



Appeal Decision

Site visit made on 18 August 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 18 September 2025

Appeal Ref: APP/C1760/X/24/3354325

The Log Cabin, Packridge Farm, Packridge Lane, Romsey, Hampshire SO51 9LL

- 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 Mrs C Knights against the decision of Test Valley Borough Council.
- The application ref 24/01237/CLES, dated 30 May 2024, was refused by notice dated 25 July 2024.
- The application was made under section 191(1)(a) of the 1990 Act.
- The development for which a certificate of lawful use or development is sought was described as 'construction of a log cabin which constitutes a building along with associated works including groundworks and accessible steps and ramp'.

Summary Decision: The appeal is dismissed.

Main Issue

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

Reasons

2. The application was to ascertain whether the log cabin was lawful at the time it was made to the Council (the relevant date). For the appeal to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probabilities, that no enforcement action could have been taken against the log cabin on the relevant date because the time for taking enforcement action had expired.
3. The Council issued a previous certificate of lawfulness for proposed development to site a mobile home on the land¹. The nub of the matter in hand is whether the log cabin was then established on the land as a building and operational development² or a mobile home within the definition of a twin-unit caravan³.
4. There is no dispute that the log cabin I saw at my site visit is as it was on the relevant date. Nor that it was substantially complete and occupied by February 2019, more than four years before the relevant date. It is then common ground that caselaw has established three primary factors relevant to what constitutes a building – size, physical attachment and permanence.

Size

5. The interlocking timber corner joints of the log cabin overhang but there is little technical evidence this is necessary for structural integrity, rather than aesthetic reasons. These stubs do not, anyway, protrude very far beyond the main outer

¹ Ref 18/00531/CLPS

² Sections 336(1) and 55(1) of the Act

³ Caravan Sites Act 1968, as amended (the 1968 Act)

envelope of the log cabin, in much the same way as an exposed roof truss. They are shown in the previous certificate plan and there is little to suggest it has allowed more internal living space. Indeed, there is no dispute the substantive floorplan and external elevation dimensions of the log cabin do not exceed the limits of a twin-unit caravan. As a result, the log cabin is visually and spatially indistinguishable from the mobile home in the previous certificate. I am not, therefore, persuaded that the di minimis influence of the stubs on the size of the log cabin mean it is a building, not a mobile home.

6. The log cabin is quite large and there is no dispute that a 'lodge kit' or 'kit of parts' was delivered to the land. However, the timeline appended to the appellant's statutory declaration, with an outline of some works, is not explicit about precisely how the log cabin was established. Furthermore, there is little evidence that to be a mobile home, pre-fabrication of sections could only take place elsewhere and complete sections be transported to the land for final assembly. There is no apparent reason why using constituent materials delivered to the land, and sections pre-fabricated on the land then assembled, is not within the 1968 Act definition of a twin-unit caravan. This is borne out by the excerpts of an appeal decision before me, including caselaw referred to therein⁴.
7. Establishing the log cabin on the land using constituent materials 'from scratch' as a 'conventional building project' is also at odds with evidence it was designed by the company that supplied it to be a mobile home within the definition of a twin-unit caravan, not a building. There is no dispute that to achieve this it needed to have been finally assembled from already fabricated component sections. The previous certificate plan shows a central longitudinal 'joint' line, indicative of two sections, consistent with other documents the company issued at the time. This included a contractual agreement that refers to a 'transportable mobile home' and a sworn compliance certificate to this effect.
8. In addition, an extract from the company website FAQs states its 'mobile log homes' can be 'removed and re-assembled in the same way as they are delivered'. As I have outlined above, it is possible to pre-fabricate sections of a mobile home on a site from constituent materials then assemble the sections on the site to 'deliver' the completed mobile home. Consequently, removing a mobile home by disassembly into two or more sections (rather than into its constituent materials) then reassembly by this same process elsewhere is not inconsistent with this FAQ, nor with the definition of a twin-unit caravan. It would stop short of demolition and rebuilding, such as might otherwise be indicative of a conventional building project.
9. Including initial and later groundworks and internal fitting out, there is little to suggest that 2 months to fabricate then assemble the log cabin, amongst these other works, would have been an inordinate amount of time given its size. Nor that this required an excessive number and range of tradesmen. There is evidence that some workers had to live temporarily near the site for reasons of expediency, not because it was a conventional building project. Even if social media images show works on other log cabins by the same company to be conventional building projects, they do not corroborate how the log cabin in this case was actually established. That it might have required scaffolding during the works is not, on the face of it, unsurprising given the apex height of end elevations and the roof.

⁴ APP/N1025/C/01/1074589

10. Furthermore, there is no statutory declaration or affidavit from the company that supplied the log cabin, or anyone else who undertook or managed works to establish the mobile home on the land at the time. This undermines the appellant's claims and casts significant doubt in my mind.
11. The evidence before me is not, therefore, sufficiently clear about whether the log cabin was established from two or more separate sections constructed on the land from constituent materials, then assembled; or if it emerged from the outset in a single composite act and entity constructed on the land.

