Appeal Statement – DC/25/0654

Loxley House, The Street, Nutbourne, West Sussex

Proposed Siting of a Single-Unit Caravan for Ancillary Accommodation

Introduction

This appeal concerns the refusal by Horsham District Council to grant a Certificate of Lawfulness (Proposed) under Section 192 of the Town and Country Planning Act 1990 (as amended), for the siting of a single-unit caravan within the curtilage of Loxley House, Nutbourne, West Sussex. The refusal dated 9th July 2025 held the Council reference DC/25/0654. The refusal is premised on the Council's interpretation that the proposed caravan does not meet the statutory definition of a caravan under the Caravan Sites and Control of Development Act 1960 and that the construction method and mobility factors render it akin to a building, thus requiring planning permission.

The appellant submits that this refusal is flawed in law and fact. The proposal satisfies all statutory requirements, complies fully with national planning policy and accords with established national precedent. The structure is undeniably a caravan by law; it is physically capable of being moved; its dimensions are within statutory limits; it will be used ancillary to the host dwelling; and no operational development arises. The Council's decision disregards material evidence, including a detailed structural calculation report previously accepted by multiple other authorities, without lawful justification.

This appeal statement provides a comprehensive legal and planning analysis, articulates the errors in the Council's reasoning, reinforces the correctness of the appellant's position, and respectfully requests that the Inspector overturn the refusal and grant the Certificate of Lawfulness.

Background and Site Description

Loxley House is a substantial detached dwelling situated within a large, well-defined residential curtilage in the village of Nutbourne. The property is privately owned and occupied by the appellant client and family. The appeal site comprises part of the residential garden area, with no separate access or planning unit.

The proposal involves the siting of a caravan unit measuring 14.1 metres in length, 6.0 metres in width, and 3.0 metres internal height-well within the statutory maximum for caravan dimensions. The unit is designed to provide high-quality ancillary accommodation for family members, offering privacy and convenience while remaining part of the main dwelling household.

The caravan is constructed with a steel chassis, timber cross-members, and insulated panel walls, consistent with modern caravan manufacturing techniques. The unit will rest on adjustable concrete

pads on the existing garden surface, with no permanent foundations or attachment to the land, thus retaining mobility and avoiding operational development.

Services including water, drainage, and electricity will be shared with the host dwelling. Access will also be shared, with no separate access or independent residential use proposed.

Statutory and Policy Framework

The Town and Country Planning Act 1990

Section 192(2) of the 1990 Act provides that any person may apply to the local planning authority for a certificate to establish whether a proposed use or operation would be lawful if commenced at the time of the application. Where the authority is satisfied, based on evidence, that the use or operation would be lawful, it must grant a certificate.

Section 55(2)(d) clarifies that the use of land for purposes incidental to enjoyment of a dwellinghouse is not "development" requiring planning permission. This means that ancillary residential use within a dwelling's curtilage, if lawful, does not require separate planning permission.

Statutory Definition of a Caravan

The Caravan Sites and Control of Development Act 1960 defines a caravan as "any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether being towed or by being transported on a motor vehicle or trailer."

The Caravan Sites Act 1968 adds that caravans may comprise up to two sections transported separately and assembled on site, and prescribes maximum dimensions:

- Length: 20 metres
- Width: 6.8 metres
- Internal Height: 3.95 metres

The proposed unit is 14.1 metres long, 6.0 metres wide and 3.0 metres internal height, falling well within these limits.

Mobility is key: the structure must be physically capable of being moved on roads. The law does not require the structure to be routinely, nor easily, moved by laypersons.

National Planning Policy and Guidance

The National Planning Policy Framework (NPPF) supports the principle of providing suitable, flexible accommodation in residential contexts, and encourages proportionate, lawful development that respects the character and use of the land.

Planning Practice Guidance confirms the importance of applying statutory definitions consistently and with regard to national precedent to foster certainty and fairness.

Detailed Grounds of Appeal

National Precedent: Over 12 Similar Approvals

The appellant has secured upwards of 15 approvals for the siting of near-identical caravan units across England over the past 12 months. These approvals derive from diverse planning authorities, including Buckinghamshire Council, Tewkesbury Borough Council, Cotswold District Council, Elmbridge Borough Council, Rother District Council and many more. A full document of approvals at the time was submitted to the authority and an updated version will be submitted with this appeal document to highlight this. All of these authorities have similarly stringent controls to Horsham, and deemed the evidence submitted sufficient.

