

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/00518
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	Cider Orchard, Cheeseley Hill, Grittenham, Chippenham, SN15 4JU
DEVELOPMENT DESCRIPTION:	Certificate of lawfulness for proposed siting of Mobile Caravan Structure to Provide Incidental Annexe Accommodation
RECOMMENDATION:	Refuse

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for a proposed “Siting of Mobile Caravan Structure to Provide Incidental Annexe Accommodation”



The planning merits of the proposal are not under consideration. The only issue in this case whether the proposed works constitute development which requires planning permission within the meaning of TCPA 1990 Section 55 with relevant regard to the provisions of the Caravan Sites & Control of Development Act 1960, as amended by section 13(1) & (2) of the Caravan Sites Act 1968.

RELEVANT LEGISLATION AND POLICY

- Town and Country Planning Act 1990
- Planning Practice Guidance – Lawful Development Certificates
- Caravan Sites & Control of Development Act 1960; Caravan Sites Act 1968 (Definition of Caravan) (Amendment) (England) Order 2006.)

The statutory framework governing lawful development certificates for proposed uses is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). Lawful

development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

CONSULTATION & REPRESENTATIONS

There is no statutory requirement to consult third parties, including Parish Councils or neighbours, as is the case in this instance, as the application is assessed on its compliance with the relevant cited legislation and relevant caselaw.

No consultation was carried out in this case.

RELEVANT SITE HISTORY

Proposal / Summary
N/12/02198/FUL - Full planning permission Decision - Refused Date: 30/11/2012 – Reinstatement of Existing Redundant Farm Building Including Re-Building Demolished Section of Barn
N/13/00717/FUL - Full planning permission Decision - Approve with Conditions Date: 31/5/2013 – Conversion of Redundant Agricultural Building to Class B1 Use
N/11/03729/PRAP - Pre-Application enquiry Decision - Object Date: 15/11/2011 – Conversion of building to residential holiday home.
14/06116/FUL - Full planning permission Decision - Approve with Conditions Date: 7/10/2014 – Extension to Existing Office Building
15/00964/VAR - Removal/variation of conditions Decision - Refused Date: 27/3/2015 – Variation Of Condition 5 & Removal Of Conditions 4, 7, 8 & 9 Of Planning Permission 14/06116/FUL.
17/08067/VAR - Removal/variation of conditions Decision - Approve with Conditions Date: 11/10/2017 – Variation of Conditions 2, 3 & 5 of 14/06116/FUL in relation to plans, materials and visibility splay.
20/01061/FUL - Full planning permission Decision - Approve with Conditions Date: 1/9/2021 – 'Reuse of existing office building as 1No Self-contained dwelling'
PL/2021/11724 - Householder planning permission Decision - Approve with Conditions Date: 31/3/2022 – Fitting out of existing building to form a self-contained dwelling in accordance with consent granted under 20/1601/FUL to include replacement windows and doors, single storey extension, restoration of brick façade, insertion of three rooflights and installation of four photovoltaic panels on rear roof.

EVIDENCE SUBMITTED BY APPLICANT

The submitted information/evidence consists of the following -

- Site Location Plan (DWG 97267/01),
- Block Plan (97267/02),
- Proposed Elevations (DWG 97267/06)
- Proposed Plans & Section – Floor and Roof Plans (DWG 97267/05)
- Supporting Statement (Sineo+251i26022411130).
- Lifting Frame Calculations (Ref 26/092/May 2026)
- Lifting Frame Diagram (Ref Not Legible) received May 2026
- Assembly Diagram (DWG 97267/000 V1 May 2026)
- Structural Timber Frame Calculations (Ref 26/092/May26)

Other Supporting Details

- Covering Letter
- Crane Specifications
- Caravan Approval Portfolio 9th January 2026 Part One
- Caravan Approval Portfolio 9th January 2026 Part Two
- Appeal Decision 2159970
- Appeal Decision 3140569
- Appeal Decision 1074589
- Appeal Decision 3174314
- Appeal Decision 3298471

ASSESSMENT

The application relates to the proposed siting of a mobile caravan structure within the garden of an existing dwelling and seeks confirmation that the proposal falls within the definition of a 'caravan' as set out in the Caravan Sites & Control of Development Act 1960, as amended by the Caravan Sites Act 1968.

