

PLANNING STATEMENT



August 2026

Land rear 32 Woodmarsh, North Bradley, BA14 0SB

Application for a certificate of lawfulness for the proposed addition of a caravan, within the curtilage of a commercial yard for ancillary purposes

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1. INTRODUCTION

- 1.1.** Context Planning Ltd have been instructed to prepare and submit this application for a certificate of lawfulness on behalf of the applicant. The applicant seeks a Lawful Development Certificate for the proposed addition of a caravan, within the curtilage of a commercial yard (sui generis) for ancillary purposes (office and canteen) on land to the rear of 32 Woodmarsh, under the provisions of Section 192 (b) of the Town and Country Planning Act 1990.

2. THE SITE AND PROPOSAL

- 2.1.** The application site is located on the land to the rear of 32 Woodmarsh in North Bradley. The site is accessed from Woodmarsh using a track in between the residential properties of 30 and 32 Woodmarsh.
- 2.2.** The applicants wish to station a caravan, within the curtilage of the commercial yard, located near the western boundary amongst existing onsite buildings. The caravan is not a 'building' for planning purposes, it does not comprise operational development for the purposes of S55 of the TCPA 1990.



Figure 1 – Location of proposed caravan

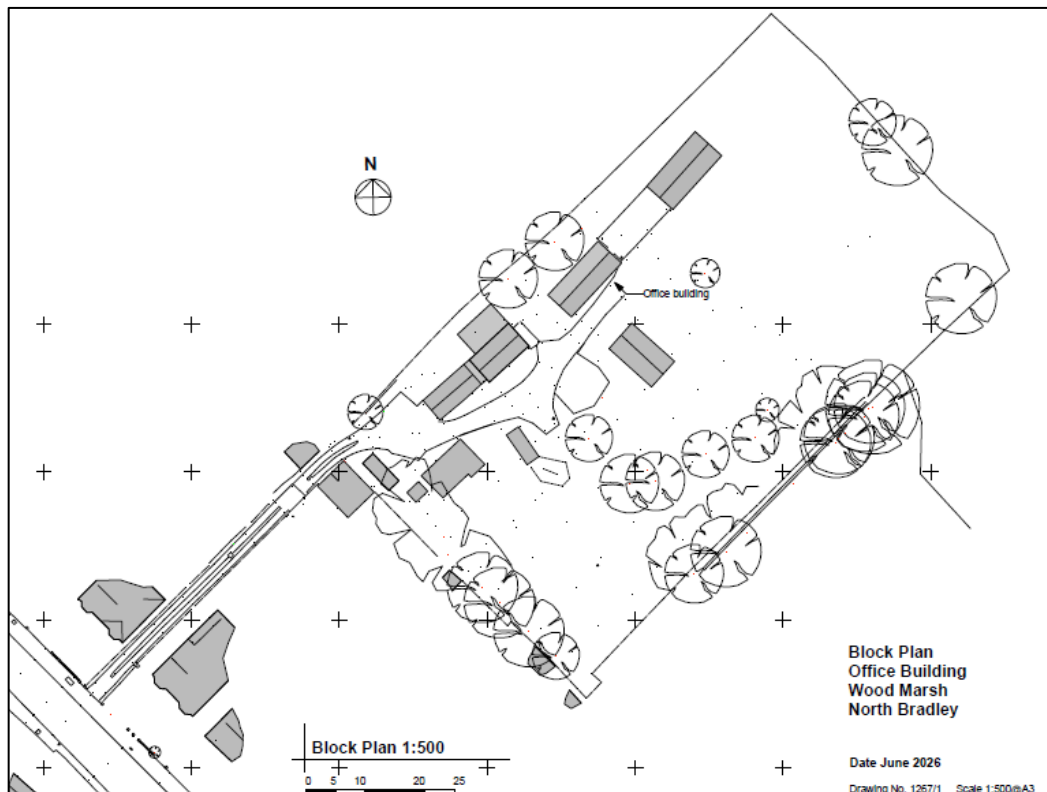


Figure 2 – Proposed site plan

- 2.3.** The caravan would be used by existing staff for the purposes of an office and a canteen, with a small storage room and bathroom facilities. The proposed caravan would therefore be tied to the commercial yard and would not constitute the creation of a separate planning unit.
- 2.4.** The proposed caravan would be 12.27m in body length, 5.48m in width and 3.5m in height (3m internally) which are all within the sizing parameters set out in the relevant legislation (to be discussed later in the report).

