
Appeal Decision

Site visit made on 13 September 2022

by D Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/R5510/X/21/3283626
55a Parkfield Road, Ickenham Ub10 8LW

- 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 S Sieber and Mr and Mrs P Sieber against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 46965/APP/2020/3527, dated 29 October 2020, was refused by notice dated 29 March 2021.
 - 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 use of land to station a mobile home granny annex for use incidental to the main dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development for the proposal was well-founded.

Reasons

3. The appeal site comprises a detached bungalow with a large rear garden. The application is for the siting of a twin-unit, mobile home in the rear garden to be used as ancillary residential accommodation (a granny annex). The mobile home would be 3.02m high, as measured internally, 11.2m in depth and 5.3m in width. The internal layout would comprise a bedroom, bathroom and open plan lounge/kitchen and thus it would be designed for human habitation. The appellants state that the structure would fall within the definition of a caravan in terms of its size, construction and mobility and would therefore not be a building. Furthermore, the proposed use would not result in a material change of use of the land.
4. The Council agreed that the proposal would not result in a material change of use of the land. There would still be one planning unit after the development, which would remain in single residential use as the occupier of the mobile home, an elderly relative in need of care, would rely on the main property for meals and socialising. The Council also agreed that the dimensions of the proposed structure shown on the submitted drawings would not exceed the size limitations set out in Part 1 of The Caravan Sites & Control of Development Act

1960.¹ (CSCDA). Furthermore, on the basis of the information submitted, they were satisfied that the mobility requirements set out in the CSCDA would be met.

5. I see no reason to take a different view on these matters and so the issue between the parties is whether the mobile home would meet what is referred to as the "construction test". The construction test refers to part of the statutory definition of twin-unit caravans set out in the Caravan Sites Act 1968 which is:-

"Section 13(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, clumps 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 Caravan Sites & Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled."

6. It is the appellants' responsibility to provide sufficient factual information to describe precisely what is being applied for.² In this case the appellants initially provided a copy of a letter from Homelodge (the company providing the twin-unit caravan) dated 29 October 2020, which set out two options. The first would be to assemble each half of the mobile home in the factory and bolt them together on site. The second option, which was the preferred option, was to deliver each half of the mobile home in sectional form, assemble each half on site independently from each other and then bolt two halves together.
7. The Council's decision was based on this letter and the view taken was that the appellants' information was ambiguous in that it set out two options. In addition, option two did not comply with the definition as set out above for a twin-unit caravan, as it failed the construction test.
8. The appellants have now provided an updated letter from Homelodge dated 19 June 2021, which provides more details on options one and two. However, it still states that option two is preferred, rather than chosen, as it would avoid having to close the road prior to craning two halves of a mobile home over the bungalow. Their Counsel's opinion on the matter is that both options pass the construction test and as such the twin-unit mobile home would be classed as a caravan.
9. I find that the appellants have not been precise in their application³ as the Homelodge letters set out two options and they only say that option two is "preferred" as it would be less costly. However, on the basis that the Council raise no concerns regarding option one, I shall proceed on the basis that the appellants' actual proposal is for option two. With regard to option one, this

¹ The size limitations for a twin-unit mobile home are length: 20m, width: 6.8m and overall height of living accommodation as measured internally: 3.05m

² Planning Practice Guidance (PPG) ID: 17c-006-20140306

³ PPG ID: 17c-005-20140306 "An application needs to describe precisely what is being applied for".

would meet the construction test as both halves of the twin-unit would be constructed at the factory. They would be delivered to the site as two separate prefabricated structures and the final act of assembly would be to bolt them together on site. This would accord with the definition of a twin-unit caravan set out in s13(1)(a) of the CSCDA.

10. The appellants have only submitted extracts from their Counsel's opinion given in 2019 and added to in 2020. Counsel argues that the construction test is closely linked to the mobility test and that it should not matter where the two parts of a twin-unit are assembled, "Otherwise two identical structures could end up being classified differently according to the precise manner in which they were assembled. In my view, if the finished product is identical, it would be absurd to say that one is a caravan but the other is not." As the complete opinions have not been submitted, the full circumstances which resulted in the opinions are not known and, as such, I afford them limited weight.
11. Notwithstanding Counsel's advice, s13(1)(a) requires that the twin-unit is composed of not more than two (my emphasis) sections. The only works envisaged to take place on site are those of assembling the two sections, which have been separately constructed. If the process of separately constructing the sections takes place on site, then it has not been demonstrated that those works of fabrication would not amount to building works, within the meaning of section 55 of the Town and Country Planning Act 1990.
12. There is no information before me, and the drawings do not show, how the twin-unit would be constructed from several prefabricated finished cassettes. The appellants have only provided a general written description which begins: "The proposed unit is first prefabricated, in sectional form as finished cassettes, together with the internal finishes and the external cladding, in our factory...". It then continues: "Installation option 2 (on site assembly) would be to deliver Bay 1 and Bay 2 (the two halves), in sectional form (as finished prefabricated cassettes as detailed above) by lorry. We would assemble each bay (half) on site independently of each other, as we would do in the factory."
13. This provides no specific details as to what the on-site assembly would involve. There is only a reference to "as we would do in the factory" which, to my mind, is where building operations take place to manufacture and construct the twin units. The quantity, size and appearance of the cassettes, as well as the manner in which they would be fitted together, are also unknown. In the absence of such details, I am unable to conclude that the proposed twin-unit mobile home would satisfy the construction test.
14. In order to satisfy the statutory definition of what is a twin-unit caravan, it is necessary to comply with all three tests. That has not been demonstrated in this case and, as such, on the balance of probability, I conclude that the proposal would not amount to a twin-unit mobile home, as defined by the section 29(1) of the CSCDA and section 13 of the Caravan Sites Act 1968.
15. The appellants cite other appeal decisions. The Erewash appeal (APP/N1025/C/01/1074589) was allowed after an inquiry was held regarding an allegation that the appellant had erected a building. The Inspector concluded that the Park Home was a caravan based on the appellant's evidence to the inquiry and photographs, which are not before me. The West Devon appeal (APP/Q1153/C/08/2064995) was allowed and concerned an allegation that the appellants had erected a building. The Inspector was provided with

drawings and information from the manufacturer and was given information from the manufacturer at the hearing, which demonstrated that the mobile home met the construction test. These details are not before me.

16. The remaining appeals⁴ either do not have the construction test at issue or do not concern a twin unit mobile home and are therefore not comparable. In any event, none of these appeal decisions direct my own conclusions. I take them into account but they rely on their own particular circumstances and the evidence before those Inspectors.
17. For all these reasons I find that it has not been demonstrated that the proposal would fall within the definition of a caravan. As such, planning permission would be required for the development and no such permission has been granted. The proposal would not therefore be lawful.

Conclusion

18. As such, I conclude that the Council's refusal to grant a certificate of lawful use or development was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

D Fleming

INSPECTOR

⁴ APP/T0855/X/19/3237532, APP/J1915/X/11/2159970, APP/Q1255/X/16/3142534 and APP/F5540/X/20/3245429