



Appeal Decision

Site visit made on 18 November 2025

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2025

Appeal Ref: APP/R0660/X/25/3362636

1 Belmont Villa, Frith Lane, Wrenbury, NANTWICH, CW5 8HQ

- 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 Joanne Cowley against the decision of Cheshire East Council.
- The application ref 24/1555N, dated 25 April 2024, was refused by notice dated 20 September 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).
- The development for which a certificate of lawful use is sought is 'the siting and residential use of the caravan on land to the rear of 1 Belmont Villas'.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description in the banner heading above is taken from the application form. It implies that the LDC application sought confirmation of the lawfulness of a caravan used for residential purposes. However, the supporting statement submitted with the application clarifies that it sought:

Certificate of Lawfulness for the siting and use of a caravan as a single dwellinghouse on land at 1 Belmont Villas, Frith Lane, Wrenbury, CW5 8HQ

This alternative description is the basis on which the Council assessed the development and determined the application. It is also the basis on which the appellant has mounted the appeal. I have therefore assessed the development on the grounds that the appellant contends that the structure is a dwellinghouse (building) and has been used for residential purposes for the necessary period.

3. The appeal is made to ascertain whether the claimed use of the land is lawful as described in s191(2) of the Act. This provides that '...uses and operations are lawful at any time if - (a) no enforcement action can be taken in respect of it, whether because it did not involve development or require planning permission, or because the time for enforcement action has expired, or for any other reason, and (b) it does not constitute a contravention of any of the requirements of any enforcement notice then in force'. The relevant date for the purposes of assessing an application under s191(2) is the date of the application, as set out under s191(5). In this case the relevant date was 25 April 2024.
4. The burden of proof in satisfying the requirement of s191(1)(a) falls to the appellant. The appropriate standard for testing the evidence is made on the balance of probabilities, that is to say whether something is more likely than not.

5. The Planning Practice Guidance¹ reflects prior Court judgments. It sets out that an appellant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided the appellant's evidence alone is sufficiently precise and unambiguous.

Main Issues

6. The main issues are whether or not works to the caravan caused it to fall outside of the definition of a caravan as set out in Section 29 (1) to the Caravan Sites and Control of Development Act 1960 (the 1960 Act); whether those works were substantially complete four, or more, years prior to the relevant date; and, if so, it has been used as a dwelling for residential purposes for sufficient time to be immune from enforcement action.

Reasons

Whether a 'caravan' or a 'building'

7. The appellant's evidence indicates that the caravan was in place for some time prior to her first ownership of the site in November 2018 and before additional works to the unit took place. There is no dispute between the main parties that, prior to works, it was then properly described as a 'caravan' as defined by the 1960 Act.
8. The appellant contends that the long-term siting of the caravan, in conjunction with an enclosure around its base, the anchoring to a permanent hardstanding by chains, and its connection to services provide a degree of permanence and prevent the movement of the unit such that the resultant structure falls outside of the definition in the 1960 Act. It is asserted that, applying *Skerritts*², the unit is physically attached to the ground and of sufficient size and permanence to constitute a 'building' as defined by s336(1) of the 1990 Act, and that it has been so for four years or more³ prior to the relevant date.
9. The appellant's evidence indicates that the ground works to provide a solid standing were completed in May 2019. However, the dates of completion of the anchors, service connections and a sealed blockwork 'skirt' – all matters on which the appellant relies to claim a 'building' status, are unclear in the evidence. Prior to the recent amendment (see footnote 3), s171B(1) of the Act provides that no enforcement action may be taken after the end of a period of four years beginning with the date on which the operations were **substantially completed**.
10. The evidence before me includes Google Streetview images dated April 2022 and March 2023. The blockwork skirt, or at least part of it, appears to be absent. Accordingly, by the date of the LDC application that element, and therefore the development as a whole, had not been substantially complete for four years or more.