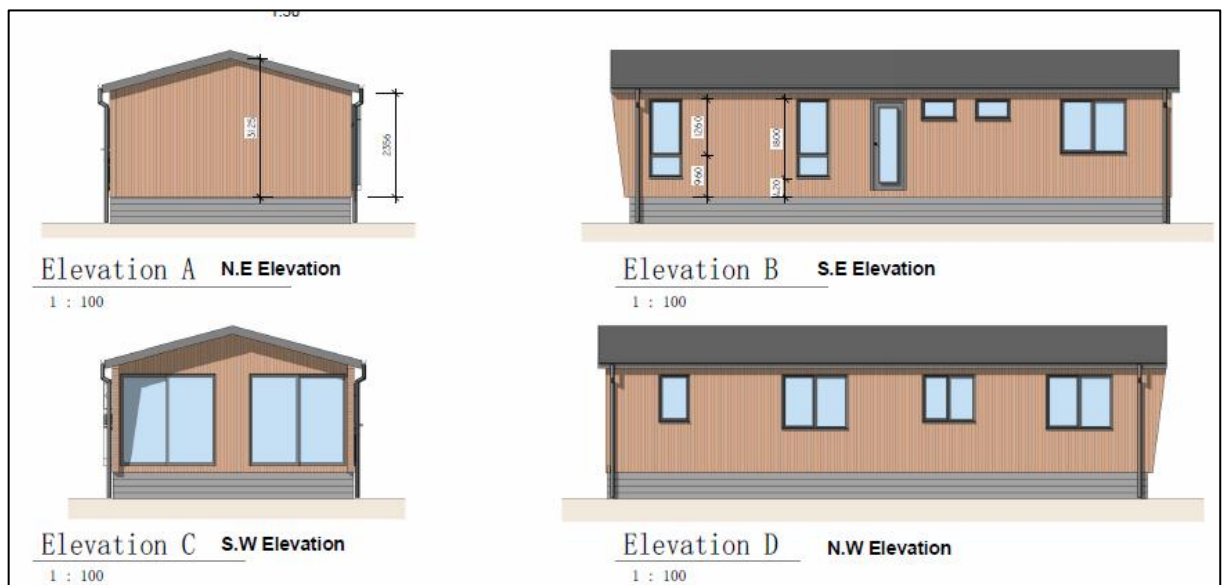


Figure 3 – Caravan elevations

3. PLANNING HISTORY

3.1 There is some recent planning history on the site as shown below.

Application number	Description	Decision
20/02535/FUL	Construction of two detached houses on part of builders yard	Refused 02/6/2020
21/01747/OUT	Outline permission with some matters reserved for the construction of two detached dwellings and alterations to existing vehicular access (access only).	Refused 15/4/2021
PL/2024/02000	Application for certificate of lawfulness for existing use of the land rear of 32 Woodmarsh for use as a commercial yard (sui generis).	Approve 25/04/2024
PL/2025/01323	Change of use and conversion of 3 buildings to holiday let accommodation.	Approved 19/3/2026

3.2 Application PL/2024/02000 confirmed that the site's lawful use was as a commercial yard. The curtilage of the site, confirmed by Wiltshire Council, is

shown below:



Figure 4 – Curtilage of site as confirmed under PL/2024/02000

- 3.3** The site has also recently gained consent for the change of use of land and three buildings to holiday let conversion. For the avoidance of doubt, the proposed caravan relates to the existing use of the land as a commercial yard, and application PL/2025/01323 has not commenced.

4. LEGISLATION

Town and Country Planning Act 1990

- 4.1.** Section 192 of the Town and Country Planning Act 1990 makes provision for an applicant to ascertain the lawfulness of any proposed use of buildings or other land, or any operations which have been carried out in, on, over, or under land.

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- 4.2.** If the local planning authority are provided with information satisfying them that the operations in use would be lawful if instituted at the time of application, they should institute a certification to that effect. The certification shall;
- (a) specify the land to which it relates;
 - (b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
 - (c) give the reasons for determining the use, operations or other matter to be lawful; and
 - (d) specify the date of the application for the certificate.
- 4.3.** Section 192 guides that; *‘the lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness’.*

5. EVIDENCE AND ASSESSMENT

- 5.1.** This certificate seeks to determine that the permanent stationing of a caravan within the curtilage of the commercial yard would not comprise development and would be lawful.
- 5.2.** Section 29 (1) of the Caravan Sites and Control of Development Act 1960, sets out a legal definition of a caravan:

“‘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;”***

- 5.3.** This definition is further expanded upon and modified under Section 13 (1) of the Caravan Sites Act 1968, which provides clarification on Twin-unit caravans. It also outlines the first two of the three tests, construction and mobility, that must be met to meet the definition of a caravan:

(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 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), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the M1Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [F1highway] [F1road] when assembled.

