



Appeal Decision

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/M2840/X/23/3327605

17 Farmstead Road, Corby, Northamptonshire NN18 0LE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr David Watt and Mrs Debbie Watt against the decision of North Northamptonshire Council.
 - The application ref NC/23/00117/CLD, dated 17 April 2023, was refused by notice dated 28 July 2023.
 - 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 described as “The unit in question is a caravan (as defined in the Caravan Sites and Control of Development Act 1960 (as amended)), and that the siting of a caravan, on land within a planning unit, to be used for purposes ancillary to the primary use of the planning unit, does not amount to development under Section 55(1) of the Town and Country Planning Act 1990”.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Application for costs

2. An application for costs was made by Mr David Watt and Mrs Debbie Watt against North Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. In an appeal under s195 of the Town and Country Planning Act 1990 (“the 1990 Act”) the planning merits of the matter applied for do not fall to be considered. The decision will be based strictly on the facts and on relevant planning law. Consequently, no site visit was made as it was not necessary for me to view the property in order to determine the appeal.
4. The description of the proposal in the banner header above is taken from the application form. So that the Certificate is concise, I have used a shortened version which relates only to the matter for which an LDC is sought.

Main Issue

5. The main parties are in agreement that the proposal would not bring about a material change of use of the land, owing to the particular circumstances of the site, and the use and purpose of the proposed caravan. I see no reason to find differently.

6. The main issue is therefore whether the Council's refusal to grant an LDC was well-founded. This turns on whether the proposal would involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

7. The appeal property is a semi-detached dwelling located on the southern side of Farmstead Road. The appellant proposes the siting of a freestanding unit, described as a caravan (hereafter referred to as "the caravan"), in the garden of the property. The submitted plans show that the caravan would be designed for human habitation and contain a living area, and a bedroom with an en-suite WC and shower. The caravan would be used to provide additional living accommodation for an elderly member of the appellant's immediate family.
8. The information provided indicates that the proposed caravan would be made up of two sections that would be separately constructed, and then joined together on the appeal site. As such, it is the appellants position that it is a twin unit caravan. However, as set out in the Council's reason for refusing the application, the Council is not satisfied that the proposal would not constitute a building operation as defined within section 55(1) of the 1990 Act. This is due to the Council considering that it would be fixed to the ground and would not be transportable.
9. The stationing of a caravan is normally taken as constituting a use of land, rather than operational development, and so I need to consider, based on the information provided, whether what is proposed would constitute a caravan or not.
10. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (CSA) as amended. Section 13 of the CSA defines twin unit caravans as:
 - (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 device; 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 and Control of Development Act 1960 by reason that it cannot lawfully be so moved on a highway when assembled
 - (2) For the purposes of Part 1 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 drawbar): 65.616 feet (20 metres); (b) width: 22.309 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): 10.006 feet (3.05 metres).
11. In view of the above, the tests to be applied in determining whether a proposed structure is a caravan are commonly referred to as the size test, construction test, and mobility test.

