060m, 12mm in excess of the maximum internal height measured from floor to ceiling of 10 feet (3.048m) specified in that section. The local planning authority's view is that either it falls within the size limits or it does not; there is no scope for the appellant's *de minimis* argument here.

12. However, Rural Accommodations states that the Park Home has been designed and built to a specification of a caravan to be used for permanent residence as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (BS 3632 : 1995). By implication it had been designed so that its maximum internal height would be no greater than 3.048m. The reason for the difference is not known, but it seems to me that 12mm discrepancy may be within the range of variation that might be expected from natural movement of timber. Further, the same structure could probably be brought within the strict definition of a twin-unit caravan very easily by the addition, for example, of strips of material 12mm thick added to the ceiling by the central ridge, or by plywood laid upon the floor. Its external dimensions would remain unchanged.

13. In these circumstances I agree with the appellant that the excess height is *de minimis*. To exclude the Park Home from the definition of a twin-unit caravan for this reason alone, or because the alterations necessary to bring it within the strict terms of the definition would now offend the construction test, would be verging on the unreasonable.

Conclusion

14. Therefore I regard the Park Home before me is a twin-unit caravan within the definition of the 1968 Caravan Sites Act and a caravan for the purposes of section 29(1) of the Caravan Sites and Control of Development Act 1960. It is clearly designed for and capable of use for

human habitation. The addition of the decking and porch canopy has not affected the integrity of the Park Home as such a twin unit.

15. It may look like a building at first sight. It may be a structure in the sense of something that has been constructed, but so are all caravans. The unit is not attached to the ground except by easily disconnected services. It rests on blocks, paving slabs and hardcore retained by railway sleepers, which have not resulted in a permanent change to the land on which it stands. Save for the 12mm in excessive internal height, which could be remedied easily, it falls within the definition of a twin-unit caravan, which sets it apart from other types of structure and is normally held to be a use of land. It has not become a building through permanence or its degree of physical attachment to the ground.

16. Therefore I conclude that the notice should have alleged the change of use of the land to use for stationing a residential caravan. The appeal on ground (b) succeeds. Whether its actual use is for the purpose of human habitation rests upon the relationship between occupation of the house and that of the caravan. This bears upon the appeal on ground (c). Both parties are fully aware that the notice is directed to the presence of the Park Home on the land. The difference is in their views on whether it should be treated as a caravan or as a building and in what consequences should flow from that determination, but the evidence of both parties covers both eventualities. As I am satisfied that the notice can be corrected without injustice to either I now turn to the appeal on ground (c).

The appeal on ground (c)

17. First, it is agreed by the parties that the whole of No 159 Victoria Avenue remains a single planning unit. I exclude the access track from the road to the gate which is shared with others. The main body of land contains a dwelling house, the Park Home, a swimming pool within a building (disused), a workshop used for the manufacture of picture and mirror frames by the appellant's parents who live in the Park Home, outbuildings, gardens and access, parking and turning areas shared between the house, the Park Home and the workshop.

18. The appellant retains ownership of the whole and there is no legal separation of the site into 2 parts. Both the house and the Park Home share an identical address, there is a common post box by the gate, the Park Home connects to the same foul water drainage system as the house, and single charges for the whole of the property are made for Council Tax, water and electricity. Only the telephone lines are separate. The Park Home is open to the remainder of the land on 3 sides. I agree that the whole of No 159 beyond the gate is a single planning unit and has been so at least since it was purchased by the appellant's parents in June 1978.

19. I turn now to the use of this planning unit. It includes use as a dwelling house, to which the gardens, garaging and pool are ancillary or incidental. This is not disputed. There is also the Park Home and the workshop. The implication of the appellant's argument is that the residential use of the Park Home is the same use as that of the dwelling house. There is said to be a degree of dependency, a separate planning unit has not been created, and 2 dwellings cannot occupy a single planning unit, so that there has been no material change of use.

20. Whether the Park Home accommodation is used for purposes ordinarily incidental to the primary use of the dwelling house as such is not the point here. That is relevant to the question of whether Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 applies, and that is concerned with the erection of buildings. In any event it is now widely accepted that use as living accommodation in connection with the dwelling house would be part and parcel of the main

use of that house and not therefore incidental to such (see the Secretary of State's decision reported in [1987] JPL 144 quoted in *Uttlesford DC v SSE and White, QBD 1991* and also *Michael Rambridge v SSE and East Hertfordshire DC, QBD 1996*. What is relevant is the use of the planning unit as a whole, which raises the question of the relationship between occupation of the house and that of the Park Home.

21. On this I have the unchallenged statement of the appellant and his supporting documents. There is certainly a close blood tie between the appellant, who now occupies the house, and his parents who now occupy the Park Home. They share utility services except the telephone. The parents work in the workshop, and also look after the appellant's son and nephew on occasions.

