



Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal Ref: APP/Z1510/X/20/3263045

44 Shalford Road, Rayne CM77 6BY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Helen Coney against the decision of Braintree District Council.
 - The application Ref 20/01444/PLD, dated 13 August 2020, was refused by notice dated 2 September 2020.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is stationing of a caravan.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the Council's reasons for refusing the LDC were well-founded.

Reasons

3. The Council refused the LDC as the appellant had not demonstrated on the balance of probabilities that the structure would constitute a twin-unit (or other) caravan rather than operational development in the form of a building.
4. The Caravan Sites Act 1968 (as amended) (CSA) sets out 3 "tests" that a structure must meet to be defined as a twin-unit caravan. These are commonly referred to as the size, construction and mobility tests¹.
5. The stated dimensions of the structure are within the maximum limits set under the size test. The Council states that they bear no validity, since the appellant said in her application that the exact layout and style of the caravan may change. However, the appellant has reiterated that the dimensions are as initially proposed and that possible variations in style and layout of the caravan relate to external finish and internal room layout. Accordingly, on the basis of the submitted plans I am satisfied that the size test would be met.
6. The Council was not satisfied that sufficient evidence had been provided by the appellant to demonstrate compliance with the construction and mobility tests. In determining this appeal, I must take into account all the evidence before me

¹ Section 13(1) and 13(2) of the CSA

and not just that which was before the Council at the time it determined the LDC application.

7. Within the appellant's appeal statement, she has provided a section entitled "Building specification and method" with photographs. However, this is limited and it is not at all clear that this information relates to the structure actually proposed. The appeal proposal is for a L-shaped structure, which cannot be readily understood to be the subject of the section and photographs. Neither the "Building specification and method" or originally submitted plans show with sufficient clarity and precision how the proposal will be composed of no more than 2 sections separately constructed and joined in a final act of assembly by means of bolts, clamps or other devices. I am therefore not persuaded to find on the balance of probabilities that the construction test is met for the proposal.
8. The appeal papers also include a technical lifting report for what the appellant refers to as a similarly sized caravan. Structural calculations appear to conclude that the caravan subject to the report can be lifted from its plinth foundation system by lifting straps onto a flat-bed lorry without it suffering structural damage. However, this report does not provide sufficiently clear and precise evidence relating to the mobility of the L-shaped appeal structure. I am not a structural engineer but it is reasonable to suppose that a lifting operation of a L-shaped structure may be materially dissimilar to the lifting of a more uniform rectangular structure (as appears to be the case in the report submitted) and, even if it were not, the burden of proof is on the appellant to show how the report provides the evidence to make her case. She has not done so. I agree with the Inspector in the Romford appeal case² cited by the appellant, that the purported caravan or mobile home should possess the necessary structural qualities to permit its movement in one piece without structural damage. This has not been demonstrated on the balance of probabilities and I therefore find that the mobility test has not been met.
9. Accordingly, based on the evidence before me, I find overall on the balance of probabilities that the proposed structure is not a caravan but a building amounting to operational development.
10. Consequently, the development would require planning permission to be lawful.

. Conclusion

11. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the stationing of a caravan was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Andrew Walker

INSPECTOR

² APP/B5480/C/17/3174314
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