



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal Ref: APP/L5240/X/24/3337820

8 Nicholson Road, Croyden CR0 6QS

- 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 Ms Coleda Smith against the decision of the Council of the London Borough of Croydon.
 - The application ref 24/00121/LP, dated 18 January 2024, was refused by notice dated 24 January 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is use of land for siting a mobile home for use ancillary to the main dwelling.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed use.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.
3. The Council considered the application on the basis that it was for 'erection of single storey rear garden annexe', which is operational development. The application sought an LDC for the proposed use of land, not for proposed operational development. The appeal has been determined on the basis of the proposed use of land.
4. The Council has not submitted an appeal statement and are therefore relying on the Officer Report that led to refusal of the application. This report does not refer to or consider the proposed use of land at the appeal property. The Council has not submitted any final comments in response to the Appellant's appeal statement. The Council does not therefore offer any opinion on the proposed use.

Reasons

5. 8 Nicholson Road is a two-storey semi-detached dwelling with a rear garden. The proposed mobile home would be situated at the rear of the rear garden.
6. The main issues are; first, whether the mobile home would meet the definition of a 'caravan' as set out in the Caravan Sites and Control of Development Act 1960 (the 1960 Act); and second, if it does, whether the mobile home would be for a use ancillary to the dwelling and would therefore not constitute development for which planning permission is required.

The first issue

7. The term 'mobile home' is interchangeable with 'caravan'. Section 29(1) of the 1960 Act defines a caravan to be "...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)...". The application was accompanied by substantial documentary evidence, including case law judgements and appeal decisions (none will be specifically referred to but they guide the conclusions reached in this Decision). To be a caravan the structure must satisfy three tests; these being size, permanence and mobility.

8. The proposed mobile home satisfies the maximum size limits for a caravan set out in Section 13 of the Caravan Sites Act 1968 as amended (the 1968 Act). It would be acceptably assembled on site from factory made components and would rest on the ground rather than being fixed to the ground. The mobile home would be connected to utility services and a foul drain but these could easily be disconnected and the test of permanence would be met. The structure, as demonstrated in a video submitted in evidence, would have adequate structural integrity to be craned off the site onto a vehicle without any disassembly. In this regard, and with regard to access, it is only necessary for this to be possible, irrespective of the site specific challenges that may impede actual movement. The mobile home would satisfy the test of mobility.

9. The proposed mobile home would satisfy the tests of permanence, size and mobility. It would be a caravan and would not constitute operational development.

The second issue

10. The proposed mobile home would be occupied by a member of the Appellant's family and visiting friends. It would constitute only a modest increase in the overall quantum of residential accommodation at the appeal property, and whilst it would have all that is necessary for independent living this would not necessarily result in there being a material change of use. Crucially, there would be no separate address, post box, utility meters or services, and no additional parking provision. Access would be through or past the existing dwelling, which would retain a reasonable garden area. The mobile home would not be separately registered for Council Tax and would be dependant on the dwelling for its functionality.

11. There would be a clear functional relationship between the dwelling and the mobile home. The mobile home would be for a use ancillary to the dwelling and there would be no material change of use of the planning unit. The proposed use of the land would therefore not constitute development for which planning permission is required.

Conclusion

12. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of land for siting a mobile home for use ancillary to the main dwelling at 8 Nicholson Road, Croyden was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 14 June 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use is ancillary to the dwelling and there would be no material change of use of the planning unit. The proposed use of the land would therefore not constitute development for which planning permission is required.

Signed

John Braithwaite

Inspector

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First Schedule

Use of land for siting a mobile home for use ancillary to the main dwelling

Second Schedule

Land at 8 Nicholson Road, Croyden CR0 6QS

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 31st October 2025

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Land at: 8 Nicholson Road, Croyden CR0 6QS

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Scale: Not to Scale

