
Appeal Decision

Site visit made on 10 June 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/E3335/X/24/3345211

34 High Street, Cannington, Bridgwater, Somerset TA5 2HF

- 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 Robert Perry against the decision of Somerset Council.
 - The application ref 13/24/00001, dated 5 February 2024, was refused by notice dated 22 April 2024.
 - 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 the erection of a two-section modular building, to be used as additional living space for the main house.
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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.

Preliminary Matters

2. The application sought is a certificate of lawfulness for a proposed development. The purpose of an application made under section 192 is to find out whether proposed development, as described in the application form and shown on the drawings, would be lawful if instituted or begun at the time of the application, it is not the equivalent, in law, of a planning permission. The burden of proof rests with the appellant and the appropriate test of the evidence is the balance of probabilities.
3. The description of the proposal in the banner header above is taken from the Council's decision notice and was agreed with the appellant during the course of the application. However, given that the appellant's case referred to the siting of a caravan to provide additional living space, and that the Council's case had been made on that basis, I wrote to the parties suggesting the description of proposed development be changed to "*The siting of a caravan for residential purposes ancillary to the use of the main dwellinghouse*". The appellant confirmed, by email dated 30 July 2025, that he had no objection and agreed to the change in description. The Council made no comment on the matter. I have used the revised description in the certificate that is attached to this decision.

Main Issue

4. The main issue is whether the decision by the Council to refuse to grant an LDC was well-founded.

Reasons

5. The appeal property is a semi-detached property on the northern side of High Street. I observed during my site visit that No. 34 has a long and relatively narrow rear garden bounded by hedges and fencing. The appellant proposes the siting of a two-section modular building which is referred to as a caravan (hereafter referred to as “the caravan”), in the rear garden of the property.
6. 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 appellant’s position that it is a twin unit caravan.
7. However, as set out in the Council’s reasons for refusing the application, the Council is not satisfied that the proposed structure would meet the definition of a caravan, primarily due to concerns over whether it would be physically capable of being moved and transported from one place to another. The Council also considers that the proposed structure would not be permitted development under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), and that its use would not be ancillary to the main dwelling on the site.
8. 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.
9. 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).
10. 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.

11. There is no dispute between the parties that the proposed structure complies with the size test, and from the available evidence I find no reason to disagree. In terms of the construction test, the submitted drawings show that the proposed caravan would consist of two sections (Section 1 and Section 2) which would be separately constructed and then joined together on site as the final act of assembly. This being the case, I have no reason to believe that, based on the information provided, the proposal would not satisfy the construction test.
12. In respect of the mobility test, the Council contend that it is unclear whether the structure would be capable of being moved or transported. The submitted drawings and application form are clear that the proposed caravan would sit on three spine blocks. Whilst the spine blocks 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 and would simply rest upon the spine blocks. In my view, the spine blocks would not be integral to the caravan, and in my experience all caravans, mobile homes, and park homes sit raised off the ground in some way to avoid damp and to facilitate mobility.
13. The appellant's submissions also state that the two sections would be transported to the site by road and lifted into the rear garden by crane from the nearby pub car park. An email containing a quote from a crane operator has also been provided. The drawings also detail that the caravan would be connected to mains drainage, however it is invariably simple to detach a caravan from such connections. In view of the above, I find no reason to believe that the caravan would not be physically capable of being moved from one place to another.
14. Given the limited degree of the proposal's attachment to the ground, which would be limited to drainage connections and the caravan resting on three spine blocks by its own weight, based on the information provided I consider that the mobility test is satisfied.
15. 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 and no building operations would be involved.
16. Given 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 GPDO.
17. It is though, necessary for me to assess whether the use of the mobile home would be ancillary to the use of the main dwelling or whether a material change of use would occur. The first step is to examine the relevant planning unit, which in this case is presently No. 34 and its associated garden/curtilage. The caravan would be sited within the rear garden of No.34 and would therefore be located within the planning unit which is in residential use.
18. The proposed caravan would have a living room, refreshment area, rest room, store room and toilet facilities. The appellant has confirmed that the rest room would have a bed or sofa bed placed in it, and that the refreshment area would have a microwave, fridge, and kettle. It is stated that the occupants will use both the dwelling and the caravan, and that the caravan will not function as a separate and independent dwelling but will provide additional living space.

19. The appellant states that the occupants of the caravan will be away for several weeks at a time travelling. However, when they are present, they will utilise both the caravan and the main dwelling. In particular, meals will generally be prepared and cooked in the main house or outside using the BBQ, as the caravan will have no fitted kitchen. At other times the basic provision (microwave, fridge etc) provided in the caravan will be used. It is also stated that occupants will occasionally sleep in the main dwelling, as they do now. The caravan would also not have a separate access, would not have its own amenity space, the rear garden would not be physically sub-divided between the main dwelling and the caravan, and electricity would be provided from the main dwelling.
20. I acknowledge the Council's concerns about the caravan providing a level of accommodation which is "*tantamount to an independent dwelling*". Notwithstanding that the submitted drawings do not show a fitted kitchen or any shower/bath facilities, it was established in *Uttlesford*¹, that the residential use of an outbuilding may be regarded as part and parcel of the use of the dwellinghouse, even if the outbuilding contains the facilities required for use as a self-contained dwellinghouse. It would not, necessarily, result in the creation of a new planning unit separate from the main dwelling.
21. Although I deal here with the proposed use of a caravan, the principles in *Uttlesford* still apply. It is not simply a matter of assessing whether the proposed caravan contains all the facilities required for day-to-day living, but crucially whether there would be a functional and physical relationship between the use of the caravan and the main dwelling.
22. For the reasons set out above, I find, as a matter of fact and degree, that the land would remain a single planning unit. The current use of the planning unit is residential, and the use of the caravan would be part and parcel of the same planning unit. No new planning unit would be created, and the use of the existing planning unit would not change. Therefore, there would be no material change of use arising from the development. The proposal does not therefore amount to development as defined in section 55(1) of the Act for which planning permission is required.
23. I have found that the evidence is sufficient to show, on the balance of probability, that the proposed structure would meet the definition of a caravan and would be used for purposes ancillary to the main dwelling. However, should this not be the case, allowing this appeal does not fetter the Council from using its enforcement powers to address any such breach of planning control in the future.

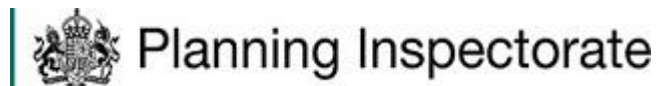
Conclusion

24. 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

¹ Uttlesford DC v SSE & White [1992] JPL 171



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 5 February 2024 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 192 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: 5 August 2025

Reference: APP/E3335/X/24/3345211

First Schedule

The siting of a caravan for residential purposes ancillary to the use of the main dwellinghouse

Second Schedule

Land at 34 High Street, Cannington, Bridgwater, Somerset TA5 2HF

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 this decision dated: 5 August 2025

by David Jones BSc (Hons) MPlan MRTPI

Land at: 34 High Street, Cannington, Bridgwater, Somerset TA5 2HF

Reference: APP/E3335/X/24/3345211

Scale: Not to Scale

