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APPEAL AGAINST REFUSAL OF LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR THE PROPOSED SITING OF MOBILE CARAVAN STRUCTURE TO PROVIDE INCIDENTAL ANNEXE ACCOMMODATION

GROUND'S OF APPEAL

Council's Ref: PL/2026/00518

Introduction

This lawful development certificate appeal relates to a proposal to site a single-unit mobile caravan structure within the garden of an existing domestic dwelling, to be used by the occupiers of the property for purposes ancillary to that existing dwelling.

The refused lawful development certificate application which is the subject of this appeal sought 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, and as such would not be operational development as defined in the Town & Country Planning Act 1990. It was also contended that there would be no material change in the use of the land on which the caravan would be sited.

Full details of the proposal are included within the drawings and documents originally submitted with the appeal application. Particular attention is drawn to the Supporting Statement which accompanied that application and the various relevant appeal decisions referenced therein. Additional appeal decisions are referred to within these grounds of appeal to further evidence the appellant's case, and copies of those additional appeal decision letters are included amongst the appeal documents hereby submitted.

The lawful development certificate application which is the subject of this appeal was refused by Wiltshire Council on the 7th July 2026 (Council's ref. PL/2026/00518). The Council's reason for refusal was as follows:

- 1. 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.

The planning officer's report setting out further details of the Council's reasoning for refusing the appeal application is included for reference, along with the Council's decision notice, in the documents accompanying this appeal.

Grounds of Appeal

As this appeal is against a refusal to issue a lawful development certificate, the planning merits of the proposal are irrelevant and not for consideration.

The Supporting Statement which accompanied the lawful development certificate application which is the subject of this appeal set out in detail the legislative definition of a caravan as contained within the Caravan Sites & Control of Development Act 1960, as subsequently amended by the Caravan Sites Act 1968, so it is not considered necessary to repeat that information here. As far as the appellant is concerned, the Supporting Statement clearly set out how the proposal meets the commonly applied 'size', 'construction' and 'mobility' tests in order to be considered a caravan; in this case a single-unit caravan. The Supporting Statement also concluded that there would be no material change in the use of the land on which the proposed mobile home would be sited.

Amended/additional information was submitted during the course of the appeal application, prompted by discussions with Council officers. This included structural calculations specific to the proposed structure to demonstrate that it could be lifted intact without falling apart, addition of the proposed support pads on which the structure would rest to the proposed elevations drawing, and a revised floor plan confirming that the caravan would be used for purposes ancillary to the main dwelling on the site. The Council's decision was based on this amended/additional information.

The appellant would point out from the outset that the Council has previously approved two lawful development certificate applications in respect of the appellant company's caravan structures (application ref's PL/2025/07388 and PL/2025/08106). Those previous applications included the same level of supporting information and description of method of construction and mobility as originally included with the appeal application under consideration here. No satisfactory explanation was given by the Council as to how the same form of caravan structure was treated differently this time, and therefore the appellant remains concerned about the lack of consistency in the Council's approach and the apparent difficulty the Council has displayed in navigating this area of law. That difficulty is further displayed through some of the reasoning set out in the Council officer's report and the irrelevance of the appeal decisions the Council has referred to, which the appellant will comment on further below.

Since submitting the appeal application the number of approvals the appellant company has received in respect of lawful development certificates for its caravan structures has continued to grow. At the time of preparing this statement at least 40 positive decisions have been received, from numerous Councils all across the country, demonstrating a weight of opinion that a caravan structure of the type proposed here does in fact meet 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.

SIZE TEST

The appellant agrees with the comments in the Council officer's report that as the proposal is for a single-unit caravan, the size limitations in section 13(2) of the 1968 Act are not applicable. Section 13 of the 1968 Act was enacted to address a specific and distinct class of structure: the twin-unit caravan, being a structure assembled on site from two separately constructed sections. Its purpose was to bring within the statutory caravan definition those structures which, by reason of their twin-unit construction and assembled dimensions, might otherwise have been excluded from it. It does not impose equivalent or analogous requirements upon single-unit caravans. So likewise the construction requirements in section 13(1) of the 1968 Act do not apply to single-unit caravans, and further comment on this is provided later in these grounds of appeal.

