

CIDER ORCHARD, GRITTENHAM, WILTSHIRE, SN15 4JU

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

FINAL COMMENTS

Appeal Ref: 6013386
Council's Ref: PL/2026/00518

The Council's statement, as provided within its letter of the 7th September 2026, adds no evidence and nothing of substance to support the Council's position as previously set out in the reasons for refusal of the appeal application and the associated officer's report. The appellant would therefore stand by the evidence already provided within the appeal application submission and the grounds of appeal already submitted. However the appellant would take this opportunity to comment further in response to a number of arguments made within the Council's latest statement.

Firstly it is noted that the first line of the Council's statement refers to an application for costs. However no such costs application has been made at this stage, and the Council's comment in this respect is perhaps symptomatic of the level of care and consideration that has been afforded the appeal application.

The appellant would point out that the standard of proof in certificate of lawful development applications is the civil standard: the balance of probabilities. The applicant is not required to demonstrate lawfulness beyond doubt or to exclude all conceivable contrary argument. It is sufficient to demonstrate that, on the balance of probabilities, the proposed use or operations would not constitute development. Whilst the onus rests on the applicant to provide sufficient information to satisfy the determining authority of lawfulness on that standard, where an applicant provides cogent evidence in support of the application and the authority advances no contrary evidence of substance, the balance of probabilities will ordinarily favour the grant of the certificate.

Despite the above the appellant remains concerned that the Council appears to be trying erroneously to engineer a position where a structure that meets the requirements of the caravan acts should still be pushed back to within the definition of development as set out in the Town & Country Planning Act, merely on the basis of what the Council now describes as the 'nature' of the component parts to be used in the assembly of the proposed caravan structure. However the definition of development is based on more than a simplistic assessment of the number of components used in the assembly of a structure or the nature or type of those components; it is also based on the structure's permanence and

attachment. And, in any case, the appellant would stress again that there is nothing within the caravan acts to control the number or type of components used in a caravan's assembly, or whether that caravan is brought to site pre-assembled or intact.

The level of internal specification, quality of construction and perceived quality of appearance are irrelevant to whether a structure meets the statutory definition of a caravan. A structure may be comprehensively fitted out, with high quality internal appointments and a sophisticated external finish, and still satisfy the definition provided it is designed or adapted for human habitation and lacks the degree of permanence necessary to be considered a building. 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 simply by reason of its size, appearance, durability, permanence of siting or the sophistication of its internal or external specification.

In any case, the Council has provided no case law or appeal authority of its own to support its apparent contention that the 'nature' of the components to be used in the assembly of the proposed caravan, the method of assembly and what it terms the 'overall characteristics of the structure' have any bearing on whether or not it meets the statutory definition of a caravan.

The appellant is concerned by the Council's argument that the two previous positive LDC decisions (appendix C & D of the Council's statement) did not require the Council to determine the detailed construction, assembly and mobility issues raised in the present appeal. Both of those applications were prepared and submitted by the appellant company, so the appellant is fully aware of what was applied for. Both applications included a virtually identical level and type of information to that provided originally with the current appeal application, and the covering letters for both applications stated that confirmation was sought that the proposal falls within the definition of a caravan. Descriptions of an assembly method identical to that under consideration here were provided with both applications, including use of a timber/oak frame, timber cladding and roof tiles.

So identical details to those provided with the current appeal application were clearly provided within the two previous LDC applications for consideration by the Council. It therefore remains unclear why the Council has determined a third application very differently to the previous two. The appellant would suggest that it is disingenuous, at best, for the Council to now argue that the determination of the previous two similar applications did not take into account the full amount of information submitted, and yet this third similar application did. This simply displays further a lack of consistency, confusion and misunderstanding on the part of the Council in dealing such applications.

The Council's statement refers to a recent positive LDC decision (appendix E). However the appellant is unclear as to what argument the Council is attempting to make. That decision relates to a structure assembled using a timber frame with cladding and employing the use of temporary lifting beams, items which the Council has previously appeared to suggest count against a structure possessing the qualities to meet the definition of a caravan.