22. However, in explaining the reasons for the replacement of the former mobile home by the Park Home in May 2001 the appellant refers to the 'best place for them to reside'. Under cross-examination Mr Thorp referred to a 'lot of connectivity' but indicated that the appellant's parents received no daily assistance. The Park Home has and has specifically been designed to provide all the facilities necessary for day to day existence. There is no indication of shared meals and housekeeping arrangements any more than one might expect between friends and family living close by in separate dwellings.

23. On balance I consider that the occupation of the Park Home is sufficiently independent to amount to occupation by a separate household. That is not part of the primary use of the dwelling house but distinct, as the use of a caravan for the purposes of human habitation. It is functionally separate, but because it is not physically separate it has not resulted in the creation of a new planning unit. Nonetheless it represents the material change of use of the planning unit to a use which includes use as a residential caravan for one mobile home. Planning permission has not been granted for this change, which is in breach of planning control. The appeal on ground (c) fails.

The appeal on ground (d)

24. A caravan has been present on the site for many years. Owing to illness the appellant's grandparents, who had been living in a mobile home at Breedon-on-the-Hill, moved to a site alongside the poultry sheds, close to where the Park Home now stands, in early 1979 and, according to the appellant, 'assumed residence from then on'. His detailed personal recollections suggest to me that they lived essentially as a separate household independently of the appellant's parents who occupied the house. He would drop in frequently, as a visitor, for various reasons.

25. His grandfather died in 1988 but his grandmother remained there. She had coal delivered separately from the house. The coal merchant describes the caravan as 'the permanent home for Mrs Brentnall Snr.' There is no indication that she lived as part of her son's household. The aerial photograph taken about 1982 shows the substantial mobile home on the land. Mrs Brentnall Snr moved to a nursing home in about March 1998 and died in 2001, but the mobile home remained, available for occupation but vacant.

26. As his parents faced financial difficulties at the time the appellant bought the house from his parents in November 2000 but it seems that in anticipation of this they had already taken occupation of a touring caravan alongside pending replacement of the now deteriorating mobile home. The old mobile home was removed in April 2001 to make way for the new Park Home which was installed in May that year. In my opinion there is no material difference between the use of the Park Home before me and that of the mobile home which

occupied a site not identical to but overlapping the land on which the Park Home now stands.

27. The matter is complicated by the presence of the workshop, used by both the appellant's parents for the manufacture of picture and mirror frames. In September 1999 planning permission had been refused for the retention of a workshop and enforcement action to secure its removal was authorised, but planning permission was subsequently granted for the continuation of the use in a former egg production building. This is not regarded by the parties as a separate planning unit. Mr Thorp described it, in answer to questions from me, as having been granted only on the basis that it was "ancillary" to the dwelling (in which the appellant's parents then lived) and as "working from home".

28. On the balance of probability it seems to me that in 1979 a material change of use of the planning unit took place without planning permission, from use as a dwelling house to use as a dwelling house and as a caravan site for the stationing of one mobile home used for human habitation. This use continued until early 1998 and resumed, if not in the summer or autumn of 2000 when the touring caravan was occupied (with greater dependence on the house) and the mobile home remained present but vacant, in May 2001 when the Park Home was installed.

29. The circumstances suggest to me that this break in occupation of a mobile home was not sufficient to extinguish the use which by then had become immune from enforcement action by the passage of time and hence lawful. The use remained but was dormant until its point of resumption.

30. The workshop use, introduced in the late 1990s, is not ancillary to the residential use of either the dwelling house or the mobile home in the sense of serving it, nor is it incidental to it in the sense of ordinarily going together with it. It may be more than *de minimis* also. Even if so, its introduction did not result in a further *material* change to the character of the use of the planning unit as a whole, which is large, with a range of outbuildings only part of which is used for mirror and picture framing, and which at that time comprised both the dwelling house and caravan site uses (see *Beach v SSETR and Runnymede BC, QBD 2001).*

31. Hence the '10-year clock' did not start to run again at the point at which the workshop use began. The material change of use (to that including a mobile home) took place in 1979, more than 10 years before the date of the enforcement notice before me, and no further material change of use has taken place since. Therefore it was too late for enforcement action to be taken against the use of the land for stationing the Park Home before me. The appeal on ground (d) succeeds and the notice will be quashed. The deemed planning application and the appeals on ground (f) and (g) do not fall to be considered. The appellant may now wish to apply to the local planning authority for planning permission or a Certificate of Lawful Use or Development in order to obtain any site licence that may be required under the Caravan Sites and Control of Development Act 1960.

Formal Decision

32. In exercise of the powers transferred to me I direct that the notice be corrected by the deletion of the text of paragraph 3 of the notice and substitution therefor of the words 'without planning permission the material change in use of the land from use as a dwelling house to use as a caravan site for one mobile home for the purpose of human habitation'. Subject thereto I allow the appeal and quash the enforcement notice.