Physical attachment

12. There is uncontested evidence that concrete that strip footings were constructed on the land. I saw square brick and mortar piers along the underside edges of the log cabin which give a void below it, said to be around 125mm. I have no reason to doubt they are indicative of 30 piers required to support the log cabin. However, the appellant does not explain exactly how these piers make contact with the underside, just that the log cabin sits on them. In the absence of evidence to the contrary, even if the piers are part of the footings, there is little to confirm there is a fixed connection between them and the log cabin. Nor that any of the foundations are an integral or a composite part of the log cabin itself, rather than just required to facilitate it placed on the land.
13. Groundworks also included installing electricity supply, fresh water and sewage systems, an air source heat pump and rainwater harvesting system. It is not contested that it would be simple to disconnect electricity cable(s) and an external kitchen sink waste water pipe. I acknowledge the limited extent of void below the log cabin and that other services, including some that I could see, have 'hard' connections to ground. However, there is little technical detail about these services, including layout. Nor to show that all services cannot be accessed, maintained, repaired or serviced with the log cabin in situ. Even if not easy or done casually, I am therefore not persuaded services cannot be disconnected or detached from the log cabin if necessary.
14. A disabled access ramp, paths and a paved terrace were constructed next to the log cabin, around parts of it and in places raised above ground level. But there is little evidence to show, including as I saw, that these groundworks are directly connected to or part of the fabric or structure of the log cabin, rather they appear to butt up against it. As such, it is not clear why these works could not remain in situ or be removed. But either way, they sit independently of the presence of the log cabin and in the absence of evidence to the contrary, do not unduly interfere with or prevent movement of it.

Permanence

15. Internally, I saw a fitted bathroom and kitchen, some plastered ceilings or walls, some tiled walls and floors and an air source heat pump boiler with under floor heating using a screed floor. I accept that these features can be routinely found in a conventional dwelling and that finding all of them in a mobile home might be unusual or unexpected, especially a single unit mobile home or for transient occupation by guests in a holiday park setting. However, there is little evidence to suggest that this standard of fitting out was fundamentally incompatible with the notion of a private residential twin-unit mobile home for family occupation, as in this case.

16. I accept that these features likely add notable weight to the log cabin but this appears to have essentially been a matter of choice, irrespective that it might be a departure from a 'normal' or 'typical' mobile home. Nor do I doubt that these parts of the log cabin are more prone to disturbance from movement. But there is little evidence to demonstrate that installation of these features did not take account of how the log cabin was established on the land and how it may be moved in the future. There is not much else to persuade me that these features mean the log cabin acquired a de facto static rather than transitory presence on the land.
17. The Construction and Architectural Opinion was prepared by a competent person, after visual inspection of the land and log cabin in situ⁵. However, there is little evidence this assessment involved a structural engineer. Moreover, the limitation set out in this report confirms definitions for construction, not planning purposes have been used and a disclaimer confirms it is the author's understanding of the works. There is little indication that extensive inspection of the underside of the log cabin or non-invasive disassembly of any part of it informed this assessment.
18. Furthermore, that the actual weight and rigidity of the log cabin is unknown is not disputed and there is little evidence either consideration has been tested or informed by any structural engineers calculations, including whether the log cabin could actually be lifted or not as a whole or in sections. There can only be a tangible 'risk' in relation to damage to it if such risk has been objectively empirically established. As such, I am not persuaded that the presence of 30 piers required to support the weight of the log cabin, including after it was internally fitted out once the main frame or shell was completed, mean it cannot be moved. Even if some care and attention was needed, the appellant has outlined a possible lifting method, including diagrams. This would make use of the void underneath the log cabin across its length and width for suitable slings or cradle supports.
19. There is, therefore, little evidence of a sufficiently compelling technical or other objective nature to determine that the log cabin cannot be lifted as a single entity or in sections without breaking or contorting. For instance, by crane onto a flatbed lorry or other suitable means of transport.

Other matters

20. The Council has not provided its 2018 site visit notes and photographs from when works were in progress on the land. This diminishes the force of the Council's argument contrary to the appellant's version of events, but not the underlying argument itself. The Council has referred to other evidence which more likely than not undermines the appellant's version of events, even though said to be 'based on actual events'.
21. I have considered the other appeal decisions, or excerpts, relating to distinction between a building and a mobile home, along with other relevant caselaw. However, there is little to show that those cases involved the same circumstances or were directly comparable to this appeal. In any event, each case must be decided on the evidence before the decision maker.
22. Planning merits and the question of alternative use of the log cabin that is now on the land are not relevant to my decision. That the log cabin may be at risk of enforcement action is a separate matter for the Council.

⁵ Curtis Leeves Technical Ltd

Conclusion

23. Overall, I am concerned there is little from anyone who was best placed at the time to know by what means the log cabin was established on the land. Furthermore, structural assessment is limited. In short, the appellants narrative lacks sufficient substance or provenance and albeit well-informed, is notably reliant on assertion or speculation. Though it does not need to be corroborated by independent evidence to be accepted⁶, it is not sufficiently precise or unambiguous⁷.
24. In these circumstances, and on the evidence before me, notwithstanding that the log cabin was substantially completed more than four years ago, in size, physical attachment and permanence I find, as a matter of fact and degree, that it was not a building but a mobile home. The appellant has not, therefore, demonstrated on the balance of probabilities that no enforcement action could have been taken against the log cabin because the time for taking enforcement action at the relevant date had expired and it was lawful.
25. For the reasons set out above, and on the evidence now available, I am satisfied that the Council's decision to refuse to grant a lawful development certificate was well-founded. Accordingly, the appeal does not succeed and I will exercise the powers transferred to me in section 195(3) of the Act.

Formal Decision

26. The appeal is dismissed.

Robin Buchanan

INSPECTOR

⁶ *FW Gabbittas v SSE and Newham LBC* [1985] JPL 630

⁷ Planning Practice Guidance paragraph 17c-006-20140306