The Council accepts that consistency in decision making is important, but states that it is not bound by decisions made in other cases. However the Council has failed to produce even one relevant appeal decision itself to support its arguments and to counter the general weight of appeal authority referred to by the appellant. Since submitting this appeal, the appellant company has continued to receive positive LDC decisions for its caravan structures across the country, with more than 50 positive decisions received at the time of preparing these comments. The consistent themes across the many positive caravan LDC decisions received by the appellant are:

- Compliance with statutory size limits.
- A conclusion, based on evidence provided, that the appellant's caravan units are inherently capable of movement intact.
- Siting without foundations/anchoring such that the caravan remains removeable.
- Occupation that remains ancillary and subordinate to the host dwelling under unified household control.

This consistency is important because it demonstrates that the approach advanced in this submission is not novel, stretched or policy-driven. It is the settled application of the caravan definition. It also promotes fairness and predictability in decision making, which is a core aspect of good administrative practice in lawful development certificate determinations.

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

ADDENDUM TO FINAL COMMENTS

Appeal Ref: 6013386
Council's Ref: PL/2026/00518

Further to the appellants final comments provided on the 17th September 2026, the appellant would like to take the opportunity to draw attention to the Council's approval of another lawful development certificate application made in respect of one of the appellant company's caravan structures. That approval was received after the appeal under consideration here was lodged. Details are enclosed (application ref. PL/2026/04453).

The approval related to a lawful development certificate application which described an identical construction method and means of mobility to that of the caravan under consideration here. The appellant therefore finds it baffling how the Council can treat two virtually identical applications (in terms of assembly method, materials and mobility) so differently.

The Council has now, in fact, approved more lawful development certificate applications for the appellant company's caravans than it has refused. Whilst this demonstrates an obvious inconsistency and difficulty on the part of the Council in properly applying the legislation, it also demonstrates more of a consensus on the part of the Council that the appellant company's caravan do indeed meet the requirements of the Caravan Act.

It is also advised that of all the Councils the appellant company submits applications to across the country, this Council is now amongst those that have approved the highest number of caravan lawful development certificate applications.

**TOWN & COUNTRY PLANNING ACT 1990:
SECTION 192 (as amended by Section 10 of the Planning & Compensation Act 1991)**

Certificate of Lawful Use or Development - Proposed Use or Development

**Application Reference Number: PL/2026/04453
Decision Date: 18/08/2026**

Applicant: Whitlock & Lowe Ltd
The Millworks, Heath Mill Road, Wombourne, South Staffordshire, WV5 8AP

At: 4 Manor Farm Lane, Patney, Devizes, SN10 3RB

Wiltshire Council hereby certify that on 16 July 2026 the operations described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this certificate are lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

The proposed mobile unit meets the statutory definition of a caravan under the Caravan Sites and Control of Development Act 1960, in terms of its mobility and dimensions. It is to be sited within the residential curtilage of the existing dwelling and used in a manner incidental to the main house, without forming a separate or independent planning unit. As such, the stationing of the unit does not constitute development and does not require planning permission. The use remains within Class C3 residential use, and a certificate of lawfulness should therefore be granted.