Section 29(1) of the Caravan Sites and Control of Development Act 1960¹ which defines a caravan as any structure designed or adapted for human habitation that is capable of being moved from one place to another, whether by being towed or transported on a motor vehicle or trailer, including motor vehicles so adapted, but excluding railway rolling stock on rails and tents.

The definition of a caravan is set out in section 29 of the Caravan Sites and Control of Development Act 1960 ("the 1960 Act"):

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.*

This definition was extended by section 13(1) of the Caravan Sites Act 1968² to include twin-unit caravans, being structures composed of no more than two sections designed to be

¹ [Caravan Sites and Control of Development Act](#) 1960 Part 1, Section 29 (1)

² [Caravan Sites Act 1968](#) Section 13 (1)

assembled on-site, which, once assembled, are still capable of being moved by road, even if they cannot legally be moved in that assembled state.

“Development” is defined under section 55(1) of the Town and Country Planning Act 1990³ as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of buildings or other land.

The Town and Country Planning Acts 1990⁴ define a “building” as including any structure or erection, and any part of a building so defined, but excluding plant or machinery comprised within a building. In *Cardiff Rating Authority v Guest Keen Baldwin's Iron & Steel Co Ltd* [1949]⁵ It was established that whether something constitutes a building requires an assessment of three key factors considered in the round: size, permanence, and physical attachment.

In terms of size, a building will generally be something constructed on-site rather than brought to the location fully pre-assembled. Permanence requires that the structure demonstrate a meaningful degree of temporal or situational continuity in its location. Physical attachment concerns the extent to which the structure is fixed or anchored to the ground; however, attachment is not strictly essential where the structure's own weight is sufficient to secure it in place, as confirmed in *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161⁶.

The applicants supporting statement describes the definitions of a caravan under both the 1960 Act and the 1968 Act which define a twin-unit caravan. It is stressed by the applicant in the statement that the proposed structure in this case is a **single-unit caravan**. The statement does however still go on to compare the proposed structure to the relevant size limitations of the 1968 Act.

Size Test

It is evident that the proposed structure exhibits the proportions and characteristics of a typical outbuilding, akin to a domestic shed or summerhouse. In terms of size, revised plans have been received comprising Proposed Elevations (DWG 97267/06) and Proposed Plans and Sections – Floor and Roof Plans (DWG 97267/05), which set out the dimensions of the proposed unit. The Caravan Sites Act 1968 (as amended) provides that a caravan must not exceed 20 metres in length, 6.8 metres in width, and 3.05 metres in internal height. The submitted plans demonstrate that the unit falls within these prescribed limits.

While the Council agrees that the structure falls within the size limitations of the 1968 Act. It the applicant's case is that a single unit caravan is proposed so this point is largely irrelevant to the case. Added to the fact the structure comprises of many elements to be constructed on site it is clear the structure would not meet the definition of the twin unit caravan as defined under the 1968 Act. The remainder of the assessment therefore considers whether the structure is a single unit caravan with regard to the 1960 Act or whether it is a building.