Information

33. Particulars of the right of appeal against my decision to the High Court are enclosed for those concerned.

Inspector

Appendix G - Appeal Ref: APP/L5810/X/15/3140569

The Planning Inspectorate

Appeal Decision

Site visit made on 28 April 2016

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 May 2016

Appeal Ref: APP/L5810/X/15/3140569
27 Elmfield Avenue, Teddington TW11 8BU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (hereinafter "certificate").
- The appeal is made by Mr Albert Ellis, Mrs Joy Ellis, Mr David Ellis and Ms Tracey Agutter against the decision of the Council of the London Borough of Richmond upon Thames.
- The application ref. 14/4973/PS192, dated 01 December 2014, was refused by notice dated 2 September 2015.
- The application was made under section 192(1) (a) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate is sought is described at section 2.1 of the Planning Statement accompanying the application as "The use of land within the curtilage of the dwelling for the stationing of a mobile home to be occupied ancillary to the main house."

Decision

1. The appeal is allowed and attached to this decision is a certificate describing the proposed use which is considered to be lawful.

Matters of clarification

2. The names of the appellants set out in the heading above have been taken from section 1.5 of their appeal statement. This section is somewhat clearer than the details set out on the application form and the appeal form.

3. The appellants acknowledge that the location plan is actually scaled to approximately 1:900 (not 1:1250) and the block plan to about 1:400 (not 1:500). The revised plans submitted with an email dated 2 March 2016 are not particularly helpful in their A4 format. I proceed on the basis of the original plans (taking into account the revised scales) and the measurements stated on the plans as appropriate, noting that the location of the mobile home (unit) is stated on the location and block plans to be nominal in any event.

4. An application for a certificate enables owners or others to ascertain whether specific uses, operations or other activities are or would be lawful. Lawfulness is equated with immunity from enforcement action.

5. A certificate is not a planning permission. Thus, the planning merits of the proposed development are not relevant, and they are not therefore issues for me to consider, in the context of an appeal made under section 195 of the 1990 Act as amended.

6. My decision must rest on the facts of the case and the interpretation of any relevant planning law or judicial authority. The burden of proving relevant facts in this appeal rests on the appellants. The test of the evidence is made on the balance of probability.

Main issue

7. I consider that the main issue is whether the Council's decision to refuse to grant a certificate was well founded.

Reasons

8. The proposal would see the introduction of a "Homelodge" mobile home in the sizeable back garden of the appeal property which is a two-storey detached house located in a predominantly residential area.

9. The intention now is for the first two named appellants to occupy the mobile home, whilst their son and daughter-in-law (the last two named appellants) would occupy the existing house from where they would be able to help with their day-to-day living needs. A reverse arrangement was contemplated at the time of the application. I do not consider that this change has any material effect on the appeal as such.

10. As I see it, the main issue turns on whether the provision of this mobile home within the curtilage of the dwelling house would amount to development requiring planning permission.

11. Section 55 of the 1990 Act as amended sets out the meaning of development. The nub of the argument presented by the appellants is that the mobile home to be sited on the land within the curtilage of the dwelling would comply with the statutory definition of a caravan in every respect, such that no operational development would take place and that as the mobile home would be used for purposes incidental to the enjoyment of the dwelling house as such, there would be no material change of use of the planning unit or land.

12. The statement presented by the appellants sets out in full various legislation concerning the meaning of a caravan. 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.

13. There is no dispute that the proposed mobile home would fall within the specified dimensions of a "caravan", and nor is there any dispute that it would be designed or adapted for human habitation. The Council queries the tests regarding its construction and mobility.

14. I have closely studied the letter dated 27 April 2015 from the managing director of Homelodge Buildings Limited, the attached photographs of that company's units being lifted on to the back of a lorry, the bay plan showing how the structure would comprise no more than two sections which are designed to be assembled by being joined together on the site and the letter dated 16 February 2016 from a qualified structural engineer at Braeburn Structures Ltd.

15. I am satisfied that the mobile home unit would not be composed of more than two sections separately constructed and designed to be assembled on the site by means of bolts. The construction test would be met.

16. The mobility test does not require a mobile home to be mobile in the sense of being moved on any wheels and axles it may have. It is sufficient that the unit can be picked up intact (including its floor and roof) and be put on a lorry by crane or hoist. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant. As a matter of fact and degree, I consider that the proposed accommodation once assembled would be capable of being moved intact within the terms of the statutory definition.

17. I note that the proposed unit would rest on concrete "pad stones" placed on the ground. As such, the unit's degree of physical attachment to the ground and the effect on mobility would be minimal or non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved. The mobile home would not acquire the degree of permanence and attachment required of buildings. The mobility test would be met.

