
Appeal Decision

Site visit made on 7 July 2025

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 15 July 2025

Appeal Ref: APP/X0415/X/23/3318277

13 Chartridge Lane, Chesham, Buckinghamshire HP5 2JJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990, as amended, (the Act) against a refusal to grant a certificate of lawful use or development.
- The appeal is made by Mr and Mrs Nick Vyas against the decision of Buckinghamshire Council.
- The application ref PL/21/4457/SA, dated 19 November 2021, was refused by notice dated 11 February 2022.
- The application was made under section 192(1)(b) of the Act.
- The development for which a certificate of lawful use or development is sought is 'siting of mobile home in rear garden for use ancillary to the main dwelling'.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. The application was made to ascertain whether the proposal would have been lawful if begun on the date of the application. For the appeal to succeed, the onus and burden of proof is firmly on the appellants to demonstrate, on the balance of probabilities, that it was lawful. For example, not development that required an express grant of planning permission¹.
2. The nub of the dispute is whether the structure would have been development by building operations, including the appellants' claim that it amounted to a caravan. This is largely a judgement informed by matters of fact and degree.
3. I sympathise with the appellants' family reasons and need for the structure, as set out in the personal statements. I also appreciate the timescale they and other family members have endured since the appeal was lodged. But private benefits, human rights and planning merits of the proposal are not engaged in an application for a lawful development certificate or, therefore, relevant to my decision.

Main Issue

4. The main issue is whether the Council's decision to refuse the application for a lawful development certificate was well-founded.

Reasons

5. By external dimensions the size of the structure would be within the relevant description of a caravan². With regard to mobility, I appreciate that the appellants' example construction method structural calculations are for a longer, slightly wider and taller mobile home. However, aside from size, there is little else to confirm that the structure is the same or even comparable to this mobile home in other respects,

¹ Sections 55(1) and 57(1) of the Act

² Section 13 of the Caravan Sites Act 1968, as amended

such as external walls, framing, roof or materials or the number and placement of windows, doors or floor beams. Nor in weight, massing or rigidity, including that the joint line would be off-set to one side creating two uneven sections, whereas the other mobile home was divided centrally into two equal sections.

6. This undermines the credibility of the claimed loading and lifting example construction method for transportation of the structure, such that I cannot be certain even a small discrepancy in any of these respects would not have a significant effect. As a result, the appellants' evidence does not show that when assembled the structure could be picked up intact as a single unit by crane or hoist and put onto a lorry or trailer, thus physically capable of being moved by road from one place to another.
7. Given some of the appellants' example construction method photographs, there is no apparent reason why the resulting internal layout of the structure could not be assembled in two sections. Other of these photographs show two sections of a mobile home butted up to each other on a site. However, some external wall, framing, roof or facing materials are plainly missing from one or both sections. There is little to counter that these sections are as a result fundamentally incomplete and subject to significant work in progress, despite lying in situ next to each other. The relevant description does not distinguish – as the appellants do – between 'a final structural act of assembly' by 'tightening bolts to bring and secure the sections together' and merely 'coach bolts loosely inserted' between adjacent sections meantime whilst the two sections are individually finished beside one another.
8. Consequently, without essential constituent external walls, framing, roof or facing materials already present in each discrete section, there is little evidence that the structure would be composed of two sections separately constructed and designed, then assembled on site by means of bolts, clamps or other devices.
9. During assembly or once complete, the weight of the structure would rest on the circular flanges (flat pads) of 'screw piles' inserted into the ground, with the underside elevated to give it a minimum clearance of 150mm. There is little to suggest that this foundation would cause appreciable permanent change to physical characteristics of the land, rather be easily reversible and not necessarily endure beyond its intended purpose. The appellants also explain that provision of services, such as water and electricity, would in essence be 'plug and play', so simple to disconnect and remove.
10. Nonetheless, despite its size and that it would not be directly physically attached to the ground, even if assembly started as two sections on the land, the appellants' evidence does not suggest anything other than that the structure would ostensibly be finished to completion, to all intents and purposes, in a single composite act of construction. Nor does it justify that it could be moved thereafter or that it would amount to a use of land. There is little else to suggest that the structure would be a caravan, even if present for an indeterminate period of time. As such, it is more likely than not that the structure would have been a building as defined for planning purposes³. Additionally, that its erection would involve building operations amounting to development.

³ Section 336 of the Act

11. Having regard to relevant limitations and conditions, there is little to show that the structure would have been granted planning permission by Article 3(1) and Schedule 2, Part 1, Class E or Schedule 2, Part 5 – or any other part – of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
12. Amongst other things, buildings under Class E should be built for purposes incidental to the enjoyment of a dwellinghouse as such by its occupants. This excludes the provision of a building within the curtilage of a dwellinghouse that would provide primary living accommodation from the outset; in this case, a self-contained annexe with all the facilities necessary for independent day-to-day living which could be in residential use as a separate dwellinghouse. Unlike a planning application, there is no procedural means to apply a restrictive use condition in a lawful development certificate. For essentially this same reason, Part 5 paragraphs A and A.2 (in the context of relevant licensing requirements for the use of land as a caravan site⁴) would not permit the structure.
13. The appellants claim that some other caravan or mobile home appeals were ‘the same’ as in this case. Indeed, some involved the same agent/installer. I have also had due regard to established caselaw the main parties have referred to about the stationing of structures and whether caravans or buildings. However, the evidence in those cases is not before me and outcomes can be nuanced or turn on fine margins. In any event, these decisions include matters that are common ground or not in dispute in this appeal; or circumstances that are not inconsistent with what I have outlined earlier or can be distinguished from this appeal.
14. Taking account of all the above, as a matter of fact and degree, the appellants have not demonstrated on the balance of probabilities that the proposal would have been lawful so not require an express grant of planning permission.

Conclusion

15. For the reasons given above, and on the evidence now available, I am satisfied that the Council’s decision to refuse to grant a lawful development certificate for the proposed siting of a mobile home in the rear garden for use ancillary to the main dwelling was well-founded. Accordingly, the appeal does not succeed and I will exercise the powers transferred to me under section 195(3) of the Act.

Formal Decision

16. The appeal is dismissed.

Robin Buchanan
INSPECTOR

⁴ Schedule 1 of the Caravan Sites and Control of Development Act 1960