³ [Town and Country Planning Act 1990](#) Part 3, Section 55 (1)

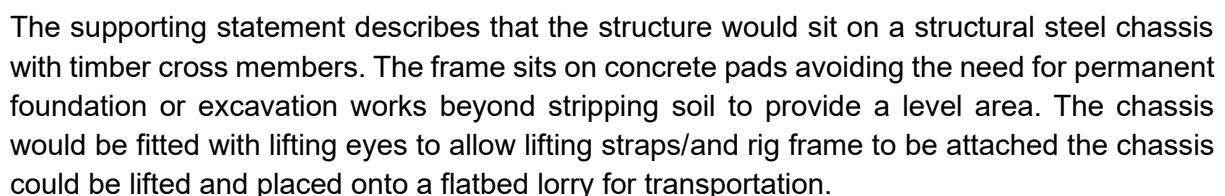
⁴ [Town and Country Planning Act 1990](#) Part 15, Section 336 (1)

⁵ [When is a building not a "building" in planning? - BM Insights - Blake Morgan](#)

⁶ [R Save Woolley Valley Action Group Ltd v Bath and North East Somerset Council \(1\) Golden Valley Paddocks Ltd \(Interested Parties\) \(2\) Secretary of State for Communities and Local Government - vLex United Kingdom](#)

The applicant has submitted amended plans which show a structure designed with facilities necessary for day to day living. The structure as shown would be suitable for living in. There is some conflict within the description of the use which refers to *incidental* use, which would not include ancillary accommodation, but this does not deter from the point of whether the structure is a caravan being suitable for human habitation for the purpose of the 1960 Act.

The submitted plans show an oak framed structure with softwood rafters, tiled roof, traditional oak framed windows and oak French doors.



The statement describes a structure constructed from timber frame with walls clad in timber weatherboard and the roof finished in tiles. It is explained that components of the timber frame would be prepared, manufactured and cut to size in a factory along with the cladding, internal partitions and roof tiles which would then be assembled on site. The process described is typical for the construction of any timber framed building where building elements such as roof trusses, insulation panels, windows and doors which are supplied by manufacturers. The methods described in this case are much the same as those required for the construction of a building requiring substantial works carried out by a person carrying on business as a builder.

Unlike in APP/L5240/X/22/3295099, where detailed evidence demonstrated the structure would be formed from discrete sections specifically designed for assembly and relocation, no such evidence has been provided here. There is no indication that the structure would be composed of clearly defined, relocatable sections.

The Council accepts that unlike the 1968 definition for a twin unit caravan which must be composed of not more than two sections, a single unit caravan does not include such a stipulation. So, while it is reasonable that a single unit caravan could compose of more than two preassembled parts, it does not follow that where substantial amount of building works are required to take place on site, any other structure should be deemed to be a caravan.

The lifting frame details further demonstrate that a separate lifting mechanism would be attached only following completion of the structure, confirming that the ability to move the unit is not inherent to its construction but instead facilitated after assembly.

When assessed against the statutory definition of a caravan and the principles established in appeal decisions, the composition and the method described weighs against the case that the structure is a caravan. The proposal would comprise conventional building materials and techniques, including an oak/timber structural frame, roof structure, and external cladding. The limited degree of prefabrication relates only to the preparation of typical building elements, rather than the delivery of a completed or substantially complete preformed elements.

Taking all matters together, the construction method points decisively towards the erection of a permanent timber-framed building rather than the siting of a caravan. The proposal does not meet the statutory definition of a caravan and is properly characterised as operational development under section 55(1) of the 1990 Act³.

Mobility Test

In respect of mobility, the statutory requirement is that the structure must be capable of being moved from one place to another as a complete entity, rather than through dismantling, reconstruction, or reliance on exceptional measures.

The details describe that the structure would first be fully assembled on site, including a timber framed walls and roof, oak posts, roof tiles, timber cladding, and traditional windows and doors.

The submitted lifting frame details include a plan showing the requirement for a temporary lifting frame to be installed below the permanent sub floor frame which also includes 4 lifting points. Lifting frame calculations and a structural engineer's letter is provided to support the case that the structure could be lifted by crane from the site when the lifting frame has been installed. It is however noted that the details show lifting points/straps in different positions. This arrangement is said to enable the structure to be lifted by crane onto a flatbed vehicle for transportation.