18. I consider that what is being proposed meets the definition of a caravan. As the appellants say, it is settled law that stationing a caravan on land, even for prolonged periods, is a use of land rather than operational development. This principle is embedded in the legislative framework, endorsed by case law and routinely applied by the Planning Inspectorate. Thus, the limitations in the General Permitted Development Order that apply to the erection of buildings in the curtilage of a dwelling house have no relevance to this case.

19. The appeal unit would provide accommodation for use ancillary to the residential enjoyment of the main dwelling. The appeal site would remain a single planning unit and that unit would remain in single family occupation. Both the first two named elderly appellants have health problems and are becoming increasingly dependent upon the two younger appellants. The accommodation in the appeal unit would be used interchangeably with the accommodation in the main dwelling for socialising and practical support with day-to-day living needs. A completely separate self-contained dwelling unit is not being provided. I am satisfied, having read all the written representations, that there would be sufficient connection and interaction between the mobile home and the main house, such that there would be no material change of use of the land or planning unit requiring planning permission.

20. The appellants have referred to case law, previous appeal decisions and a considerable number of previous decisions for certificates that were granted by

other local planning authorities for similar proposals. This material supports the case being made by the appellants and I note that the Council has provided no written representations in response to this appeal to directly challenge any of the items submitted.

Conclusion

21. Drawing together the above, I find that, as a matter of fact and degree and on the balance of probability, the provision of the mobile home as proposed would not amount to development requiring planning permission. I conclude, on the evidence now available, that the Council's refusal to grant a certificate was not well founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Andrew Dale

INSPECTOR

Appendix H - Appeal Ref: APP/J1915/X/11/2159970

The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2011

by Martin Joyce DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2011

Appeal Ref: APP/J1915/X/11/2159970
4 Waterworks Cottage, Redricks Lane, Sawbridgeworth, Hertfordshire CM21 0RL

- The appeal is made under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a Certificate of Lawful Use or Development.
- The appeal is made by Mrs K Green against the decision of the East Hertfordshire District Council.
- The application, Ref: 3/11/0954/CL, dated 27 May 2011, was refused by notice dated 18 July 2011.
- The application was made under Section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a Certificate of Lawful Use or Development is sought is the use of part of the established residential curtilage on which to station a mobile home for purposes incidental to the existing dwelling.

Summary of Decision: The appeal is allowed and a Certificate of Lawful Use or Development is issued, in the terms set out below in the Formal Decision.

Main Issue

1. The main issue in this appeal is whether the proposal would constitute operational development or a material change of use of the land.

Reasoning and Appraisal

2. The appellant wishes to site a "Homelodge" mobile home within the residential curtilage of her house, as ancillary accommodation for her elderly parents. The unit would measure 8.45m in length, 3.85m in width and 2.2m/3.2m in height, to the eaves/ridge. It would be delivered to the site on a lorry and would be capable of removal in the same way. It would not be permanently fixed to the ground, but would be connected to services.

3. The Council accept that the dimensions of the structure could fall within those set out for a twin unit caravan in the statutory definition given in the Caravan Sites Act 1968 as amended[1] (CSA), but they consider that its size, permanence and physical attachment would be such that the siting of the unit would be operational development as defined in Section 55 of the Act, rather than a use of the land. In particular, they contend that the determining factor is whether or not the structure is of a design or size that would make it readily mobile around the site. In this context, its size, degree of permanence and impact on

[1] Sub section 13(2) as amended by The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 (SI 2006/2374).

the character of the site lead to the conclusion that operational development would occur. Furthermore, the Council cite two items of case law, and refer to previous appeal decisions, to support their contentions in this respect.

4. In consideration of the above matters, I note at the outset that the Council do not dispute that the mobile home would be used for purposes incidental to the enjoyment of the dwellinghouse as such, notwithstanding that occupiers of the mobile home would have facilities that would enable a degree of independent living. The appellant's claim that it would be akin to a "granny annexe" is not therefore at issue, only the question of whether the proposal would be operational development or, as is normally the case, a use of the land.

5. Neither of the cases that the Council rely on relates to the siting of mobile homes or caravans, rather they concern other structures such as a wheeled coal hopper[2] and a tall mobile tower[3]. Similarly, the three appeal decisions referred to by them concern the siting of portacabins on land and whether that is operational development or a use of land. I can, therefore, give little weight to these cases and decisions in my determination of this appeal as they do not concern the siting of caravans or mobile homes and are, thus, materially different development. Additionally, I consider that the Council are misguided in their statement that the determining issue is whether the mobile home would be readily moveable around the site. That is not the correct test; rather the test is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle[4]. In this case, the appellant's statement that this would be the case has not been contradicted. A lack of intention to move the unit around the site is not relevant to the main issue, and would apply to most "static" caravans on any lawful caravan site.

6. The size of the proposed mobile home falls well within the dimensions set out for twin units in the CSA as amended, notwithstanding that it is not specified as a "twin unit", but it appears that the Council consider that its positioning would create a degree of permanence and impact on the character of the site. Impact on character is also of no relevance in a case where the lawfulness of a use is at issue, but the question of permanence is a matter of fact and degree that relates to physical attachment to the ground.

