



Appeal Decision

No site visit

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/N1730/X/23/3335652

5 Pine Drive, Blackwater, Camberley, Hampshire GU17 9BG

- 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 Dominique Finck and Ms Joanne Shelley against the decision of Hart District Council.
 - The application ref 23/01469/LDC, dated 5 July 2023, was refused by notice dated 8 December 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 siting of a caravan to be used for residential purposes ancillary to the host dwelling.
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Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Mr Dominique Finck and Ms Joanne Shelley against Hart District Council. The application is the subject of a separate Decision.

Preliminary Matters

3. My decision rests on the facts of the case and the interpretation of relevant planning law and judicial authority. The burden of proving relevant facts rests on the appellant. For these reasons, a site visit to the property was not necessary as it would not assist my assessment of the evidence.
4. The Council does not dispute that the land to which the appeal relates constitutes domestic curtilage to the host dwelling. I have taken that to mean that they accept it is part and parcel of the planning unit forming 5 Pine Drive, a Class C3: dwellinghouse. The stationing of a caravan is a use of land. There is no dispute that the caravan would be used for ancillary residential purposes. Therefore, no material change of use would occur through the siting of a caravan used for ancillary residential purposes.
5. To avoid confusion, I shall refer to the proposed 'caravan' as 'the assembled structure' in my consideration of the evidence.

Reasons

6. The **main issue** is whether the Council's refusal to issue an LDC is well founded. This turns on whether the appellant can show that what is proposed is the stationing of a caravan. The onus of proof is on the appellant, and the relevant test is on the balance of probabilities.

7. The term 'caravan' is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 as meaning "*any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)...*".¹ Sections 13(1)(a) and (b) of the Caravan Sites Act 1968 (CSA 1968) provide that a twin-unit caravan designed or adapted for human habitation "*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 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)...*". The structure as a whole must be transportable, but the legality of such transportation on the public highway is irrelevant. Section 13 (2) of the CSA 1968 provides that, when assembled, the dimensions of a twin unit caravan cannot exceed 20 metres in length, 6.8 metres in width and an overall height of 3.05 metres (measured internally from the floor at the lowest level to the ceiling at the highest level).
8. There is no dispute that the assembled unit has been designed or adapted for human habitation. The prerequisites set out above are usually referred to as '*the construction test*', '*the mobility test*' and '*the size test*'. I shall deal with these in turn below.

The construction test

9. Section 13(1)(a) of the CSA 1968 does not specify where the 2 sections should be constructed/made and/or that they need to be moved/lifted to be assembled. It only provides that the two separately constructed sections be assembled on site. Where the 2 sections are constructed is not therefore determinative.
10. I share the Council's concerns regarding the level of detail provided in respect of how the assembled unit will be constructed. The section 1 and section 2 plans show how each section would be constructed separately with a 10 millimetre gap between them. No details have been provided of how the 2 separately constructed sections would be joined. Further, the section 1 + 2 plans include three dimensional plans which appear to show the assembled structure. In these plans, the assembled structure has no windows or doors, and they show only timber frameworks where the internal walls would be. This suggests that the act of joining the 2 sections is not the final act of assembly as a considerable amount of fitting out would remain to be completed before the assembled structure could be used for human habitation.
11. Even if the three dimensional plans do not represent the assembled structure, there is no information before me to show when windows, doors, internal walls, bathroom, kitchen, electrics and plumbing would be installed. To meet the definition of a caravan these would all need to be completed before the 2 constructed sections are joined together on site.
12. The appellant has not shown that the assembled structure would be ready for human habitation once the two sections have been assembled. I therefore find the appellant has failed to show that, on the balance of probabilities, the assembled structure would meet the construction test.

¹ It goes on to list exclusions which are not relevant in this appeal

13. I have been directed to a considerable number of appeal decisions that deal with the construction test. These deal mainly with where the 2 component sections are constructed, which I have concluded on above. They do not however deal with whether there is sufficient information to determine whether the joining of the 2 component sections would be the last act of assembly. Their findings do not therefore change my conclusions in this regard.