- 5.4.** This legislation further goes on to state in Section 13 (2), as modified in 2006, the final test about sizing:

(2)For the purposes of Part I 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 any drawbar): 65.6 feet 20 metres);

(b)width: 22.3 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 feet (3.05 metres).

- 5.5.** The necessary tests then to determine the lawfulness of the proposed development is to determine if the structure would fall under the legal definition of a 'Caravan'. If so, it would not constitute '*operational development*' and would be lawful. These tests will be discussed in turn below.
- 5.6.** The legislation states that the structure must be designed or adapted for human habitation to be a caravan. As the floor plan shows, the caravan structure has been designed for human habitation and would be used for ancillary purposes to the commercial yard. Therefore, satisfying this part of the definition.

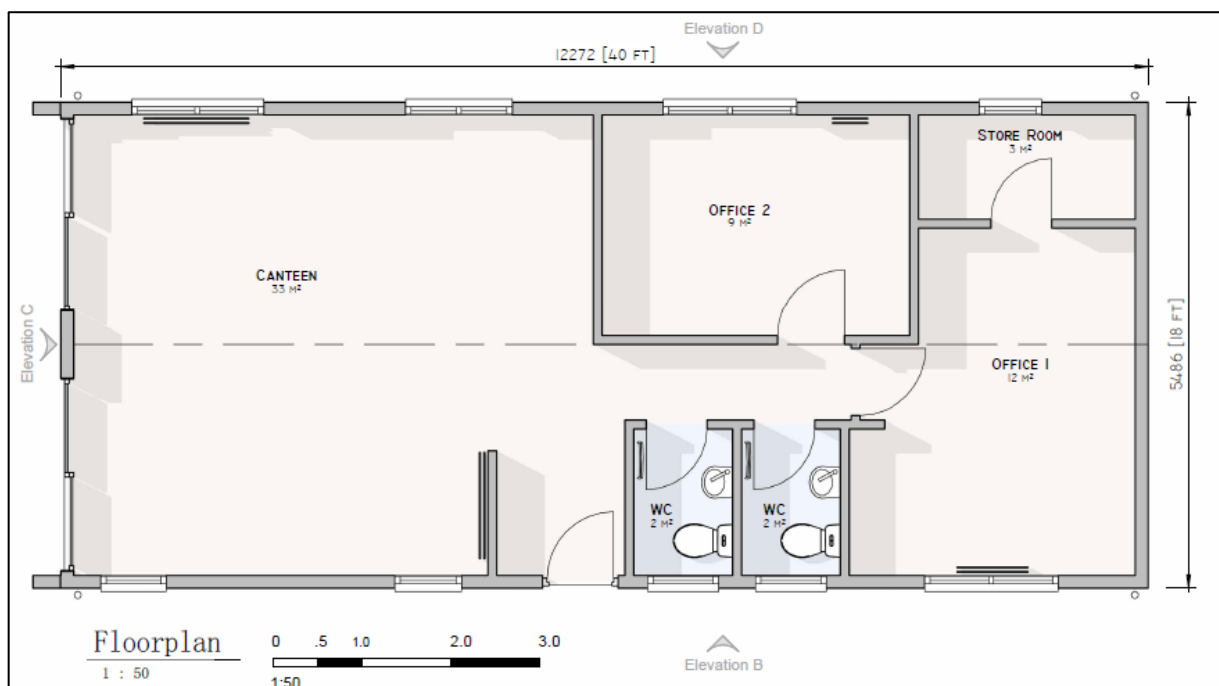


Figure 5 – Proposed floorplan of caravan

- 5.7.** In relation to the construction test mentioned above in Section 13 (1), the proposed structure would be constructed of **no more than two sections** thus, meeting this criterion.
- 5.8.** The second test relates to the mobility of the structure, the structure would be physically capable of being moved by road (transported on a motor vehicle) from one site to another, and is not affixed to the ground. If, and when, the applicant

wished to move the caravan or it is no longer required by the applicant, the structure could easily be removed from the site. This would be compliant with this test.