All prior applications used the same design principles, the same structural calculations, and the same supporting evidence package. The acceptance of these applications represents a consistent, national approach to interpreting caravan status, mobility and ancillary use.

This consistency is crucial. Planning law requires decision-making to be rational, fair, and consistent to avoid arbitrary treatment. The Council's refusal breaks from this accepted position without justification, creating uncertainty for the appellant and others seeking similar lawful developments.

The appellant submits that no material differences exist between this proposal and the prior approved cases, meaning the refusal is unjustified and unreasonable. Indeed, in some instances, such as the approval from which the structural calculations are taken, approved structures have been materially larger than the refused structure this appeal relates to.

Structural Calculations Document: Critical Evidence Ignored

A central document in this and previous applications is the structural calculations report. Prepared by qualified engineers, it confirms:

- The unit's structural integrity
- Its ability to withstand transportation stresses
- Compliance with relevant safety and mobility standards

As previously highlighted, this report relates to a caravan structure significantly larger than the one the subject of this appeal, and has been larger than all of the previously approved certificates that have been granted. It was the first caravan unit approved and thus has formed the bedrock of our evidence. There have been occasions where LPAs have questioned that it does not relate to the specific proposal, and we have explained that due to costs and time constraints, we seek a certificate to be granted before calculations for that specific unit begin. In all of these cases, dare it be stated, 'common sense' has been

applied and the logic that if it is legally proven a much larger structure can be sufficiently moved, so can a smaller unit. This has not seemingly been applied by Horsham.

However, the most concerning aspect for the appellant in this regard is that Horsham's refusal notice and officer's report neither references nor explains why this evidence was either disregarded or not acceptable. Such a failure breaches procedural fairness and rational decision-making standards.

In the absence of any contrary technical evidence from the Council, this omission renders the refusal unsustainable.

Professional Construction and Complexity: Irrelevant to Caravan Status

The Council appears to argue that the caravan's complexity and requirements for professional construction are such that it can disqualify it from being a caravan on the basis that specialist construction must take place.

This argument lacks any statutory or case law basis.

Modern caravans, particularly residential static units, are commonly constructed by specialist manufacturers or contractors. The requirement for skilled professionals does not alter their status.

Requiring a structure to be 'simple' or 'buildable by laypersons' as a condition for caravan status imposes an unlawful and unworkable test. It ignores the reality of modern manufacturing and misconstrues the statutory test focused on design and mobility.

The appellant vehemently rejects this flawed reasoning and submits that the complexity or professionalism involved in construction is irrelevant to the statutory definition.

Mobility Test: Physical Capability, Not Convenience

The statutory mobility test, as set out under section 14(1)(b) of the Caravan Sites Act 1968, focuses squarely on the physical capability of the unit being transported on public roads-not on how easily, cheaply, or frequently it might be moved in practice. This distinction is fundamental. The law does not require the unit to be moved regularly, or even at all after installation-it merely must be capable of being moved as a single structure, or in two halves, without the need for dismantling.

This principle was clarified in the High Court case of *Brightlingsea Haven Ltd v Morris* [2008] EWHC 1928 (QB), where it was held that the use of specialist equipment such as cranes, trailers or low-loaders does not disqualify a structure from being a caravan under the legal definition. The judgment confirmed that the key test is physical feasibility, not convenience and whether the move can be undertaken by the average householder.

Furthermore, the appellant has submitted a detailed Structural Calculations Pack as previously mentioned. This has been accepted by multiple local planning authorities across the country as suitable evidence of structural robustness and mobility. Horsham District Council have declined to engage with or acknowledge this document, despite its clear relevance. It is thus deeply inconsistent and procedurally unfair for Horsham to dismiss its probative value without explanation.

As previously stated, it is also incorrect for the Council to assert that the unit's construction or complexity disqualifies it from being a caravan. Every specialist structure- from mobile homes to motorhomes and touring caravans-requires professional design and handling. That does not undermine its lawful status. The appellant's unit is no different in principle from a static holiday caravan, which is delivered by professionals, installed using cranes, and never moved again- yet remains a 'caravan' in the eyes of the law.