SCHEDULE 1: Siting of Single Unit Caravan for Ancillary Family Accommodation

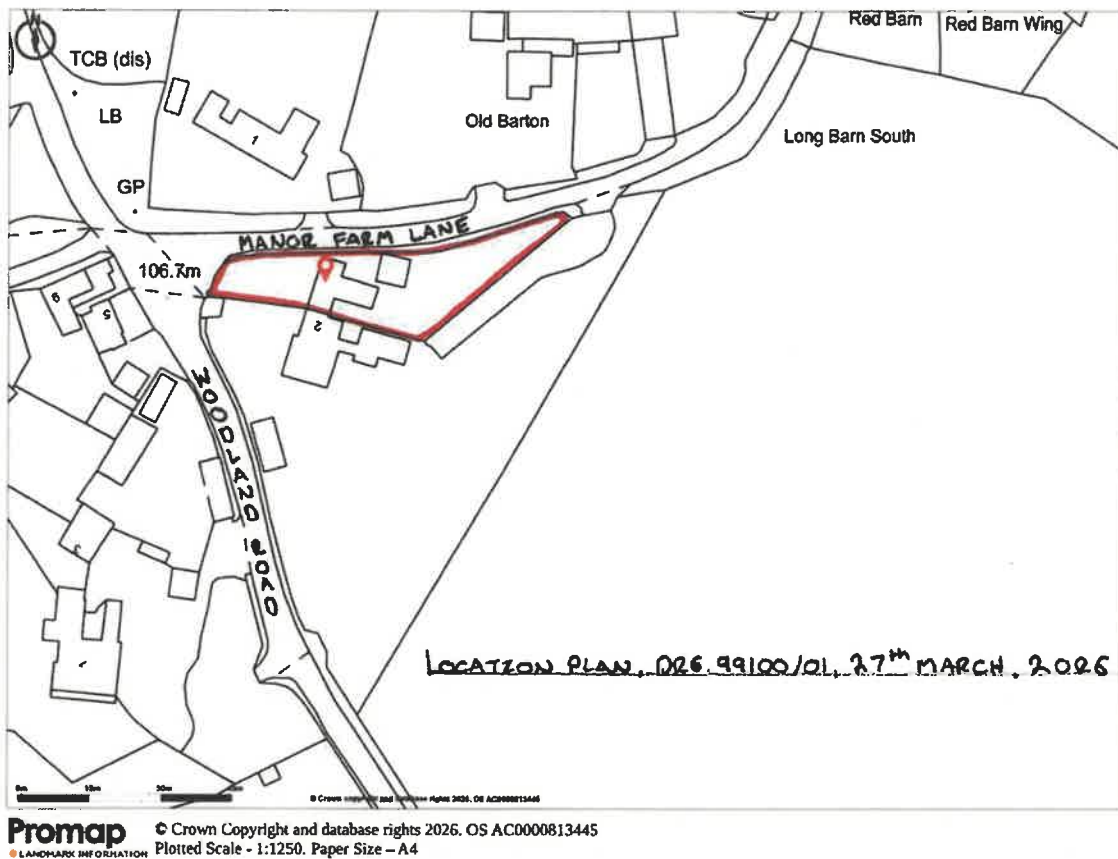
SCHEDULE 2: 4 Manor Farm Lane, Patney, Devizes, SN10 3RB

Signed

Nic Thomas - Director of Planning, Economy and Regeneration

Notes -

1. This Certificate is issued solely for the purpose of Section 191 of the Town & Country Planning Act 1990 (as amended).
2. It certifies that the use or development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the proposed use or development described in the First Schedule and to the land specified in the Second Schedule and identified on the plan below:



Any use or development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the Certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended. This states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change before the use is instituted or the operations begun in any manner relevant to determining such lawfulness.

