



Appeal Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/Y2620/X/24/3337960

Ambleside, The Footpath, Aylsham Road, Swanton Abbott, Norfolk NR10 5DL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Keith Gibbons against the decision of North Norfolk District Council.
 - The application ref EF/23/2459, dated 14 November 2023, was refused by notice dated 9 January 2024.
 - The application was made under section 192(1)(a) of the 1990 Act.
 - The use for which an LDC is sought is: 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 parties were advised that a site visit was not necessary and would not be undertaken.

Main Issue

3. The main issue is whether the Council’s refusal to issue an LDC was well founded.

Reasons

4. The stationing of a caravan (which includes a mobile home) on land for a purpose incidental to a lawful use of that land is not operational development and does not constitute a material change of use.
5. It is agreed that what the appellant describes as a mobile home would be placed on the land for a purpose incidental to the use of Ambleside as a dwellinghouse, the lawful use of the land, so it would not give rise to a material change of use. However, it is not agreed whether it would be a caravan and not constitute operational development, so I shall use the neutral term ‘structure’ unless I refer to a party’s stated position.
6. The appeal will therefore turn on:
 - (a) Whether the structure would be a caravan, as defined by section 29 of the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) or a twin-unit caravan as defined by section 13 of the Caravan Sites Act 1968 (“the 1968 Act”), and placing it on the land would not result in a material change of use of that land; and

- (b) Whether placing the structure on the land would constitute operational development as defined by section 55 of the 1990 Act and require an express grant of planning permission.

Whether the structure would be a caravan

7. The appellant describes the structure as a single unit caravan that could be brought onto the land complete or in 2 parts or, as in this case, assembled there from manufactured components.
8. The appellant contends that the nature of assembly is immaterial for compliance with 'the construction test.' That test is only relevant to a twin unit caravan, defined by section 13 of the 1968 Act. The courts have held that such a caravan will only exist if the final act of its assembly is to join 2 separately constructed sections that are designed to be assembled on site using bolts, clamps or other devices.¹
9. The described assembly of "man-portable pre-finished and cabled panels" over a 5-day period does not demonstrate a final act of assembly consistent with that of a twin-unit caravan. The structure must therefore be considered against the definition of a caravan in section 29 of the 1960 Act:

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) and any motor vehicle so designed or adapted.

10. The definition excludes rolling stock on rails forming part of a railway system and tents, but the structure is evidently neither.
11. It is agreed that the structure is designed or would be adapted for human habitation and that, once assembled, would rest on its own weight and could be transported by road. The statement in support of the application provides information on how the structure could be lifted by crane onto a vehicle for that purpose. Accordingly, once assembled, the structure would accord with the 1960 Act's definition of a caravan.

Whether placing the structure on the land would result in a material change of use

12. The structure is intended to provide additional living space for a family member, who it is agreed would rely upon kitchen, dining and laundry facilities within the dwellinghouse and share its essential services, access and postal address.
13. It is also agreed that the land would remain a single planning unit and that the use of the structure would be incidental to the use and enjoyment of the dwellinghouse. The placing of the structure on the land for the stated purpose would therefore not bring about a material change of use.

Whether placing the structure on the land would constitute operational development

14. Section 55(1) of the 1990 Act defines operational development as "the carrying out of building, engineering, mining or other operations in, on, over or under land." The Council contends that the structure would be a building, meaning that its assembly on the land would be a building operation.

¹ *Byrne v SSE & Arun DC* [1998] JPL 122.

15. Building operations are defined by section 55(1A) of the same Act and include “demolition of buildings, rebuilding, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder.”
16. The leading cases in determining whether something is a building² identify 3 primary factors: size, permanence, and the degree of physical attachment.
17. In terms of size, as noted, the structure could be delivered ready-made or partially completed. While on-site assembly is proposed in this instance, the structure does not have to be constructed on a site. Therefore, its size is not, of itself, a decisive indicator that it would be a building, even though many smaller structures are.
18. It is agreed that the structure would not be fixed down, resting under its weight and that services could be rapidly disconnected. Of itself, the structure’s physical attachment to the land does not indicate that it would be a building.
19. The *Skerrits* case³ is cited in terms of the structure’s permanence. In that case it was held that a marquee that would only be in place for 8 months each year was a permanent structure. The test of permanence applied in that case also had regard to whether it “would normally remain in situ and only be removed by a process amounting to pulling down or taking to pieces.”
20. While the structure is intended to provide accommodation for one member of the resident household, it would be available to any current or future occupier of the dwellinghouse. Nothing suggests that it would be used as such for a limited period and while it may be capable of being moved, there is no evidence that this is intended. Considering this, and the effort required to move the structure, even if only within the land, it is reasonable to expect it to remain where it is assembled, so long as it continues to offer a benefit to the resident household.
21. That is likely to be a sufficient period for the structure to be significant in planning terms and be seen as a permanent feature of the land. It is likely that pulling the structure down or taking it to pieces would be more probable than removal intact at the end of its useful life, especially if its age and the condition of its fabric were to limit the prospect of reuse elsewhere. Viewed in this way, the structure would most likely have a permanent relationship with the land, characteristic of a building.
22. Considering the 3 factors together, I find the permanence of the structure to be its most significant attribute such that, as a matter of fact and degree, it would constitute a building.
23. Even if that were incorrect, my attention is drawn to the case commonly known as *Woolley Chickens*.⁴ It was held in that case that the decision-maker had erred by not considering whether mobile poultry units of substantial size and weight were development requiring planning permission. Specifically, the inclusion of “any structure or erection” in the definition of a building in section 336(1) of the 1990 Act and the fact that the formation of the units on the land could fall within the broad term of “other operations” under section 55(1A)(d) of the same Act had been overlooked.

² *Cardiff Rating Authority v Guest Keen Baldwin Iron and Steel Co Ltd* [1949] 1 KB 385 and *Skerrits of Nottingham Ltd v SSETR* (No.2) [2000] 2 PLR 102.

³ *Skerrits of Nottingham Ltd v SSETR* (No.2) [2000] 2 PLR 102.

⁴ *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin).

24. Having regard to section 29 of the 1960 Act, the structure could reasonably come within the description “any structure or erection” in section 336(1) of the 1990 Act, indicating that it may be considered a building.
25. As noted, the structure would be assembled on the land from “man-portable pre-finished and cabled panels” over a 5-day period. In simple terms, if the assembly of those component parts would result in something with the characteristics of a building, it follows that a person assembling it is carrying on business as a builder.
26. Accordingly, and on the facts of this case, the permanence of the structure would be sufficient for it to amount to a building and for its assembly to be a building operation defined as development by section 55 of the 1990 Act.
27. Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“Class E” of “the Order”) grant planning permission for the erection of buildings that are incidental to the enjoyment of a dwellinghouse. However, that is subject to certain limitations, including, at paragraph E.1.(c) of Class E, a building situated on land forward of a wall forming the principal elevation of the original dwellinghouse. It has not been demonstrated that this limitation would not apply to the assembled structure in this case and that its assembly would not therefore be development requiring an express grant of planning permission.

Conclusion

28. For the reasons given above, I conclude that the Council’s refusal to grant an LDC for use of the land for siting a mobile home for use ancillary to the main 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.

Mark Harbottle

INSPECTOR