



Appeal Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2025

Appeal Ref: APP/L3815/C/24/3355921

35 The Wadeway, Selsey, West Sussex PO20 9BZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Wendy Holden against an enforcement notice issued by Chichester District Council.
 - The notice was issued on 10 October 2024.
 - The breach of planning control as alleged in the notice is the construction of a dwellinghouse.
 - The requirement of the notice is; (i) Demolish the said dwellinghouse and remove all resultant debris from the land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal has been made under ground (b) only. Under this ground the Appellant claims that the breach of planning control alleged in the notice has not occurred as a matter of fact. To determine whether the breach has occurred requires an assessment of written and photographic evidence of the situation that prevailed on the date of issue of the enforcement notice, and nothing would be achieved by visiting the site. The appeals has therefore been determined without undertaking a site visit.

Reasons

3. The Appellant maintains that the alleged breach of planning control, the construction of a dwelling, has not occurred. She claims that the structure is a twin-unit caravan as defined in Section 13 of Part III of the Caravan Sites Act 1968 (the 1968 Act). A twin-unit caravan is defined in the 1968 Act as a structure designed or adapted for human habitation which is composed of not more than two sections constructed or 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. The two sections of a twin-unit caravan can be constructed on or off site.
4. The Appellant commissioned a report by a Consulting Engineer, dated 12 March 2025, to support her appeal. She has also submitted photographs taken of works carried out on site. That the structure is composed of more than two sections is clearly shown in the photographs. The floor of the structure is timber joists laid on steel beams and this was done in two long sections. But the two sections were connected together by short timber pieces to create a single floor structure. The report states that, to facilitate separation of the structure "Floor finishes would be cut or removed and the short infill floor joists extracted". Each of these joists is a section of the structure.

5. The report mentions other elements of the structure that must be regarded to be sections. It is stated that "...a steel ridge beam has been installed beneath the timber ridge beam" and that "The steel ridge beam would be removed and set aside ready for reassembly". The steel ridge beam is a section of the structure. The report also mentions "The north gable is formed of a steel frame to house folding/sliding doors with glazed panels over" and that "The north elevation would require some disassembly, including temporary removal of the glazed panels and folding door set, and separation of some of the steel elements which form the gable frame". The north gable is formed of several sections that are parts of the overall structure.

6. Photographs show long, side, timber framed, walls in place, built off the floor, with a twin ridge beam propped temporarily. Timber rafters were then installed between the walls and the ridge beam on both sides at the same time along the length of the structure. This method of construction is conventional and not the erection of two sections of a twin-unit caravan which would then be bolted together. The report states that "It is estimated that the mobile home could be split into two modules...in no more than 4 days". If the structure is genuinely a twin-unit caravan then unbolting and separating its two sections would take no more than a few hours. The structure is made of many sections and is not, as a matter of fact, a twin-unit caravan.

7. The Appellant has stated that "We...(were)...advised by Chichester Council Building Control Department on...(the structure's)...construction". The Council's Building Control Department can only advise on compliance with the Building Regulations and this cannot be taken to imply compliance with the Town and Country Planning Act 1990 or the Caravan Sites Act 1968. The planning status of other structures on the site and the brick skirt around the base of the structure are not relevant to determination of the ground (b) appeal.

8. The structure that has been erected on the land is composed of more than two sections and is not therefore a twin-unit caravan as defined in Section 13 of Part III of the 1968 Act. The breach of planning control alleged in the enforcement notice has occurred as a matter of fact. The ground (b) appeal thus fails.

John Braithwaite

Inspector