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

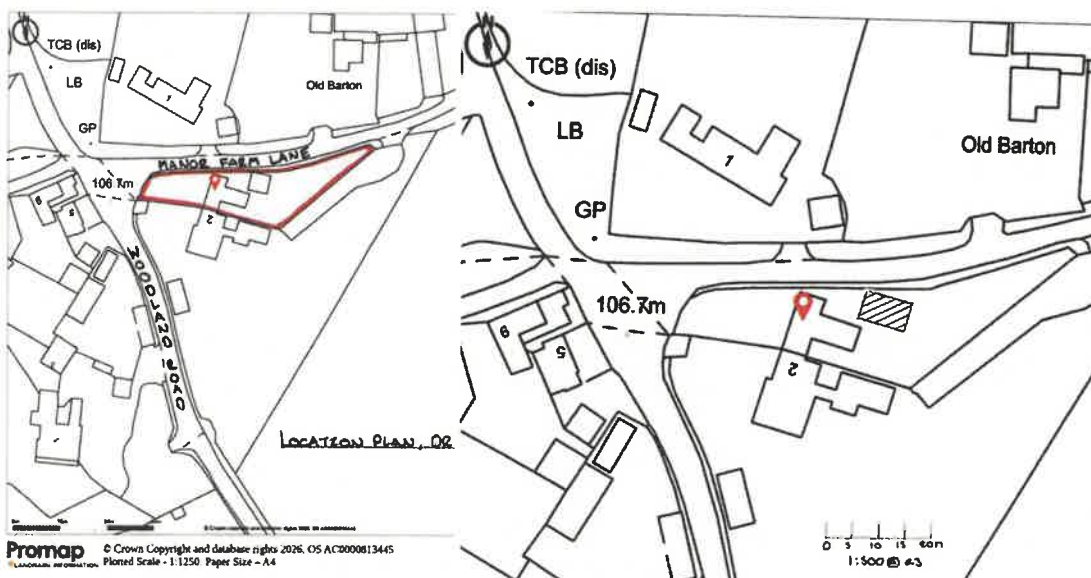
APPLICATION REFERENCE:	PL/2026/04453
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	4 Manor Farm Lane, Patney, Devizes, SN10 3RB
DEVELOPMENT DESCRIPTION:	Siting of Single Unit Caravan for Ancillary Family Accommodation
RECOMMENDATION:	Approve

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a proposed caravan to provide ancillary domestic accommodation within the garden of a dwelling house.

The proposed site plan, as shown below outlines where the proposed caravan (log cabin) would be sited, in the rear garden of the dwelling, 8m from the rear of the dwelling, 1m from the site boundary.

Location plan and proposed site plan



The planning merits of the proposal are not under consideration. A Certificate of Lawfulness must only confirm that a specific, precisely described development would be lawful if carried out. This is a legal test, not a planning merits judgment. Under section 192(1) of the Town and Country Planning Act 1990, a CLP may only be granted where the LPA is satisfied that: *“the proposed use or development would be lawful if instituted or begun at the time of the application.”*

SITE DESCRIPTION

The application relates to 4 Manor Farm Lane, Patney, a semi-detached dwelling, with associated garage, parking and access to the side (north elevation) of the site, off Manor Farm

Lane. The property has a large rear garden (to the east) which is generally level, and is bordered by a predominantly mature hedgerow and some timber fencing. The application site is within the built form of the small village of Patney. There are residential neighbours to the west, north and south, and open countryside to the east.

The application site is subject to the following planning policy constraints:

- North Wessex Downs National Landscape
- Grade II Listed Building 40 metres to the northeast of the site
- Groundwater Flood Risk: Groundwater levels are either at or very near (within 0.025m of) the ground surface
- Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%) along site access
- Salisbury Plain SPA - 6400m Buffer

THE EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

- Application form
- Covering Letter
- Location plan
- Site plan
- Floor Plan and Elevations
- Planning Statement
- Construction and Mobility Tests
- Case Law
- Supporting Applications
- Agents further emails

RELEVANT LEGISLATION AND POLICY

The statutory framework governing CLP's is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). This section establishes that a proposed development or use is "lawful" if it would not constitute a breach of planning control. A CLP can be granted if the Local Planning Authority is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.

Town and Country Planning Act 1990 (as amended):

- Section 55 (1)
- Sections 191-193

Also, of relevance –

- Caravan Sites & Control of Development Act 1960,
- Caravan Sites Act 1968 (Definition of Caravan) (Amendment) (England) Order 2006)

LEGISLATION / PLANNING PRACTICE GUIDANCE

Section 55 (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means 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.

Section 192(1) of the Act outlines that "if any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

Section 192(2) of the Act outlines that "if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

REPRESENTATIONS

There is no legal obligation to consult third parties, including Town/Parish Councils or neighbouring properties, for this type of application.

