Final Comments on behalf of the Appellant

APP/Z3825/X/25/33700498

Summary

Horsham District Council's further comments do not raise any legally-cogent or evidentially-based reason to sustain the refusal. The Council concedes the unit complies with the statutory size limits and accepts it is of a construction which could meet the definition of a caravan; its only remaining point is speculative doubt about whether the unit could be transported because of weight and because it would sit on adjustable pads.

This is not a lawful basis to deny a certificate. The relevant statutory tests and binding authorities show mobility is a test of physical capability -not convenience-and a caravan on a non-permanent base is not operational development. The Council offers no technical evidence to rebut the appellant's structural/mobility pack. On the balance of probability the Inspector should allow the appeal and grant the certificate.

Detailed Points

1) Statutory test — Size & Mobility
(a) The statutory definition of a caravan is clear: a structure designed or adapted for human habitation and capable of being moved from one place to another. The size limits are prescribed in the Caravan Sites Act 1968. The proposed unit comfortably falls within those statutory dimensions.

(b) Mobility under the statute requires capability to be transported by road in its assembled state -the test is capability, not ease of movement or how often it will be moved. Specialist haulage, craning and use of low-loaders are lawful and established methods of transporting static units; their use does not mean the unit ceases to be a caravan. This is the essential legal point the Council has failed to engage with.

2) The Council's "weight" argument is speculative and unsupported
(a) The Council's case reduces to saying there is "some doubt" that the unit could be transported because of its weight or possible roof finish. Doubt alone - without technical evidence - cannot satisfy the balance of probability test required on an LDC application. The onus is on the authority to produce cogent evidence to contradict the appellant's technical package; Horsham have produced none.

(b) The appellant has submitted a detailed Structural Calculations/Mobility Pack (including evidence based on units larger than the present proposal). That evidence demonstrates transportability by standard haulage/crane methods. The Inspector should treat the Council's unsupported speculation as legally insufficient to overturn that evidence.

3) Pads/Support do not convert a caravan into a "building"
(a) It is settled that a caravan placed on a prepared base or temporary supports does not necessarily become a building or amount to operational development. *Measor* and subsequent appeal authorities confirm that significant affixation/permanence - not temporary or removable supports - is the relevant test. The appellant's unit will sit on adjustable, non-permanent pads and will have no foundations or attachments which would meet the threshold to convert it into a building.

(b) The Council's description of the pads as an "integral part" of the unit is conclusory and lacks technical or factual analysis. If the unit can be craned on/off its pads and transported (as the appellant's evidence demonstrates), the presence of adjustable pads does not alter the legal character of the structure.

4) Professional construction/materials are irrelevant to caravan status

(a) The Council hints that specialist construction, a steel chassis and heavier materials somehow disqualify the unit. There is no basis for this in statute or case law. Modern caravans (including static holiday homes and park lodges) are routinely constructed to a high standard and require specialist delivery and installation; that does not negate caravan status. The law is concerned with mobility and capability, not with whether laypersons could assemble the structure.

(b) The Council's attempt to introduce a "layperson buildability" test is unlawful. It would place an undefined, arbitrary threshold into the statutory definition and lead to inconsistent, irrational decision-making.

5) Procedural Fairness and Consistency

(a) The Council's officer report neither engages substantively with the appellant's technical pack nor submits countervailing technical evidence. That omission is material. The statutory scheme, the balance of probability test, and the expectations of fair decision-making require that an authority which seeks to refuse an LDC on technical grounds must produce evidence to substantiate those grounds. Horsham have not done so.

(b) The appellant has supplied numerous approvals and consistent decisions from other authorities dealing with near-identical units - all of which accepted the same structural/mobility evidence. The Inspector should give weight to the consistent national approach and treat Horsham's unexplained departure with caution.

Final remarks

The Council's reluctance to accept the proposal cannot substitute for material evidence; the law requires decisions to be grounded in fact, not speculation.