- 5.9.** The final test within the definition, relates to the size of the structure. It must not exceed 20m in length, 6.8m in width and a height of 3.05m (measured internally). The proposed caravan's body would be 12.27m in body length, 5.48m in width and 3.5m in height (3m internally). The proposed structure therefore would not exceed these parameters and would consequently meet this test.
- 5.10.** Overall, the proposed structure would comply with the three tests set out, meeting the definition of a caravan.
- 5.11.** The caravan would be positioned within the curtilage of the commercial yard and as such it would not involve a material change of use of the land because it would be used for ancillary purposes to the existing lawful use of the land.
- 5.12.** The caravan must not form a separate planning unit through the caravan being sold or let, the creation of separate curtilage or being used as a separate independent residential unit for example. There is no overnight accommodation proposed within the caravan and its only intended use is as an ancillary office for the commercial yard and ancillary welfare facilities. This therefore would not constitute a separate planning unit due to its ancillary use. The caravan would not create the need for any additional staff and would not represent an intensification of use.
- 5.13.** The paragraphs above demonstrate that the proposed structure would fall under the legal definition of a 'Caravan'. As such this raises a further two questions relating to whether a caravan is excluded from the definition of development. Section 55 of the Town and Country Planning Act 1990 (as amended) defines development as:
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“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 any buildings or other land”

- 5.14.** The first question this definition raises is whether a caravan would fall under the definition of a building and therefore ‘*operational development*’. To get clarification on this matter, relevant case law should be considered. The case of *Carter V SSE* (1991) found that the stationing of a mobile home (without wheels which falls under the definition of a caravan) would not amount to a building operation.
- 5.15.** A further case of note is *Measor V SSETR* (1999) in which the deputy judge said that whilst he would be wary about stating that a mobile home (which meets the definition in the 1968 Caravan Sites Act under Section 13 (1)) could never be a building (as a matter of law) for the purpose of the Town and Country Planning Act (1990), it does not generally satisfy the well-established definition due to attachment and permanence factors. These court cases highlight that caravan structures typically do not meet the definition of a building for planning purposes and the use of the land for positioning a caravan would not represent operational development in this case.
- 5.16.** The second question then, is whether the caravan structure would create a material change of use of the ‘*planning unit*’/land it will be situated upon. The proposed caravan structure will be free-standing, set within the lawful curtilage of the commercial yard. Therefore the ‘*planning unit*’ that is of relevance to this determination is the commercial yard, the curtilage of which was defined under application PL/2024/02000.
- 5.17.** An important appeal decision of note is APP/F1610/A/14/2215955 at Cotswold Stone Quarries Ltd, Cheltenham. The application the appeal related to was for
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Prior Approval under Schedule 2, Part 3, paragraph N (conversion of offices into dwelling). The change of use related to five portakabins within Brockhill Quarry. The appeal was ultimately dismissed, as the Inspector deemed there was no evidence to support that the portakabins were in their own separate use, and that they were offices ancillary to the primary use of the quarry.

- 5.18.** Also of relevance is *Wealden DC v Secretary of State for the Environment and Colin Day* [1988] JPL 268, which states:

“There is nothing in the nature of the typical caravan, of which everyone has seen large numbers both on the road and parked in caravan sites, which rendered the use of such a caravan incapable of being properly regarded as ordinarily incidental to the agricultural use of land, that was to say as an ordinary piece of equipment for stationing upon land and for use when so stationed for the purpose of agriculture. He accepted that the typical caravan was primarily designed and equipped so as to be used for human habitation, usually over short periods of time; but the primary use of a planning unit for agricultural, whether for example it be called a farm or smallholding, might include many different incidental or ancillary uses of different characters for some of which the typical caravan would seem to be an ordinary piece of equipment. He had in mind such ancillary uses as the provision of shelter and accommodation for persons in charge of parts of a farm or orchard where members were allowed to pick fruit or vegetables for themselves and, to that end, were provided with containers and with facilities for the weighing and for paying what they had picked.”

- 5.19.** Although the above cases are concerned with industrial and agricultural uses respectively, they confirm that when a caravan is used incidentally/ancillary to the primary use of the planning unit then no material change of use has
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occurred, and that both office and welfare provisions can be considered an ancillary.

- 5.20.** The proposed use of the caravan structure would be as an office, canteen, toilets and storage a purpose ancillary to the commercial yard.
- 5.21.** In this case, the caravan's use would not result in any material change of use of land, therefore excluding it from the definition of development. There would be no change to the current '*planning unit*' or creation of a new one.

6. CONCLUSION

- 6.1.** This statement has demonstrated that the proposed structure would fall under the legal definition of a caravan and meets the necessary tests set out in the legislation. Furthermore, it does not fall under the definition of '*development*' as set out in the Town and Country Planning Act (1990). Based on the submitted evidence, which is sufficient precise and unambiguous, a Certificate of Lawfulness should therefore be issued.

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