RELEVANT SITE HISTORY

The site has the following relevant planning history:

Proposal / Summary
K/20671 - Full planning permission Decision - Approve with Conditions Date: 23/9/1993 – EXTENSION TO DWELLING
K/82/0438 - Full planning permission Decision - Approve with Conditions Date: 29/7/1982 – Alterations and extension
K/81/1129 - Full planning permission Decision - Approve with Conditions Date: 21/1/1982 – Extension to house and erection of garage
PL/2026/02069 - Proposed caravan – Refused
PL/2026/03333 - Demolition of existing Garage - Approved

ASSESSMENT AND CONCLUSION

The Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular type of application or appeal process. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use, or activity in question, are therefore irrelevant when determining the application.

This Lawful Development Certificate for Proposed Use relates to the proposed siting of a single-unit caravan within the curtilage of an existing dwelling to operate as ancillary to the use of the main dwelling.

The proposed caravan unit would be sited within the garden of the host dwelling on the location of an existing double garage. The proposed caravan unit would measure 9.14m in length, 5.675m wide and the under side of the ceiling internally would be 3m as set out in the Proposed Plans and Cross Section submitted in support of the application. The proposal does not include the provision of any separate curtilage, access or parking for the caravan. In order to facilitate the siting of the caravan unit the existing garage would have to be removed from site. It is noted that the demolition of the existing garage requires prior approval and that this has been granted under application PL/2026/03333.

The primary question is whether the proposed structure constitutes a caravan within the meaning of Section 29(1) of the Caravan Sites and Control of Development Act 1960. The submitted plans indicate that the structure would measure approximately 9.14m in length, 5.675m in width, and have an internal ceiling height below 3.05m. The applicant has provided evidence that the unit would be constructed on an integral chassis and would be capable of being lifted and transported intact. On the basis of the information submitted, and on the balance of probabilities, the Local Planning Authority is satisfied that the proposed structure would meet the statutory definition of a caravan.

The Local Planning Authority must also consider whether the siting of the caravan would involve operational development. The submitted information indicates that the caravan would rest on non-permanent supports and would not be physically attached to the land by foundations or permanent anchoring. Utility connections would be capable of disconnection and would not alter the status of the structure as a caravan. In these circumstances, the siting of the unit would not amount to building operations or operational development for the purposes of Section 55(1) of the Town and Country Planning Act 1990.

Consideration must also be given to whether the proposal would result in a material change of use of the land. The caravan would be sited within the residential curtilage of the existing dwelling and would provide accommodation ancillary to the occupation of that dwelling. No separate curtilage, access, parking area, postal address or other features associated with an independent planning unit are proposed. The occupation of the caravan would remain under the control of the occupants of the main dwelling and would not operate as a separate dwellinghouse. On the balance of probabilities, the proposal would remain functionally subordinate to the residential use of the host dwelling and would not give rise to a material change of use.

The Local Planning Authority notes that prior approval for the demolition of the existing garage has been granted under application PL/2026/03333. The demolition of the garage therefore presents no impediment to the implementation of the proposal and forms part of the lawful planning context against which this application must be assessed.

Conclusion

The role of the Local Planning Authority in determining an application under Section 192 of the Town and Country Planning Act 1990 is limited to establishing whether the proposed development would be lawful if carried out at the date of the application. It is not an assessment of planning merits, policy compliance, landscape impact or residential amenity. In this case, the evidence submitted demonstrates, on the balance of probabilities, that the proposed structure would constitute a caravan for the purposes of the Caravan Sites and