However, with regard to the size test, it is the appellant's experience (going back to the comment above about the difficulty in navigating this area of law) that many Councils do not appreciate the distinction between the 1960 and 1968 Acts and apply the 1968 Act size limits regardless of whether a proposed caravan is a single-unit or a twin-unit structure. To avoid any arguments in this respect, the appeal application confirmed that the proposed caravan meets the 1968 size limits anyway.

MATERIAL CHANGE OF USE/DESIGNED FOR HUMAN HABITATION

The Council's officer's report attempts to raise an area of conflict within the description of the proposed use in that the appeal application refers to both incidental use and annexe accommodation. The appellant is fully appreciative of the difference between 'incidental' and 'ancillary' uses when those expressions are applied strictly in planning terms. However those expressions are also frequently used interchangeably in planning discourse.

The expression 'incidental' derives, of course, from section 55(2)(d) of the Town & Country Planning Act 1990 which provides that 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 shall not be taken to involve development of the land. This exclusion is a deliberate statutory carve-out recognising that the enjoyment of a dwellinghouse commonly involves ancillary and subordinate domestic activities and arrangements within its curtilage. Where the use is genuinely incidental to the enjoyment of the dwellinghouse as such, the statute operates to remove that use from planning control entirely. The

exclusion applies to any purpose incidental to the enjoyment of the dwellinghouse; it is not confined to particular categories of use or to structures of any particular type.

Any argument that ancillary uses within a caravan fall outside the 1990 Act section 55(2)(d) incidental exclusion is inconsistent with appeal authority and the majority of caravans (static or touring) which include bedrooms, sitting rooms, kitchens etc and which are not excluded from the definition of a caravan. In appeal decision APP/J2210/X/22/3298471, for instance, the Inspector concludes:

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 of and parcel of the main dwelling would also not involve a material change of use (para. 10).

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 (para. 11).

Conversely, provision of incidental uses within a caravan does not exclude it from the definition of a caravan. For instance a caravan considered under appeal APP/V1260/X/23/3316929 was proposed to be used as a home office, but the Inspector still agreed that it was a caravan and designed for human habitation, commenting:

The legislation does not assist in interpreting what sort of structure might be regarded as being 'designed or adapted for human habitation'. The unit would have a 'residential' design and external appearance, not dissimilar to that of many other structures that would ordinarily be regarded as falling within the statutory definition of a caravan. The unit has been designed so that it could be lived in, even if there is no intended use as primary living accommodation. Moreover, having regard to the proposed use it is likely that the unit would, in a meaningful sense, be in a form of human habitation at times. There is nothing which prevents a structure lacking the facilities required for day-to-day private domestic existence, as in this instance, from being defined as a caravan. Given the above factors, whether the unit would also share some of the characteristics of garden sheds and other outbuildings is of limited relevance. Accordingly, it is not unreasonable to regard the unit as having been designed for human habitation (para. 8).

The key consideration is whether the siting of the proposed caravan would result in a material change in the use of the land. A material change of use will only arise where the proposed use alters the essential character of the existing use of the planning unit. Where,

as in the case under consideration here, a proposed structure remains within a single residential planning unit, under unified household control, with no separate curtilage, postal address or vehicular access, and where the use is functionally subordinate to and dependent upon the primary residential use, no material change of use occurs and the 1990 Act section 55(2)(d) exclusion is engaged irrespective of the level of materiality of that change.