The mobility test

14. This test is not concerned with whether the structure was ever intended to be moved or the adequacy of the access or other roads leading to the site to accommodate transportation. It is only concerned with whether the structure is physically capable of being moved by road once assembled.
15. The assembled structure would be constructed on screw piles and it would not therefore be physically attached to the ground. The assembled structure has no means by which it could be towed.
16. The appellant claims the Lifting Diagram plans show how the assembled structure could be lifted on to a motor vehicle or trailer. These plans show how 2 “underbeams” would be passed widthways below the assembled structure, 2 corresponding “lower top beams” would be “attached to underbeams via sling [sic]”. These beams and slings would then be attached somehow to a “top lifting beam” that would be held above the assembled structures ridge line.
17. Given the positioning of the kitchen, bathroom, window and internal walls, the weight of the assembled structure would not be evenly distributed along its length and width. In the absence of any load bearing calculations, it is unclear how the simplistic lifting apparatus shown in the Lifting Diagram would retain sufficient rigidity to prevent the assembled structure being damaged and/or breaking along its joint line when lifted. Furthermore, the symmetrical placing of the under beams would not seem to take account of the uneven weight distribution of the assembled structure. This again could cause the assembled structure to be damaged or broken when lifted.
18. For these reasons, I am unconvinced that the proposed lifting apparatus shown in the Lifting Diagram plans would be capable of lifting the assembled structure on to a motor vehicle or trailer. It has not therefore been demonstrated, on the balance of probabilities, that the assembled structure is physically capable of being moved by road from one place to another. I therefore find the assembled structure would not meet the mobility test.

The size test

19. The Supporting Statement at paragraph 3.13 states “*The proposed caravan would measure 10 metres in length by 6.52 metres in width, and the overall height of the living accommodation measured internally from the floor at the lowest level to the ceiling at the highest level, would not exceed 3.05 metres.*” The length and width dimensions stated correspond with dimensions specified on the floor plan produced by The Green Room. While The Green Room elevation plans provide no internal measurements, a ridge height of 3.51 metres is specified.
20. The section drawings produced by The Green Room provide additional dimension details, however those given exclude the external cladding and roof covering.

While not specified, the dimensions on the section plans appear to be given in millimetres and I shall proceed on that basis. The section drawings of the assembled structure show it to have an external footprint of “6405” by “9880”. The overall width and length, taking account of the roof overhang, are “3353” plus “3352” wide by “10180” long. Converting these dimensions to metres equates to 6.705 metres wide by 10.180 metres long.

21. There is ambiguity relating to the width and length of the assembled structure in the evidence provided. However, this could be accounted for by the lack of cladding and roof covering on the plans and/or the rounding up or down of the dimensions. Nevertheless, all the width and length dimensions do comply with section 13(2) of the CSA. These are not however the only dimensions of relevance.
22. The proposed assembled structure is shown having a dual pitched roof. Given the size and shape of the internal wall sections, it would have a sloping ceiling, running parallel with the external roof slope. The Section 1 plans provide a dimension “2223” for the floor at its lowest level to the ceiling at its lowest level. No dimension is however provided for the floor at its lowest level to the ceiling at its highest level.
23. The section 1 plan shows a dimension of “3107” for the tallest internal stud wall. It would not be unreasonable to take the height of the tallest internal stud wall to correspond with the lowest floor level and highest ceiling level dimension. Similarly, the section 2 plans provide dimensions of “2756” plus “351” (giving a total of “3107”) for the lowest floor level to the internal underside of the ridge. Converting these dimensions to 3.107 metres takes the overall height of living accommodation over the 3.05 metres maximum threshold specified in section 13(2)(c) of the CSA.
24. I appreciate that the internal dimensions provided may also exclude internal finishes, such as internal boarding, plastering, etc. However, no information is provided as to what effect such things would have on the internal dimensions provided. Furthermore, the difference between the maximum external height of 3.51 metres and the internal height of 3.107 metres seems significant. The section plans do not provide any detail to account for this significant difference, nor is any written explanation provided.
25. For the reasons given above, I find the appellant has failed to show, on the balance of probabilities, that the assembled structure would meet the size test.

Conclusion

26. On the information before me, the appellant has failed to show, on the balance of probabilities that the assembled structure would fall within the definition of a caravan. Accordingly, I conclude that the Council’s refusal to grant a certificate of lawful use or development for the siting of a caravan to be used for residential purposes ancillary to the host dwelling is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

M Madge

INSPECTOR