



Appeal Decision

Site visit made on 23 September 2025

by **Richard S Jones BA (Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/Y3940/X/24/3340734

15 Water Street, Bulford, Wiltshire SP4 9DZ

- 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 and Mrs Noel Claydon-Swales against the decision of Wiltshire Council.
 - The application ref PL/2023/00661, dated 16 January 2023, was refused by notice dated 26 October 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 described as “certificate of lawfulness for the stationing of a caravan to be used for purposes incidental to the enjoyment as such of the dwellinghouse”.
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Decision

1. The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Application for costs

2. An application for costs was made by Mr and Mrs Noel Claydon-Swales against Wiltshire Council. That application is the subject of a separate decision.

Preliminary Matters

3. An application under s192(1)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act) seeks to establish whether the proposed use would be lawful if instigated or begun at the time of the application. The onus lies with the appellants to make their case on the balance of probabilities.

Main Issue

4. The main issue is whether the Council’s decision to refuse to issue a LDC was well-founded.

Reasons

5. The term ‘caravan’ is defined in s29(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. In law, a caravan is only a caravan if it meets that definition, or the definition of a ‘twin unit caravan’ as laid down in s13 of the Caravan Sites Act 1968 as amended (CSA 1968).

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

6. The appellants state that the proposal would involve a single-unit caravan, constructed entirely on a timber frame, either on or off site, and that it would be designed or adapted for human habitation for the purposes of being used as additional accommodation in association with the main house. I shall refer to that as a structure, as it is a neutral term, which could be applied to a caravan or building, without any inference that it is either of them.
7. The plans show that the structure would be sited towards the southern extent of the site and that it would measure 7m by 3.5m. It is stated that the internal ceiling height would be up to 3.05m.
8. The Council refused to issue an LDC on the basis that the application failed to provide sufficient evidence to demonstrate that the proposal would not constitute operational development or a material change of use, which respectively require planning permission. The Council specifically refer to a lack of clarity on matters including construction details, the structural capability of it being moved, the practicalities of moving it and its use and relationship with the host dwelling.
9. However, the supporting Planning Statement explains that the structure would be sited partially on an existing level base and partially on jackpads (or similar) placed below it in order to level it off for use and to be able to raise it slightly off the ground to facilitate the feeding-through of strops for lifting. It is stated that at no point would the structure be physically fixed to the ground. It is further explained that the structure would be constructed in such a way that, once completed, it would be capable of being lifted as a whole onto a lorry by hoist or crane and transported without damage.
10. I note the Council's concerns regarding generic information regarding moveability and its reference to an appeal decision² in that regard. However, that appeal concerned a mobile home and a judgement as to whether it fell within the definition of a caravan. In this case, the application has been specifically made for the use of land for the stationing of a caravan for purposes incidental to the enjoyment of the dwellinghouse.
11. Where a LDC relates to a caravan, the word should be construed in accordance with the statutory definition. The application need not be supported with detailed plans and information, and the Council could have assumed it would meet the lawful definition. If it transpired that it did not meet the definition of a caravan in law, it may result in a breach of planning control, which is liable to enforcement action by the Council. That is consistent with the appeal decision³ referred to by the appellants, where the Inspector explained that any certificate granted would be for a use of the land only, so if the appellants sought to do anything amounting to operational development, then the LDC would be of no benefit.
12. The appellants state that they reserve the right to amend the size of the structure at any point and for any reason up to and including the maximum size stipulated in s13(2) of the CSA 1968. However, those dimensions relate to a twin-unit caravan, whereas what is proposed is a single unit caravan. In the case of the former, there is insufficient information to demonstrate that the relevant "construction test" would be met, given that the appellants specifically state that the structure may be constructed on site, entirely on a timber frame.

² Appeal Ref: APP/W3005/X/22/3302578

³ Appeal Ref: APP/X0360/X/15/3129575

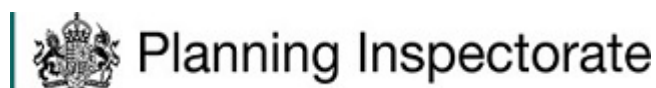
13. I note the Council's general concerns over how the structure would be built, but the construction test does not apply to a single unit caravan. A LDC should not therefore be withheld because of logistical constraints arising from craning the unit into the site in one piece.
14. It is next necessary to consider whether there would be a use of land within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse as such, which does not amount to development by virtue of s55(2)(d) of the 1990 Act.
15. It is agreed that the land edged red on the location plan forms the residential curtilage of the cottage at No 15 Water Street, and the planning unit for the same. I see no reason to disagree. Moreover, no physical separation of the land is proposed so the single residential planning unit would remain.
16. It is explained that the structure would be used as additional accommodation in association with the main house, and that it would be installed and maintained by the appellants who would have complete control over who uses it and when. It is further stated that it would not be used by anyone as their principal residence, or in any way unconnected with the main house.
17. I agree with the Council that the reference to control over who uses it is somewhat vague. I also understand the Council's concerns that the proposed use and intended users are unclear, as the proposed floor plans only show that the structure would be sub-divided internally into two unidentified spaces. Nevertheless, the appellants stress that a functional, incidental relationship between the main dwelling house and the proposed caravan unit shall be maintained at all times. More significantly, the description of the LDC sought, specifically refers to the stationing of a caravan to be used for purposes incidental to the enjoyment of the dwellinghouse.
18. The appeal must therefore be assessed on the basis of the stated purpose and not what might potentially occur. If the appellants were to permit the use of the structure for any uses that were not incidental to the enjoyment of the dwellinghouse, that may result in a material change of use for which planning permission would be required, so the Council would retain control in that regard.
19. I therefore find that the stationing of a caravan to be used for purposes incidental to the enjoyment of the dwellinghouse within the same planning unit, would not have amounted to development requiring planning permission. The use would therefore have been lawful on the date of the LDC application, on the balance of probabilities.

Conclusion

20. For the reasons given above I conclude that the Council's refusal to grant a LDC is not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Richard S Jones

INSPECTOR



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 16 January 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black 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 application and accompanying "Planning Statement" propose the stationing of a structure which would meet the definition of a caravan under section 29(1) of the Caravan Sites and Control of development Act 1960. This would be a use of land and, as the caravan is proposed to be stationed within the curtilage of a dwellinghouse and used for purposes incidental to the enjoyment of the dwellinghouse as such, this would not involve development by virtue of section 55(2)(d) of the Town and Country Planning Act 1990.

Signed

Richard S Jones

INSPECTOR

Date: **17th October 2025**

Reference: APP/Y3940/X/24/3340734

First Schedule

Certificate of lawfulness for the stationing of a caravan to be used for purposes incidental to the enjoyment as such of the dwellinghouse.

Second Schedule

Land at 15 Water Street, Bulford, Wiltshire SP4 9DZ

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 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 the Lawful Development Certificate dated: 17th October 2025

by Richard S Jones

Land at: 15 Water Street, Bulford, Wiltshire SP4 9DZ

Reference: APP/Y3940/X/24/3340734

Scale: Not to Scale