¹ Paragraph: 006 Reference ID: 17c-006-20140306

² *Skerritts of Nottingham Ltd v SSETR (No. 1)* [2000] JPL 789

³ For operational development substantially completed before 25 April 2024, the amendment of s171B(1) by the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 extending the time limits for enforcement action from 4 years to 10 years does not apply.

11. Furthermore, at that point in time, if service connections and anchor chains were in place, then I have little doubt that those components could be removed in a short time. The chains could be unshackled. The services, which variably utilise the caravan connection points, push-fit or standard bottle gas connections, would also take a limited time to disconnect. Wheels could be replaced in a matter of minutes such that the caravan would probably be entirely intact as it existed before those works took place. None of these aspects of long-term caravan siting are unusual nor, to my mind, do they take the caravan outside of the definition in the 1960 Act.
12. The appellant asserts that the unit is immobile and therefore conflicts with that definition. However, as at March 2023, following disconnection from services and anchors, there is little to demonstrate that the unit could not be towed from its position. Even if that were not possible, the relatively small scale of the caravan compared to larger, or twin unit caravans, means it could probably be lifted for transport by trailer or lorry.
13. The appellant claims that any attempt to lift the original caravan with a crane and straps would destroy it. A statement from an experienced caravan engineer suggests that such an action would collapse the sides of the caravan due to them projecting outside of the retained chassis beams.
14. However, there is little to demonstrate that lifting the caravan by its chassis – whether from below or utilising a suitable lifting cradle, would not allow straightforward removal of the caravan without damage to it. Given the appellant's contention that all types of caravan are constructed with similar base structures, if taken to its logical conclusion, then no caravan could be lifted at all. I find that proposition an unrealistic claim.
15. At the time of my site inspection, the caravan fringe was not bedded onto the blockwork, only a cement pointing seal and use of foam filler (below the retained towing bar) joined the caravan to the blockwork. On the evidence, there is little basis to doubt that the caravan, said by the appellant to be holding its own weight, could not be removed as a single entity without damage. Accordingly, as I have found the caravan to remain within the terms of the 1960 Act definition, the appellant's contentions in relation to the identified qualities in *Skerritts* do not persuade me that the unit is a structure or building per s336(1), as a matter of fact and degree.
16. In support of the development, the appellant refers me to the case of *R v Guildford Area Rent Tribunal ex.p. Grubey* [1951] which concerned an instance where a caravan was connected to services and had been raised from the ground to be found as a dwellinghouse. However, the details of that case are not before me. Moreover, the case pre-dates the 1960 Act. I am therefore unable to draw comparisons, or otherwise, to the case in hand.
17. Taking the above matters together, I find the appellant's evidence is insufficiently precise and unambiguous to demonstrate that the caravan falls outside the 1960 Act definition. It is not therefore a 'building' for the purposes of ss 171B, 191 or 336(1) of the 1990 Act and has therefore not existed as such for a period of four years or more.

Residential Use

18. Notwithstanding that the appellant has failed to demonstrate that the works were substantially completed four years before the relevant date, even if the unit was construed as a structure or building, as the works claimed to remove it from the 1960 definition are said to have coincided or post-dated the commencement of a residential use of the unit, then, as a structure built for that purpose at no time was it a 'building' for other purposes. Accordingly, no material change of use of a building to a dwellinghouse has occurred.
19. In those circumstances, the unchanged time limits set out in s171B(3) apply. It would be necessary for the appellant to demonstrate a 10-year period to be beyond the time limits for enforcement. That specified time period would also apply had the original description been pursued. On the evidence that the caravan was first occupied in November 2018 the applicable period could not have accrued by the relevant date. Accordingly, I find the appellant has not demonstrated that the residential use of the land to create a second residential planning unit on the site has persisted for sufficient time to become lawful.

Conclusion

20. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use and development for the siting and use of a caravan as a single dwellinghouse 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 (as amended).

R Hitchcock

INSPECTOR