7. In this case, the mobile home would be placed on padstones and is likely to be attached to services such as water, drainage and electricity, although the precise services are not specified in the application. However, attachment to services is not the same as physical attachment to the land, as they can easily be disconnected in the event that the caravan needs to be moved. Additionally, the placing of the mobile home on padstones, or another sound and firm surface, is not, in itself, a building operation as suggested by the Council, notwithstanding that a degree of skill is required in such placement. I know of no support in legislation or case law for such a proposition and the provision of a hard surface within the residential curtilage would, subject to certain limitations, be permitted development under Class F of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 as amended. The Council are, therefore, incorrect in this instance in their interpretation of the permanence of the mobile home as an indication of operational development rather than a use of the land.

[2] *Cheshire CC v Woodward* [1962] 2 QB 126
[3] *Barvis Ltd v Secretary of State for the Environment* [1971] 22 P&CR 710
[4] *Carter v Secretary of State* [1995] JPL 311

8. I conclude that the proposed development would not constitute operational development, rather it would involve a use of land. As that use would fall within the same use as the remainder of the planning unit, it would not involve a material change of use that requires planning permission.

Other Matters

9. All other matters raised in the written representations have been taken into account, but they do not outweigh the conclusions reached on the main issue of this appeal.

Conclusions

10. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a Certificate of Lawful use or development in respect of the use of part of the established residential curtilage for the stationing of a mobile home for purposes incidental to the existing dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

FORMAL DECISION

11. The appeal is allowed and attached to this decision is a Certificate of Lawful Use or Development describing the proposed use which is considered to be lawful.

Martin Joyce

INSPECTOR

Appendix I - Appeal Ref: APP/B0230/X/22/3295944

The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2023

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH APRIL 2023

Appeal Ref: APP/B0230/X/22/3295944
34 Hayton Close, Luton LU3 4HD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs Tracey and Warren Lee against the decision of Luton Borough Council.
- The application Ref 21/01601/LAWP, dated 16 November 2021, was refused by notice dated 14 January 2022.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the proposed siting of a caravan for ancillary residential use.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Preliminary Matter

2. As there is no description on the application form, the description in the banner heading of the use for which an LDC is sought has been taken from the appeal form. This is similar to the description on the Council's decision notice. I have used a corresponding description on the attached certificate.

Application for costs

3. An application for costs was made by Mr and Mrs Tracey and Warren Lee against Luton Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is whether the Council's refusal to grant an LDC in respect of the proposal was well-founded. This turns on whether the appellants have been able to show that the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

5. The onus is on the appellants to show that the proposal would be lawful, the relevant test of the evidence being on the balance of probability.

6. The appeal property contains a modern two storey, link-detached dwelling. The dwelling has been enlarged to the rear at some stage. It is proposed to set up a freestanding unit, described as a caravan, in the rear garden. The unit would be around 7.8 m in length, around 4.2 m wide and about 2.7 m in height. The unit would contain a living area, kitchen, and a bedroom with an ensuite WC/shower. I am given to understand that the unit is intended to provide additional living accommodation for an adult member of the appellants' immediate family.

7. The definition of development in s55(1) of the 1990 Act includes the carrying out of building operations in, on, over or under land, as well as the making of any material change in the use of any buildings or other land. The definition of a building in s336(1) of the 1990 Act includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. The established tests of size, degree of permanence and physical attachment to the ground are relevant in assessing whether the unit would be a building falling within the above definition.

8. A caravan is defined in s29(1) of the *Caravan Sites and Control of Development Act 1960* 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)…"*. Relevant case law confirms that a structure which met the definition of a caravan would not generally be a building, with regard to permanence and attachment[1].

9. The unit would be composed of two separately constructed sections, which would be brought to the property then joined together. The unit would be much smaller than the maximum dimensions of a twin-unit caravan provided for at s13(2) of the *Caravan Sites Act 1968*. The unit would rest on supporting screw piles by means of its own weight. Other than connections to utilities, there would be no works physically attaching the unit to the ground. It is highly likely that the utilities could be disconnected with ease, within a short space of time. To fall within the definition of a caravan, the unit does not need to be mobile in the sense of being moved on its own wheels and axles. The unit would be capable of being picked up and moved intact, including its floor and roof, and put on a lorry by crane or hoist. There is a void beneath the unit so that it could be lifted using belts or straps if required. As a result, there is little in terms of the size or the extent of physical attachment to the ground to indicate that the unit would be other than a caravan.

