

Appeal Decision

Site visit made on 10 June 2025

by **John Whalley**

an **Inspector appointed by the Secretary of State**

Decision date: 16th June 2025

APP/C3430/X/24/3340549

Cherry Tree Cottage, Whittington Hall Lane, Kinver, Stourbridge DY7 6PW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended, (the Act), by the Planning and Compensation Act 1991 against a refusal by South Staffordshire District Council to grant a certificate of lawful use or development.
- The appeal was made by Mrs Margaret Powis.
- The application, reference 23/01026/LUP, dated 5 December 2023, was made under s.192(1)(b) of the Town and Country Planning Act 1990. It was refused by a notice dated 11 January 2024.
- The Application for a Certificate of Lawful Development was for: The siting of a mobile home for use ancillary to the dwelling at Cherry Tree Cottage, Whittington Hall Lane, Kinver, Stourbridge DY7 6PW.

Summary of decision: The appeal is dismissed.

Appeal property and application

1. The appeal property, Cherry Tree Cottage, is a 2 storey detached house and its outbuildings standing alone at the end of a long driveway that runs from opposite the Whittington Hall Lane junction with Gibbet Lane, Kinver.
2. The Appellant, Mrs Margaret Powis, wishes to install a mobile home at the southern end of the garden land to the house. Mrs Powis said the stationing of the mobile home for purposes ancillary to the main use of the host dwellinghouse, would not constitute development nor result in a material change of use of the land, (s.55 of the Act). It would stand on, but not fixed to, a grid of ground screws. Stationing the mobile home would not require planning permission.

Considerations

3. In my view, for Mrs Powis' application and appeal to succeed, it needs to be shown that her mobile home project would be the stationing of a mobile home or caravan amounting to a use of the land within the domestic curtilage of the dwelling for a use ancillary to the residential use of the dwelling.
4. The use of land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is exempted from development under s.55(2)(d) of the Act. The Ministry of Housing, Communities and Local Government technical guidance September 2019 – Permitted development rights for householders, defines Curtilage as land which forms part and parcel with the house.
5. The Council accepted that the land on which the proposed twin unit caravan would be sited was within the domestic curtilage of Cherry Tree Cottage.

Caravan Sites Act 1968 s.13(1)(a)

6. Section 13 of the Caravan Sites Act 1968 describes Twin-unit caravans:

- (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 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) ...
 - (2) ... a "caravan" shall not include a structure designed or adapted for human habitation ... if its dimensions when assembled exceed any of the following limits:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 6.8 metres;
 - (c) overall height of living accommodation: 3.05 metres.
7. The proposed mobile home would meet the size limitations of s.13(2) of the Caravan Sites Act 1968. The Council accepted that the mobility test in s.13(1)(b) could be met. But they said the proposed twin unit caravan would fail the "construction" tests specified in the Caravan Sites Act 1968. Its size/permanence would necessitate a construction methodology that amounting to building works under s.55 of the Town and Country Planning Act. Planning permission was required.
8. I consider the completed structure may reasonably be seen as a building. In the case of *Cardiff Rating Authority v Guest Keens [1949] 1 KB 385* one of the main characteristics of a building found was its physical attachment to the ground. In this instance, Mrs Powis' mobile home would simply stand on a ground screw pile foundation system. It seems that to help distinguish the mobile home from a being building, there would be no attachment to the top of the screws, even though most brackets fitted to the top of typical ground screws show holes for fixing bolts.
9. However insecure the proposed system would be, the lack of a fixing bolts is part of the case made by the Appellant. Even if not bolted to the top of the foundation ground screws, I consider the screws an integral and essential part of the erection of the twin unit mobile home. The ground screws were described within the Appellant's submissions as the substructure, their installation being said to be undertaken by a third-party specialist contractor, following the provision of plans and subject to a structural engineer review. In my view, such works would be classified as engineering operations which were an essential part of the application scheme to provide ancillary accommodation to Cherry Tree Cottage, (s.55(1A)(d) of the Act).
10. As the weight of the completed twin unit mobile home would be expected to be sufficient to hold it exactly in position without the use of fixing bolts to the top of the ground screws, I consider it reasonable to regard it as physically attached to the screws and thereby to the ground. It appears there would be no intention to move it. That, and in particular, the ground screws fixed into the ground would cause a physical change of some permanence.
11. The Council accepted the assembled twin unit could, as s.13(1) of the 1968 Act sets out, be, when assembled, physically capable of being moved by road from one place to another. However, no calculations were provided to show how such a wide unit could be craned onto a trailer and moved without causing it undue structural damage. Merely asserting its plausibility without demonstrating that the connected twin units were specifically designed to be so moved as one unit, gives rise to feasibility doubts.

Conclusion

12. I consider that the twin unit would be a structure that falls within the definition of the word 'building' in s.336 (1) of the Act. I conclude that, on the evidence before me, the siting of a mobile home as proposed would be a building as defined in s.336(1) of the Town and

Country Planning Act 1990 as amended and that a certificate of lawfulness should not be issued.

FORMAL DECISION

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawfulness for the erection of a single storey granny annexe for the siting of a mobile home for use ancillary to the dwelling at Cherry Tree Cottage, Whittington Hall Lane, Kinver, Stourbridge DY7 6PW was well-founded and that the appeal should not succeed. I will exercise the powers transferred to me under s.195(3) of the 1990 Act as amended.

John Whalley

INSPECTOR