In summary, the structure proposed here unambiguously satisfies the legal mobility test. It is capable of being moved by road, in its entirety or in two sections, using standard haulage methods. Its construction does not alter its legal status, nor does the fact that specialist handling is required. The refusal therefore misinterprets the law and imposes a non-statutory threshold that has no basis in case law or common practice. The Council's stance is not only erroneous but out of step with consistent national precedent, and the Inspector is invited to give that fact due weight at appeal.

Ancillary Use: Established Planning Principle

Planning law distinguishes between independent residential use and use ancillary to the main dwelling. In *Gravesham Borough Council v Secretary of State for the Environment* [1984] 47 P. & C.R. 142, the Court of Appeal held that the test for whether a structure is a separate dwelling depends on physical characteristics and the nature of the occupation.

The caravan will be used solely for ancillary accommodation by family members, sharing all facilities and access with Loxley House. It will not be separately let or occupied.

Planning Inspectors have repeatedly confirmed that such ancillary use does not amount to a material change of use.

Accordingly, the appellant submits that the proposal is lawful and consistent with national policy and case law.

No Operational Development

The unit will rest on concrete pads with no permanent foundation or attachment to the land, preserving mobility.

Measor v Secretary of State for the Environment and Tunbridge Wells BC [1998] JPL 195 held that a static caravan resting on a prepared base without physical attachment does not constitute operational development.

Therefore, no planning permission is required for operational development.

Supporting Documentation

Alongside this Appeal Statement, the appellant has attached the following documents:

- Planning Statement submitted with original application
- Mobility & Construction Statement submitted with original application and all other applications submitted by appellant
- Case law examples submitted with the original application and all other applications submitted by the appellant
- Example of Structural Calculations submitted with original application and all other applications submitted by appellant
- Examples of previous approvals submitted with original application
- Updated document of examples of previous approvals since the initial application submitted

Conclusion

The proposed siting of a single-unit caravan within the residential curtilage of Loxley House unequivocally meets the legal criteria set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. The structure's dimensions fall comfortably within the maximum limits, and it is physically capable of being transported on public highways, thereby satisfying the essential mobility test. The appellant has demonstrated beyond reasonable doubt, supported by comprehensive structural calculations, accepted by numerous prior, and subsequent cases nationally, that the caravan is designed and constructed in accordance with established industry standards for transportable accommodation units.

Furthermore, the use of the caravan is solely ancillary and incidental to the enjoyment of the main dwelling, Loxley House. This aligns with well-established planning principles distinguishing between independent residential units and ancillary accommodation. The caravan will share all essential services, access, and facilities with the host dwelling, ensuring no material change of use arises. The proposal thus falls squarely within the scope of lawful development under Section 192 of the Town and Country Planning Act 1990 and does not require separate planning permission.

The refusal by Horsham District Council is fundamentally flawed. It fails to engage with critical evidence submitted, including detailed and technically robust structural and mobility documentation. By ignoring this material, the Council has acted unreasonably, depriving the appellant of a fair and lawful assessment. The Council's interpretation of the statutory test is inconsistent with binding case law and

established national precedent, particularly in relation to mobility and the irrelevance of construction complexity to caravan status. Their stance creates uncertainty and undermines the principle of consistent decision-making essential to public confidence in the planning system.

Moreover, the Council's assertion that the caravan's professional construction or complexity in some way distorts the ability to be regarded as a caravan lacks any legal or planning basis and is contrary to established case law and realities of modern construction. Such argument, if accepted, would lead to arbitrary distinctions and unjustifiable burdens on applicants seeking lawful, high-quality ancillary accommodation solutions. It would also raise an issue of how it is judged whether someone is essentially too capable of constructing the building and where that line is drawn.

The appellant has demonstrated that the proposal involves no operational development, with the caravan resting on temporary concrete pads without foundations or attachments, preserving its mobility and ensuring compliance with planning legislation and case law.

Given the clear weight of evidence, national precedent, and the absence of material difference from previously approved cases, it is respectfully submitted that the refusal should be overturned. Granting this Certificate of Lawfulness would uphold the rule of law, ensure consistency in planning decisions, and support the reasonable and lawful aspirations of the appellant's client to provide appropriate family accommodation.

The appellant therefore invites the Inspector to allow the appeal and grant the Certificate of Lawfulness as applied for, confirming the lawful status of the proposed caravan and enabling its beneficial use in line with planning policy and statutory provisions.