10. In the context of the established tests referenced above, 'permanence' is generally concerned with works that would affect the mobility of a structure-for example, if it were to be fixed to a foundation, or if a brickwork outer skin and/or a roof were to be constructed. No such works are proposed. It is reasonably safe to assume that the unit might remain in situ for some years, having regard to its intended use. Even so, I do not regard this as being a significant factor in relation to the test of permanence. A caravan can often stay in one position for an indeterminate period, without adversely affecting its ability to be moved. For example, a static caravan at a residential or holiday park will often remain in the same position for several years without being moved. Such a caravan would also generally remain connected to services. In no sense could a residential or holiday park caravan be described as a building

[1] *Measor v SSETR & Tunbridge Wells DC* [1999] JPL 182.

simply because it had not been moved periodically. Neither is the intended use of the unit of great relevance in terms of whether operational development would occur, instead having more application to whether there would be a material change of use.

11. Consequently, on the basis of the available evidence and as a matter of fact and degree, having regard to the factors of size, degree of permanence and physical attachment to the ground the unit would not be a building as defined in s336(1) of the 1990 Act. The unit would however meet the definition of a caravan in in s29(1) of the 1960 Act. It follows that the setting up of the unit at the property would not involve the erection of a building.

12. Turning to whether the proposal would involve a material change of use. Although the unit would be self-contained, that does not necessarily mean that a separate planning unit from the main dwelling would be formed. This is because the provision within the curtilage of a dwelling of a separate structure which would provide the facilities for independent day-to-day living but is nevertheless intended to function as part and parcel of the main dwelling would not normally involve the making of a material change of use.

13. My understanding is that the unit would perform a similar function to a residential annexe, with the occupier sharing their living activity, including taking meals and carrying out routine tasks such as laundry, in company with the family members in the main dwelling. The intended use would therefore be integral to and part and parcel of the primary use of the planning unit as a single dwellinghouse. The planning unit would remain in single family occupation and would continue to function as a single household. Therefore, as a matter of fact and degree there would be no material change of use.

14. Accordingly, the available evidence shows that, on the balance of probability, the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act, as the setting up of the unit would not amount to a building operation or the making of a material change of use. It is consequently unnecessary to consider whether the proposal would be granted planning permission by Article 3, Schedule 2, Part 1, Class E of the GPDO[2].

Conclusion

15. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed siting of a caravan for ancillary residential use was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR

[2] Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Appendix J - Appeal Ref: APP/T3725/X/21/3266375

The Planning Inspectorate

Appeal Decision

Site visit made on 8 June 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Appeal Ref: APP/T3725/X/21/3266375
12 Warmington Grove, Warwick CV34 5RZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs Darcy Craven against the decision of Warwick District Council.
- The application Ref W/20/1189, dated 10 March 2020, was refused by notice dated 11 December 2020.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act)
- The use for which an LDC is sought is the proposed siting of a mobile home/caravan for incidental/ancillary residential use.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Application for costs

2. An application for costs was made by Mr and Mrs Darcy Craven against Warwick District Council. This application is the subject of a separate Decision.

Preliminary matters

3. Section 192(2) of the 1990 Act indicates that if, on an application under that section, the Council is provided with information satisfying it 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. In any other case they shall refuse the application.

4. For the avoidance of doubt, the planning merits of the matters applied for do not fall to be considered. The decision will be based strictly on factual evidence, the history and planning status of the site in question and the application of relevant law or judicial authority to the circumstances of the case.

5. Planning Practice Guidance is clear that the applicant (or in this case the appellants) is responsible for providing sufficient information to support an LDC application[1].

[1] Lawful development certificates, paragraph: 006 Reference ID: 17c-006-20140306

Main Issue

6. This is whether the Council's decision to refuse to issue an LDC was well-founded. The decision turns on whether the provision of a mobile home/caravan within the curtilage for incidental/ancillary residential use to the main house would constitute a material change of use of the land, which would require planning permission.

Reasons

7. The appellants seek an LDC to site a mobile home within the garden of their home at 12 Warmington Grove. The use of the mobile home is described as additional living accommodation incidental to the main house rather than separate self-contained residential accommodation.

8. It is undisputed between the parties that, provided the mobile home remains a moveable structure that meets the definition of a "caravan" within the Caravan Sites and Control of Development Act 1960 as amended by the Caravan Sites Act 1968, then it would not constitute a building. Neither is it contested that the proposed siting of the mobile home, as shown on the submitted site plan, would be within the residential curtilage of 12 Warmington Grove.

9. The mobile home would contain a basic kitchenette, a bedroom, bathroom and living area. The mobile home would not be registered as a separate unit of occupation for the purpose of Council Tax. The Council accepted that the proposed unit would share utility services and bills and would not have a separate access or postal address. However, the Council noted that the mobile home would be sited some distance from the main dwelling, "at the far end of an unusually long garden". This, it was said, limits the physical relationship between the house and the proposed mobile home, adding weight to the argument that the mobile home, which includes all of the necessary facilities, would not be ancillary.