12. In respect of the size test, the caravan would measure 7.46 metres in length by 6.5 metres in width at its widest point, with the internal height of the accommodation (when measured from the lowest floor level to the ceiling at the highest level) not exceeding 3.05 metres. There is therefore no dispute that the proposed caravan would satisfy the size test.
13. Regarding the construction test, the appellants state that the proposed caravan would consist of two sections which would be separately constructed and then joined together on the site as the final act of assembly. The submitted drawings also indicate that there would be two sections (Unit 1 and Unit 2) joined together. This being the case, I have no reason to believe that, based on the information provided, the proposal would not satisfy the construction test.
14. In respect of the mobility test, the proposed caravan would rest under its own weight on ground screws, with a void underneath. Whilst the ground screws will no doubt offer support and stability, there is no evidence to suggest that the caravan would be fixed or otherwise attached to the ground. In my view, the ground screws would not be integral to the caravan, and all caravans, mobile homes, and park homes sit raised off the ground in some way to avoid damp and to facilitate mobility. A lifting diagram has also been provided which show how lifting beams and straps could be installed and used to lift the caravan off the site for transportation. I find no reason to believe that this would not be the case, and that the caravan would be physically capable of being moved from one place to another.
15. As the drawings indicate that the caravan will contain basic amenities and would be used as additional living accommodation, it is highly likely that the caravan would need to be connected to services. However, it is invariably simple to detach a caravan from connections to services such as water, drains and electricity.
16. Given the limited degree of the proposal's attachment to the ground, which would be limited to service connections and the caravan resting on ground screws by its own weight, I consider that based on the information provided the mobility test is satisfied.
17. Taking all of the above points together, I consider, as a matter of fact and degree, that the proposed unit would accord with the statutory definition of a caravan.
18. In *Measor*¹ the court was wary of holding, as a matter of law, that a structure which satisfied the definition of a mobile home under section 13 of the CSA could never be deemed a building for the purposes of the 1990 Act. However, a mobile home would not generally satisfy the well-established definition of a building, with regard to permanence and attachment.
19. Given that a "statutory caravan" could potentially be a building for the purposes of the 1990 Act, coupled with the Council's concerns that the proposal may constitute building operations, I have had regard to section 336(1) of the 1990 Act.
20. Section 336(1) defines a "building" as including "*any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*". The *Skerritts*² case established three primary factors as

¹ *Measor v SSETR & Tunbridge Wells DC* [1999] JPL 182

² *Skerritts of Nottingham Ltd v SSETR* (No. 2) [2000] 2 PLR 102

decisive of what constitutes a “building”. These were size, permanence, and physical attachment to the land. No one of these three factors is decisive.

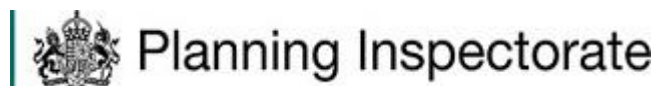
21. For the reasons set out above, I have found that the proposal would be a caravan which is mobile by definition and would have a very limited degree of physical attachment to the ground. With regards to its size, it would consist of two sections that upon being joined together would be of considerable size. Nevertheless, its size is not such to prevent it being transported to the site, albeit in sections, or prevent it from being capable of being moved as a whole.
22. As to the degree of permanence, it is likely that the caravan would be on the site for a period of years rather than months or weeks. However, it is not unusual for a caravan to remain in situ for a considerable period of time and does not necessarily mean that it would be permanent. There is no evidence that the proposal would result in the permanent physical alteration of the land or interfere with its physical characteristics.
23. Drawing all of these points together, I find as a matter of fact and degree, that the proposed caravan would lack such a degree of physical attachment and permanence to render it a building within the meaning of section 336(1) of the 1990 Act. Accordingly, I conclude that what is proposed is not a building.
24. Finally, given I have found that the proposal meets the definition of a caravan and would not be operational development, it is not necessary for me to assess whether the structure would meet the limitations and conditions of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including which elevation of the dwelling constitutes the “principal elevation”.

Conclusion

25. For the reasons given above I conclude, on the evidence now available, that the Council’s refusal to grant a certificate of lawful use or development in respect of the proposed siting of a caravan for use ancillary to the main dwelling was not well-founded and the appeal succeeds. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

David Jones

INSPECTOR



Lawful Development Certificate

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

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 17 April 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposal described in the application documents and shown on the submitted drawings constitutes a caravan and would not be operational development or a material change of use of the land. Consequently, planning permission is not required.

Signed

David Jones

Inspector

Date: 31 January 2025

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First Schedule

The siting of a caravan for use ancillary to the main dwelling

Second Schedule

Land at 17 Farmstead Road, Corby, Northamptonshire NN18 0LE

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified 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 of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 31 January 2025

by David Jones BSc (Hons) MPlan MRTPI

Land at: 17 Farmstead Road, Corby, Northamptonshire NN18 0LE

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Scale: Not to Scale