This approach demonstrates that the structure is not designed to be readily movable in its constructed state, but instead requires a separate lifting system to be installed and specialist equipment to facilitate any relocation. The information provided suggested theoretical possibility based on weight calculations rather than proving the actual structure in its constructed form can be moved without damage or dismantling. The LPA is not satisfied in this case that mobility is an integral characteristic of the structure proposed in this case.

This approach is consistent with the findings in APP/W1850/X/25/3376739⁷, where the Inspector gave significant weight to the absence of evidence that a timber-framed structure could be moved intact without damage, concluding that it did not meet the statutory definition of a caravan. Similarly, in APP/Y1138/X/17/3180671⁸, it was found that where a structure could not be moved without damage or dismantling, it could not reasonably be regarded as a caravan. These decisions confirm that the test is one of practical, inherent mobility, not theoretical or engineered capability.

This approach has been consistently rejected in appeal decisions. In APP/W1850/X/25/3376739, the Inspector found that a timber-framed structure constructed from component parts on site, and lacking evidence of structural integrity for relocation, was a building rather than a caravan. Similarly, in APP/Y1138/X/17/3180671, the incorporation of additional construction works and the resulting inability to move the structure without damage weighed against it being a caravan. In APP/P1940/X/24/3336810, the Inspector emphasised that where there is ambiguity or insufficient evidence to demonstrate compliance with the statutory definition, a certificate cannot be granted.

Taking all matters together, the proposal fails to demonstrate, on the balance of probability, that the structure would be capable of being moved from one place to another in accordance with section 29(1) of the 1960 Act¹. The reliance on post-construction intervention, specialist equipment, and the absence of clear evidence of intact mobility weigh decisively against the proposal. As such, the mobility test is not met, further reinforcing the conclusion that the structure is a building rather than a caravan.

Permanence

There is no indication that the structure would be used for only a limited period, nor any evidence that it is intended to be moved. Given this, and the effort required to relocate it, it is reasonable to conclude that it would remain where it is initially constructed. This degree of permanence further supports the conclusion that the structure would be a building.

Material change of use

There is some conflict within the description of the proposed use which refers to both incidental use and annexe accommodation.

Annexe uses are considered as ancillary to the main residential use of the dwelling. Incidental uses are additional activities which do not impact on the primary use such as home offices, pool houses and sheds. Habitable accommodation which is intended to be ancillary to the main house, as an annexe, could not be described as incidental. It must be either ancillary accommodation or another incidental residential use to remain within the same planning unit. It does appear from what is described that the proposal relates to annexe accommodation and the use of the term incidental is not used intentionally to mean something different in this case however this does introduce some ambiguity to the applicant's case, particularly where the initial plans did not propose facilities making the structure habitable.

In theory, ancillary use of the structure for accommodation in connection with the residential occupation of the dwelling would not introduce a new land use or alter the planning unit. Use of the structure for ancillary annexe accommodation would not amount to a material change of use.

CONCLUSION

On consideration of the evidence submitted, the LPA is not satisfied that the structure would be delivered and sited as a single, self-contained unit, or that it has been designed or engineered to be assembled on site in a manner consistent with a caravan. Further the proposal relies on post-construction intervention and installation of a secondary structural frame which are not considered to demonstrate inherent mobility.

It is not demonstrated that the proposal meets the statutory definition of a caravan. Instead, the evidence available indicates that the proposal would involve operational development through the construction of a timber-framed building on site. A lawful development cannot be granted on this basis.

RECOMMENDATION

That the Certificate of Lawfulness for Proposed Development is REFUSED.

The Local Planning Authority is not satisfied, on the balance of probability, that the structure the subject of this application is a caravan as defined by Section 29 of the Caravan Sites and Control of Development Act 1960 (as amended by Section 13 of the Caravan Sites Act 1968). The evidence submitted indicates that the structure constitutes a building by reason of its degree of permanence, immobility and method of construction. As a building, it represents operational development requiring planning permission. The development is therefore not lawful, and a Certificate of Lawful Proposed Use or Development cannot be granted under Section 192 of the Town and Country Planning Act 1990.