10. The mobile home would be positioned some 25m from the main dwellinghouse within a garden that is surrounded on all sides by residential properties. It would be occupied by Mr Edwards who is Mr Craven's Godfather and a surrogate grandfather to the appellants' daughter. Mr Edwards has a long and close family-bond[2] with the appellants, and he currently resides with the appellants at their home address. The application for the LDC outlined Mr Edward's health issues and provided information to demonstrate how the mobile home would enable him to continue to stay with the appellants, who in turn would be able to provide close support and assistance in managing his health and well-being. I note that part of the reason for providing the mobile home for Mr Edwards is because, when the application was submitted, the appellants were expecting another child and naturally, room within the house would be more limited.

11. The Council note the positive impact on mental and physical wellbeing provided within the doctor's letter. However, they argue that the evidence submitted is not sufficiently precise or unambiguous to indicate that there is an immediate need for Mr Edwards to be fully cared for by the family.

12. However, the issue requiring consideration regarding this appeal is not whether there would be an independent residential use, but rather, whether the

[2] Since at least 1986 – evidence provided by a written statement from Mr Edwards

proposal would involve a material change of use of land and thus amount to "development" within the meaning of section 55(1) of the 1990 Act. Although the mobile home would be equipped with all the facilities required for independent day-to-day living, it does not follow automatically that once occupied there would be a material change of use simply because primary living accommodation is involved. Much depends on how the unit would actually be used and the proposal should be assessed on the basis of the stated purpose and not what might possibly occur. If there is no material change of use of the land, then there can be no development requiring planning permission.

13. In *Uttlesford DC v SSE & White*[3] the judge considered that, even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. The occupant of the annexe in the Uttlesford case was living alone and was in need of care at the time the application was being considered. Whilst the annexe was fully self-contained and gave the occupant some independent space, the level of dependency on the occupiers of the main dwelling for the care received was sufficient to tip the balance in favour of the annexe being ancillary to the main dwelling. The situation is akin to a 'granny annexe' in a separate building in the curtilage of the main dwellinghouse, which would normally be regarded as part and parcel of the main dwellinghouse use.

14. In these circumstances, the appellants provide that they are a close-knit family unit that supports and relies on one another in a range of ways including emotional care and support, childcare support, domestic support, general care regarding health and wellbeing and also financial support for one another. In the appellant's view the family unit demonstrates all the features defined in the term "interdependency relationship".

15. From the evidence before me, it is clear that there would be a family and functional link with the land which would remain in single ownership and control. The proposed use of the mobile home in the manner described would not involve physical or functional separation of the land from the remainder of the property. The character of the use would be unchanged. Thus, the use described would form part of the residential use within the same planning unit. Only if operational development which is not permitted development is carried out or if a new residential planning unit is created, will there be development. From the application, neither scenario is proposed. Accordingly, the proposal would not require express planning permission.

16. An LDC can only certify the use applied for. If the mobile home is not used in association with the dwelling, as described, and the functional link is severed, then it would not benefit from the LDC.

17. In the circumstances of this case, I find that the siting of a mobile home in the garden of 12 Warmington Grove for the provision of additional living accommodation as described in the application would, as a matter of fact and degree, have been lawful at the time of the application. My findings in this regard are consistent with the approach taken to the application of the law in the other Appeal Decisions[4] brought to my attention by the appellants.

[3] [1992] JPL 171

[4] APP/K3605/X/12/2181651, APP/L5810/X/15/3140569, APP/C1950/X/19/3247983, APP/Y0435/X/15/3129568

Conclusion

18. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a caravan for ancillary use was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

S A Hanson

INSPECTOR

Appendix K - Appeal Ref: APP/R3650/X/16/3161457

The Planning Inspectorate

Appeal Decision

Hearing held and unaccompanied site visit made on 5 July 2017

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 July 2017

Appeal Ref: APP/R3650/X/16/3161457
15 Crondall Lane, Farnham, GU9 7BG

- The appeal is made under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the 1990 Act") against a refusal to grant a Certificate of Lawfulness of Proposed Use or Development ("the LDC").
- The appeal is made by Philly Hook ("the Appellant") against the decision of Waverley Borough Council ("the Council").
- The application Ref WA/2016/1066, dated 18 May 2016, was refused by notice dated 13 July 2016.
- The application was made under Section 192(1)(a) of the 1990 Act.
- The use for which the LDC is sought is for the siting of a caravan for ancillary use to the dwelling at 15 Crondall Lane.

Application for costs

1. At the Hearing an application for costs was made by the Appellant against the Council. This application will be the subject of a separate Decision.

Procedural Matters

2. I will refer to the existing dwelling-house at No. 15 as "the Dwelling-House".

3. Section 192(1)(a) of the1990 Act explains that if any person wishes to ascertain whether any proposed use of buildings or land would be lawful they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use in question.