CONSTRUCTION TEST

Whilst the Council officer's report appears to agree that the construction requirements of section 13(1)(a) of the 1968 Act do not apply to single-unit caravans, the Council then attempts to argue that the assembly works proposed to take place on site, and the number of components involved, means that the proposal under consideration here would be operational development and would not accord with the statutory definition of a caravan. The Council's arguments, however, simply fail to have regard to the weight and consistency of appeal authority on the matter. The Council has produced no case law or relevant appeal decisions itself that counter the general thrust of interpretation and opinion on the matter as already put forward by the appellant.

A number of relevant appeal decisions have already been referred to in the Supporting Statement submitted with the appeal application, so it is not the intention to repeat all those here. However the appellant would take this opportunity to re-state the conclusions of the Inspector on appeal APP/J2210/X/22/3298471, which related to a single-unit caravan:

It is proposed to assemble the structure on site using pre-manufactured components...

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 requirement 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 devices apply in respect of twin-unit caravans. However, the above requirements do not extend to single-unit caravans...

Consequently, the structure does not need to meet the statutory requirements in respect of the number of sections applicable to a twin-unit caravan (para. 8).

The appellant would also refer to a couple of further recent appeal decisions in respect of single-unit caravans which were not included with the original appeal application submission. On appeal APP/V1260/X/23/3316929 the Inspector commented:

My understanding is that the unit would be assembled on site from prefabricated components, as opposed to being delivered as a whole or in two sections. That is not fatal however to the unit falling within the statutory definition of a caravan. There is no requirement in the definition in the 1960 Act for a caravan to be pre-assembled

off-site or for it to be transported to the site in no more than two sections. The requirements of s13(1)(a) of the 1968 Act apply only to twin-unit caravans; they do not extend to single units (para. 9).

On appeal APP/R3650/X/25/3359353, which related to one of the appellant company's caravan structures constructed using an identical delivery/assembly method to that proposed here, the Inspector advised:

... 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 (para. 5).

It is not proposed that the residential unit would be a 'twin unit caravan'. This is relevant as there are specific restrictions within 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 (para. 6).

There is simply nothing in the 1960 Act which precludes assembly of a caravan structure on site using components prefabricated elsewhere and delivered to site. The number of components used to assemble the caravan, or the nature of the person(s) carrying out the assembly operations, has no bearing on whether a structure meets the definition of a caravan as set out in the 1960 Act.

Where a structure satisfies the statutory definition of a caravan under section 29(1) of the 1960 Act, it may not be reclassified as a 'building' for planning purposes by reason of its size, external appearance, durability, permanence of siting or the sophistication of its assembly and specification. Unfortunately this is what the Council appears to be trying to do.

It is noted that the Council officer's report refers to the proposed caravan as having a degree of permanence, with no evidence that it is intended to be moved. However again the Council appears to misunderstand, or chooses to ignore, established interpretation provided by appeal authority. As the Inspector considering appeal APP/J1915/X/11/2159970 advised:

The test is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle...

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 (para. 5).

In appeal APP/N1025/C/01/1074589 the Inspector observed that the Park Home may look like a building at first sight and 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, and it rests on blocks, paving slabs and hardcore – it has not become a building through permanence or its degree of physical attachment to the ground.

Further, in appeal APP/R3650/X/25/3359353, the Inspector commented:

... 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 (para. 10).

MOBILITY TEST

For twin-unit caravans, section 13(1)(b) of the 1968 Act requires that the assembled structure be physically capable of being moved by road from one place to another. As set out in the Supporting Statement which accompanied the appeal application, a lack of intention to move is not relevant, nor is the absence of a suitable means of access or an adequate road network, but the mobile home should possess the necessary structural qualities to permit its movement in one piece without structural damage. Although the mobility test under section 13(1)(b) of the 1968 Act is, in any event, not engaged in the assessment of a single-unit caravan, the general capability-based mobility test derived from section 29(1) of the 1960 Act is still applicable to single-unit caravans.