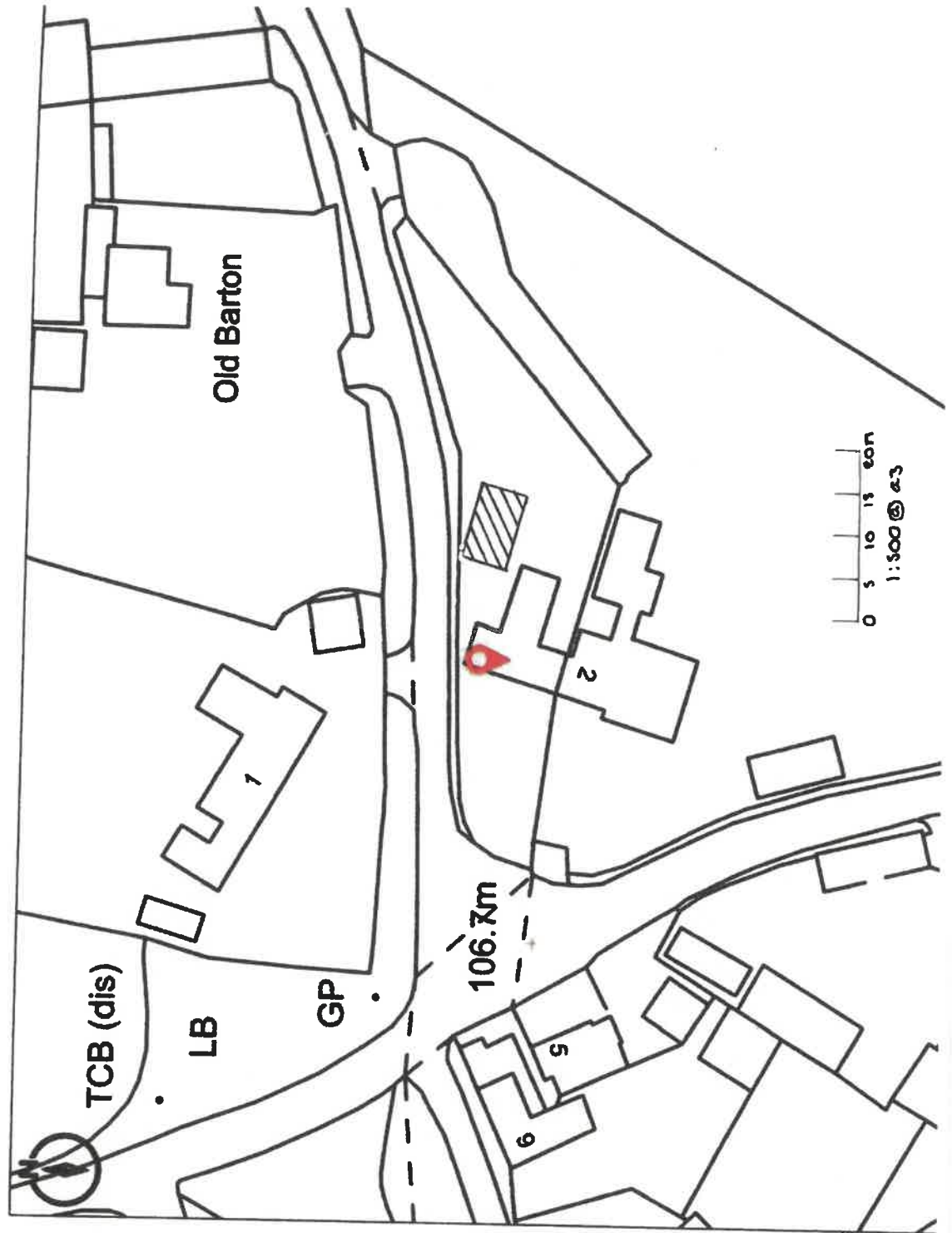
Control of Development Act 1960. Furthermore, its siting would not amount to operational development and its occupation as ancillary family accommodation would remain incidental and subordinate to the enjoyment of the existing dwellinghouse. No separate planning unit would be created and no material change of use would occur.

Accordingly, the proposed siting of the caravan would not constitute development requiring planning permission. The Local Planning Authority is therefore satisfied that the proposal would be lawful if carried out at the date of the application and that a Certificate of Lawfulness for Proposed Development should be granted.

This conclusion is consistent with the statutory provisions of Sections 55 and 192 of the Town and Country Planning Act 1990 and with relevant appeal decisions relating to the siting of caravans providing ancillary residential accommodation within the curtilage of existing dwellinghouses.

