



Appeal Decision

by A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/N5660/X/23/3330626

4 Rosebery Road, London SW2 4DD

- 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 Mrs Lucinda Sikorski against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 23/01549/LDCP, dated 12 May 2023, was refused by notice dated 18 August 2023.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended ("the 1990 Act").
 - The use for which a certificate of lawful use or development is sought is the use of the land for siting a mobile home for use ancillary to the main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal turns on the facts of the case and relevant planning law and whether the specific matter is lawful as defined by the 1990 Act. Planning merits, including personal circumstances, are not relevant at any stage in this process. I do not consider a site visit is necessary to determine the appeal and proceed on this basis.

Inspector's Reasons

3. The mobile home, which would meet the statutory definition of a caravan and provide viable facilities for day-to-day living, would be sited to the rear of no. 4. The property is converted into four self-contained flats, but the appellant has control over the use of the rear garden.
4. The appellant's case is a simple one, namely, the proposal would not constitute development falling within the scope of s55(1) of the 1990 Act¹. The case attempts to demonstrate an incidental use of the proposed caravan and the agent maintains the flat and rear garden constitute a single unit of occupation in residential use. It is well established that the right to use land for some primary purpose includes the right to use it for any purpose which is incidental or ancillary to that dominant purpose. The Council refused the LDC application on the sole ground that the height, bulk and siting of the mobile home would result in a material change of usage of land which provides access and an open outlook to other dwellings within the application site and would constitute development. For the following reasons, I disagree with the approach taken by both parties.

¹ Since the representations indicate to me that both parties are well versed with the relevant law and principles established in caselaw, I will not set these out in my reasons but apply them to the facts and circumstances of this case.

5. The words 'incidental' and 'ancillary' do not strictly mean the same thing, but they are often used interchangeably. It is not wrong to use the word 'ancillary' even when the question is whether a use is 'incidental' for the purposes of s55(2)(d), although the latter is engaged in scenarios where use of any existing building or other land within the curtilage of a dwellinghouse, which is irrelevant in this case. The essential feature of an incidental use is that there should be some functional relationship with the primary use of the planning unit. That functional relationship should be one that is normally found; it is not founded on the personal choice of the person carrying out both activities together. There is some force behind the argument that, even if the mobile home provides facilities for independent day-to-day living, it will not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. As the Court held in *Uttlesford*², there was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.
6. The appeal parties have missed a fundamental point; the evidence presented needs to show, on the balance of probabilities, that the proposed residential use facilitated by the stationing of a caravan would be in connection with the primary use of the same planning unit. To me, the key issue is whether a separate planning unit would be created if the mobile home had been provided for residential purposes at the date of the LDC application. Provided the latter remains in single family occupation and continues to function as a single household, there would be no change in the definable character of that primary use.
7. Turning to the particulars of this specific case, it should be borne in mind that in this appeal the onus is upon the appellant to make their own case out. Against that context, the agent says the daughter would use the mobile home for their residential purposes. They have specific medical needs. However, that claim is directly contradicted by the appellant's own detailed statement. It explains that the caravan would be occupied and used by their sister. Be that as it may, the appellant's claim is the mobile home would not have a separate address, post box, or separate services like utility³. However, the supporting information, which tries to demonstrate how occupiers of the flat and mobile home would function as a single household, is imprecise and contradictory.
8. The appellant's own evidence explains that the intention is to allow the sister to gradually integrate and develop independence. Initially, the sister would live with the family in the flat but gradually ease into the mobile home, which would be used as a place to prepare snacks and watch television. The process might take some time, nevertheless, the aim is to develop self-confidence, so the occupier becomes autonomous. In turn, the mobile home would be occupied and used as their main residence given the available facilities for independent cooking, washing and sleeping. That type of activity would not be functionally linked to the residential use of the flat.
9. A member of the extended family would be on hand. The caravan would have shared utilities, a common access, and laundry or waste management would be collectively managed. Nonetheless, the appellant's own evidence undermines the claims that the occupiers of the flat and mobile home would function as a single household. Apart from generalised assertions, the evidence presented does not clearly show when or how the family would socialise or interact as a single household. Nor is there detail as to how the occupier of the mobile home would share their lives with other family members given the specific health needs.
10. I have carefully considered all the written submissions. However, I find the quantum of the presented evidence about the degree of interdependence and interconnectedness between the living accommodation in the caravan and flat, and how the family would function as a single

² *Uttlesford DC v SSE & White* [1992] JPL 171.

³ Appellant's grounds of appeal, statement of case, final comments together with appendices.

household, contradictory, incomplete and insufficient in detail. As the mobile home would contain the necessary facilities for day-to-day living, in all probability, its self-contained and independent use would amount to a physically and functionally separate residential use. Therefore, it would result in the creation of a separate planning unit, and the proposed use cannot reasonably be regarded as being part and parcel of the primary residential use of the same planning unit.

11. Much is made of several appeal decisions submitted in support of the appellant's case⁴, but none form binding precedents like court judgments. There is a need for consistency in decision-making, but, based on the available information, I do not consider this case is similar or squarely matches the facts in those appeals and the material facts between this case and those appeal decisions are distinguishable. For example, either they relate to an enforcement notice appeal related to outbuilding or mobile home, or they relate to the residential use of a mobile home where the evidence demonstrated an essential functional link. I am not persuaded these appeal decisions are strong precedents to take a different approach in this appeal. In any event, I should assess the proposed use on its individual merits, and that is what I have done.
12. My decision is likely to be disappointing, but I must determine the appeal based on the written submissions and my analysis and evaluation of the evidence before me. As the Planning Practice Guidance says at paragraph: 009 Reference ID: 17c-009-20140306, a refusal is not necessarily conclusive that something is not lawful, it may mean that to date insufficient evidence has been presented.

Conclusion

13. Drawing all the above threads together, I find that the quantum of the evidence presented does not clearly or unambiguously show that, if the proposed development had occurred on the application date, it would have been lawful for planning purposes. The decision to refuse the LDC application was well-founded albeit for different reasons. I conclude that the appeal should fail. I exercise accordingly the powers transferred to me in section 195(3) of the Act.

A U Ghafoor

INSPECTOR

⁴ APP/B5480/C/17/3174314, APP/B5480/C/17/3174314 and APP/B0230/X/22/3295944.