4. The plans accompanying the application show that the proposed caravan ("the Proposed Caravan"):

   a) Would be sited in the rear garden of the Dwelling-House.

   b) Would contain 4 bedrooms (one with an en-suite facility), a bathroom, a kitchen/dining area and a lounge.

5. The Appellant's agent also wrote to the Council explaining that the Proposed Caravan would be:

   a) Within the curtilage of the Dwelling-House.

   b) Used ancillary to the Dwelling-House.

   c) Used by family and friends related to or associated with the Appellant who is the occupier of the Dwelling-House.

6. Further, he explained that:

a) The Dwelling-House and the Proposed Caravan would comprise one planning unit.

b) No fence would be erected between the Proposed Caravan and the Dwelling-House.

7. The LDC was refused because:

a) The Council considered that the Proposed Caravan would not be ancillary to the primary residential use of the Dwelling-House and as such would amount to a material change of use.

b) Insufficient information had been submitted to demonstrate that the proposed structure would not be operational development.

8. At the commencement of the Hearing the Council agreed that the proposed structure would be a caravan and not operational development. Accordingly, the Council did not maintain the reason explained at paragraph 7(b) above as part of their case.

Relevant Background Matters

9. I was informed that the Council granted a Certificate of Lawful Use Or Development ("the Approved Certificate") dated 4 November 2016 for the siting of a caravan for ancillary use to the Dwelling-House. The Approved Certificate does not specify the size of caravan to which it relates or cross reference to any specific document which sets out these details. I was informed that the caravan referred to in the application that resulted in the Approved Certificate was significantly smaller than the Proposed Caravan.

Reasons

10. The Council's remaining concerns are that:

a) The size and scale of the Proposed Caravan cannot be ancillary to the Dwelling-House because they consider it to be too large.

b) The Proposed Caravan could be used for residential purposes even if the residential use of the Dwelling-House ceased.

c) They are not satisfied that there would be a functional link between the Proposed Caravan and the Dwelling-House.

Size & Scale of the Proposed Caravan

11. The Dwelling-House is a detached four-bedroom dwelling-house.

12. The dimensions of the Proposed Caravan are set out in the application plans and fall within the statutory limits regarding size of caravans.

13. The Appellant explained that she had a large family some of whom now live away from home. She also has other members of her extended family and a number of friends who would use the Proposed Caravan when visiting her. Further still, she explained that she has, from time to time, fostering responsibilities.

14. Whilst I note that the Council have concerns that adding a further four bedrooms in the Proposed Caravan may be excessive I do not consider this is a

matter which should concern the Council when dealing with a LDC for a proposed use. If the Appellant were to permit the use of the Proposed Caravan for any uses that were not ancillary to the residential use of the Dwelling-House it is likely that planning permission would be required and the Council would retain control over any non-ancillary uses of the Proposed Caravan.

15. Further, whilst the plans show four bedrooms it could well be that these rooms were used for other ancillary uses e.g. as a study room, a home cinema, a home library, a home fitness room.

16. I therefore conclude that the size and scale of the Proposed Caravan do not preclude it from being used for ancillary residential uses to the Dwelling-House.

Continued Residential Use of the Proposed Caravan if the Residential Use of the Dwelling-House Ceased.

17. It is clear that the facilities within the Proposed Caravan could, in theory, allow a residential use to continue if the substantive residential use within the Dwelling-House ceased. This would be equally true of a smaller caravan which contained cooking, bathing and sleeping facilities.

18. However, it was agreed at the Hearing and it is well established in planning law that if the residential use within the Dwelling-House ceased the ancillary residential use of the Proposed Caravan would also have to stop. Accordingly, the Council would retain control if the Proposed Caravan continued of be used in those circumstances.

19. I therefore do not consider that this is an issue that means that the Proposed Caravan would not be ancillary residential accommodation to the Dwelling-House.

The Functional Link Between the Proposed Caravan and the Dwelling-House

20. The Appellant explained that it was her intention that people using the Proposed Caravan would be using it conjunction with the residential use of the Dwelling-House. People using the Proposed Caravan could obviously make and eat meals within it but the intention was that they would use the facilities in the Proposed Caravan alongside those in the Dwelling-House.

21. If the functional link between the Dwelling-House and the Proposed Caravan was severed and an independent use of the Proposed Caravan commenced this is likely to require planning permission from the Council who therefore retain control over any use of the Proposed Caravan which did not have a functional link to the residential use of the Dwelling-House.

22. I therefore conclude that there is no evidence before me that there would be no functional link between the ancillary residential use of the Proposed Caravan and the residential use of the Dwelling-House.

Overall Conclusions

23. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant the LDC in respect of the siting of the Proposed Caravan for ancillary residential use to the Dwelling-House was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under Section 195(2) of the 1990 Act and grant the LDC.

Decision

24. The appeal is allowed and attached to this decision is the LDC describing the proposed use which is considered to be lawful.

Tim Belcher

Inspector