RECOMMENDATION

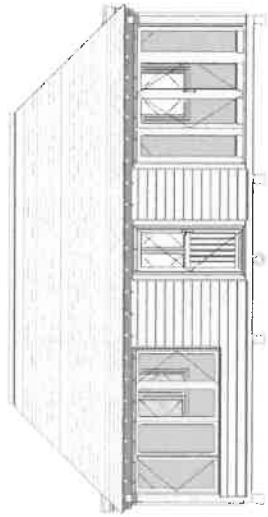
It is recommended that the Certificate of Lawfulness for Proposed Development be APPROVED



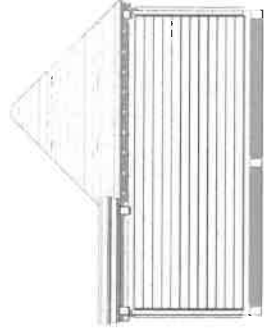
PROPOSED BLOCK PLAN REF. 99100/00, 27th MARCH 20

Single Unit Caravan

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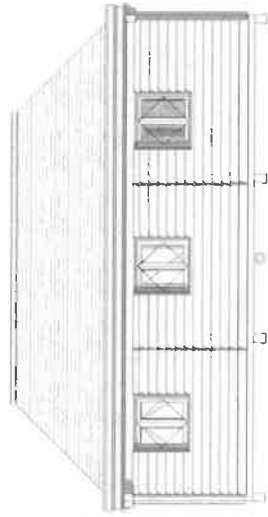


Proposed Front Elevation

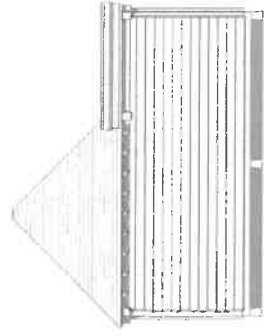


Proposed Side Elevation

Caravan style Steel Base,
Pick Up" Eyes, Removable Axle & Wheels
Surface sat "Easy Pad" Support Stands



Proposed Rear Elevation



Proposed Side Elevation

**WHITLOCK
& LOWE LTD**
MANUFACTURERS OF THE FINEST TIMBER PRODUCTS

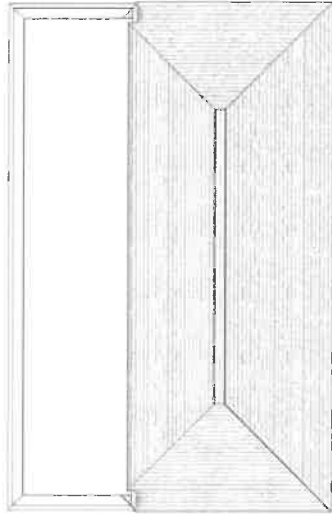
Lightweight Timber Frame Caravan
Proposed Elevations



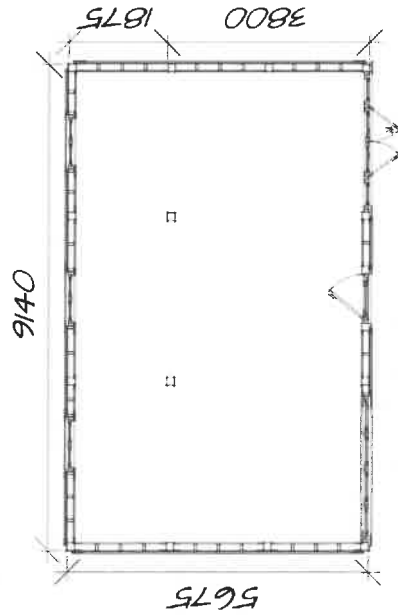
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Single Unit Caravan