To this end additional structural calculations were provided to the Council in respect of the proposed caravan itself, along with calculations for a suitable temporary lifting frame and a sub-floor/lifting frame diagram. It is therefore concerning that the Council officer's report refers to these calculations as 'theoretical'. They were, in fact, produced by a qualified and experienced structural engineer to demonstrate that the proposed caravan unit could be lifted as a whole and moved without sustaining structural damage. The Council has provided no technical evidence or expertise itself to refute the legitimacy of the structural calculations provided by the appellant.

The Council argues that employment of a temporary lifting frame and use of specialist equipment to move the proposed caravan demonstrates that it would not be readily moveable in its constructed state. However there is nothing in the 1960 Act or subsequent case law/appeal authority that precludes use of a lifting frame and crane. In fact, use of a crane is a common method of moving such caravan units, and any such operation will require some form of lifting rig for craneage. For example, in considering appeal APP/B5480/C/17/3174314 the Inspector (at para. 15) accepted the installation of temporary lifting beams beneath a caravan as complying with the mobility test.

The appellant would reiterate that the correct approach to any consideration of the mobility test has been confirmed through a number of appeal decisions, relevant examples of which were included in the appeal application submission and which are also quoted below.

In allowing appeal ref. APP/J1915/X/11/2159970 the Inspector advised:

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. 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 (para. 5).

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 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 a 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 (para. 7).

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 land (para. 7).

In allowing appeal ref. APP/L5810/X/15/3140569 the Inspector commented:

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 (para. 16).

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 (para. 17).

In allowing appeal ref. APP/J2210/X/22/3298471 the Inspector concluded:

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 removeable wheeled skid (para. 7).

COUNCIL'S APPEAL REFERENCES

The Council officer's report cites four appeals in support of the Council's case. However all of these are considered wholly irrelevant to the case under consideration here for the following reasons.

APP/L5240/X/22/3295099 – The Council refers to this decision in the context of the construction test. However the case relates to a twin-unit caravan considered under the provisions of section 13 of the 1968 Act which, as the Council itself agrees, does not apply to a single-unit caravan. In any case the construction statement submitted with that application was rather basic and certainly not as detailed as the Council imply, and in fact was more concerned with demonstrating how the final act of assembly was the fixing of the two separately constructed units together. Notwithstanding this, the available photographs of the unit in question show an almost identical assembly method and use of components to what is proposed here – timber frame, weatherboard cladding, roof tiles – which the Council in the current case considers is not a caravan!

APP/W1850/X/25/3376739 – This case has no relevance to the issues under consideration here. It related to alterations to an existing building which the appellant understands retained a brick plinth, footings and a significant degree of permanence. The proposal could not be considered a caravan because the existing foundations fell within the definition of development, the new altered building could not be moved from the original structure without being split away from it, and demolition works were considered to be development.

APP/Y1138/X/17/3180671 – This case also has no relevance to the issues under consideration here. The appeal was more concerned with arguments about whether an existing structure had become a single dwelling and ceased to be a temporary structure. There is nothing relevant in the decision to the construction and mobility arguments in respect of a freestanding single-unit caravan.

APP/P1940/X/24/3336810 – This case related to a twin-unit caravan erected in very different circumstances to those under consideration here. The structure included screw foundations with a degree of attachment to the ground, whilst the confined space within

the garden where it was erected provided insufficient practical room to render it mobile. Again these are very different circumstances to those under consideration here.

For the above reasons the appellant has concerns over the Council's reason for refusing the appeal application and the lack of consistency with numerous other similar cases determined elsewhere, including within its own local authority area. For the reasons given within these grounds of appeal, the Council's refusal was simply not well founded. Although it is appreciated that each case should be considered on its merits, such consideration must have regard to consistency with the general weight of interpretation provided by appeal authority and case law. In this case the Council has simply attempted to reclassify a structure that clearly meets the statutory definition of a caravan as a building.

It is therefore respectfully requested that this appeal be allowed.