

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/03302
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	Horseshoe Cottage, 10 Malmesbury Road, Leigh, Swindon, SN6 6RH
DEVELOPMENT DESCRIPTION:	Proposed Lawful Development Certificate for use of the land for siting a mobile home, either to be assembled on site as single unit caravan (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) or factory assembled as a twin unit caravan (as defined by section 13 of the Caravan Sites Act 1968), for use ancillary to the main dwelling.
RECOMMENDATION:	That the certificate be GRANTED

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 Lawful Development Certificate for use of the land for siting a mobile home, either to be assembled on site as single unit caravan (as defined by section 29(1) of the Caravan Sites and Control of Development Act 1960) or factory assembled as a twin unit caravan (as defined by section 13 of the Caravan Sites Act 1968), for use ancillary to the main dwelling”*

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

None

DOCUMENTS AND EVIDENCE SUBMITTED BY APPLICANT

The submitted information/evidence consists of the following –

- LDC Application Form
- Location Plan
- LDC Rationale – Client Information
- LDC Supporting Statement – Mobile Home aka hybrid garden annexe
- Garden Annexe Cradle – Structural Calculations
- Scaled Block Plans Existing & Proposed
- Proposed Elevations
- FASTUP (Factory Assembled Standardised Twin Unit Protocol) Twin Unit Final Assembly Methodology
- RADOS (Rapid Assembly Deployments On Site) Final Assembly Methodology and Planning Compliance Statement
- Link to online video demonstration of craned installation. Relevant Appeal Decisions
 - APP/U1240/C/18/3204771
 - APP/B5480/C/17/3174314
 - APP/J2210/X/22/3298471
 - APP/J1915/X/11/2159970
 - APP/B0230/X/22/3295944
 - APP/J2210/X/22/3298471
 - APP/N1025/C/01/1074589

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.*

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

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 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.

Size Test

The structure falls within the size limitations of the 1968 Act for a twin unit caravan. There is not specific size limitation for a single unit caravan though falling within the twin unit limits are sufficient to demonstrate in respect of size the unit is capable of being a caravan.

Construction Test

The submitted information describes two installation methods -

1. Rapid Assembly on site
2. Factory Assembled Twin Unit Protocol

From the statements submitted it can be understood that both protocols involve components which are materially the same, but they are either assembled in the factory to be delivered on site in two parts with a final act of assembly, or, the same components are delivered to the site and then assembled in one part and not finally connected together in one act. In either scenario the structure is completed to the same specification and no material cutting of components is required. The first method being akin to a single unit caravan, the second being akin to a twin unit caravan, delivered to the site in two parts with a final act of connecting them together on site.

The component parts include structural base rails, floor joists, insulated floor, wall and floor plates, studded throughout, window cassettes, roof rafters and roof boards and construction board cladding. It is stated that if assembling the component parts on site it would take around five days to complete.

The evidence submitted demonstrates that the structure comprising the component parts described can be either delivered in two parts meeting the definition of a twin unit caravan, or that they are sufficiently fabricated off site and designed to be quickly assembled on site and capable of being removed entirely intact if required. Based on the information submitted, the LPA is satisfied that in either scenario the proposal would not involve the carrying out of building operations.

Mobility Test

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

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](#)

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.

Given that the preassembled parts are designed to be capable of being assembled and delivered in two parts, it is entirely possible that the same structure is capable of being lifted and transported in its constructed form without damage or dismantling.

The applicant describes the unit being capable of being crane lifted or easily disassembled onsite for transportation. The applicant has also provided a link to a video showing a unit of the same specification being lifted in one piece onto a trailer for transportation.

While the approach does require a crane to lift the unit onto a trailer for transportation the evidence provided demonstrated clear capability to be moved. The LPA is satisfied in this case that mobility is an integral characteristic of the structure proposed.

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. However, the unit is designed to rest on the ground under its own weight and is not permanently fixed to the land. It is typically supported by small concrete plinths lightweight lattice supports, ground screws, or plinth blocks. These support systems provide stability while allowing the structure to be fully removed if required. Utility connections, including water, electricity and drainage, are provided separately and can be easily disconnected, ensuring the unit remains a moveable structure.

Whether suitable for Human Habitation

The applicant has submitted plans which show a structure designed with facilities necessary for day to day living. The structure as shown would be suitable for human habitation as required for caravan.

Material change of use

Annexe uses are considered as ancillary to the main residential use of the dwelling. 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 satisfied that the structure proposed in both forms would be delivered and sited as a single, self-contained unit which has been engineered for assembly on site in a manner consistent with the relevant definitions a caravan. The LPA is satisfied that the proposal would not involve operation development or a material change of use requiring planning permission and a certificate can be granted accordingly.

RECOMMENDATION

That the Certificate of Lawfulness for Proposed Development is GRANTED

Sufficient evidence has been provided to demonstrate, on the balance of probability, the proposal would not involve undertaking building operations or a material change of use requiring planning permission, and a certificate can be granted accordingly.