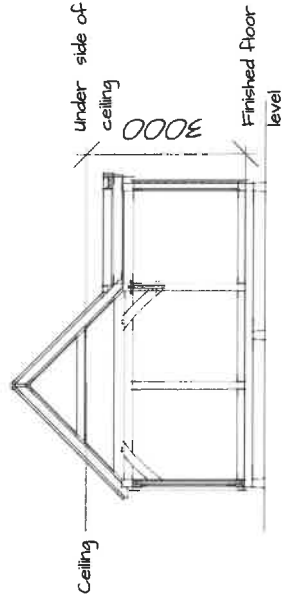
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drg. 99100/04



Proposed Roof Plan



Proposed Floor Plan



Proposed Cross-Section showing internal ceiling



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MANUFACTURERS OF THE FINEST TIMBER PRODUCTS

Lightweight Timber Frame Caravan
Proposed Plans & Cross Section

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Single-Unit Caravan Proposal-Compliance with Construction and Mobility Tests

1.) Introduction

This statement confirms that the proposal involves a single-unit caravan, not a twin-unit caravan.

The mobile structure will be constructed using a timber frame, with weatherboard cladding and a tiled roof. All components-including the timber frame, cladding, internal partitions, and roof tiles-will be prepared and cut off-site, before being transported to the location. On-site assembly will involve connecting these parts into a single unit using bolts, clamp, or similar devices.

2.) Compliance with the Construction Test

The Caravan Sites Act 1968 (section 13(1)(a)) sets out the construction test, requiring that twin-unit caravans must be made up of no more than two separately constructed sections, assembled on-site using bolts, clamps or similar devices.

However, this limitation applies only to twin-unit caravans, not to single-unit caravans. This has been confirmed in appeal decisions, including:

- Appeal ref. APP/J2210/X/22/3298471
 - *“The definition of a caravan contains no requirement for pre-assembly or for it being brought to site intact. [...] The requirements to be no more than two separate sections apply only to twin-unit caravans. These requirements do not extend to single-unit caravans...”* (para. 8)

The Inspector concluded that a single-unit caravan is covered by the broader definition under the Caravan Sites and Control of Development Act 1960, without needing to comply with the twin-unit requirements of the 1968 Act.

3.) Compliance with the Mobility Test

Section 13(1)(b) of the 1968 Act requires that a caravan must be a structure capable of being moved by road when assembled. It is important to note:

- The legality of moving the structure on a public highway are irrelevant.
- Practical difficulties in reaching the road are also irrelevant.

These points are well established in case law and appeals, including:

- Appeal ref. APP/N1025/C/01/1074589

"The structure must be capable of being moved by road from one place to another in its assembled state, even if moving it on a highway would be unlawful..." (para. 7)

- Brightlingsea Haven Ltd & another v Morris & others (2008)

"It is irrelevant whether the structure may have difficulty in reaching a road."

- Appeal ref. APP/J1915/X/11/2159970

"The test is whether the unit, once fully assembled, is capable of being towed or transported by a single vehicle." (para. 5)

The proposed caravan will be constructed on a structural steel chassis with timber cross members designed to support the weight of the unit. The chassis will incorporate lifting eyes to enable the entire structure to be lifted by crane and placed onto a flatbed lorry for transportation. Once on site, the caravan will be installed on adjustable concrete pads placed directly on the ground, requiring no permanent foundations or significant excavations beyond the removal of surface grass and vegetation.

Although the unit will connect to utilities (water, drainage, electricity), these connections do not affect its classification as a caravan.

- This is supported by Appeal ref. APP/L5810/X/15/3140569:
 - *"Attachment to services is not the same as physical attachment to the land. Disconnection can be achieved within minutes." (para. 17)*

4.) Conclusion

The proposed structure satisfies the statutory definitions of a caravan under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968:

- It complies with the construction test as a single-unit caravan, with no obligation to meet the two-section rule applicable to twin-units.
- It complies with the mobility test, as it can be transported intact, regardless of any difficulty accessing a road or legal constraints on highway transport.

Established case law and planning appeal decisions consistently confirm that the proposed development qualifies as a caravan for planning and regulatory purposes.