
Appeal Decision

Site visit made on 12 November 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/E2001/X/24/3357608

Land at 15 Chestnut Avenue, Hessle HU13 0RH

- The appeal is made by Daniel Rogers under section 195 of the Town and Country Planning Act 1990 against the failure by The East Riding of Yorkshire Council to give notice of their decision on an application for a certificate of lawfulness made under section 192.
 - The application Ref: 24/00819/CLP was made on 21 March 2024.
 - The proposal for which the certificate is sought is "Use of the land for siting a single unit mobile home for use ancillary to the main dwelling".
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Decision

1. The appeal is dismissed.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether, if the Council had refused the application, their refusal would or would not have been well-founded. The assessment is based on the lawfulness of the proposal at the time of the application. The planning merits of the proposal are not relevant to the appeal and there is no planning application before me.
3. The completed application form states: "Stationing of a single unit mobile home within the residential curtilage of a dwellinghouse, for purposes ancillary to the main use of the host dwellinghouse, does not constitute development nor result in a material change of use within the meaning of Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore does not require planning permission".
4. The Council have responded to the application during the appeal process. They have accepted that if the structure is a caravan and is used for a purpose incidental to the enjoyment of the dwellinghouse, it will be lawful on the basis that no building operations will have taken place and no material change of use of the land will have occurred. They state, however, that if they had made a decision on the application, they would have refused to grant a certificate for the following reason: -

"The proposed 'mobile home' does not fall within the definition of a caravan as defined in Section 29(1) of the Caravan Sites and Control of Development Act 1960, as supplemented by section 13(2) of the Caravan Sites Act 1968, as it

would not be capable of being moved using normal moving equipment without the need to construct a complex steel framework around it. Furthermore, taking into account the likely building operations required to construct the proposed structure on the site, it is considered that it is a building and building operations as set out in Section 55(1A)(d) of the Town and Country Planning Act 1990 would occur. The structure does not meet the definition of a caravan and is operational development for which planning permission is required."

5. The applicant and the Council have both given more detailed explanations of their contentions in their appeal representations. Both parties have drawn attention to previous appeal decisions that are relevant to these matters and I have taken them into account. My decision depends on the extent to which the parties' contentions are sustainable in the circumstances of this proposal.
6. The definition of "caravan" in section 29(1) includes "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 applicant maintains that the proposed structure would fall within this definition. He states that it would be constructed on site from many pieces and would rest on a screw pile foundation system under its own weight without being fixed down. He indicates that by using lifting straps or rigging positioned under it, the structure when assembled could be lifted by crane, placed onto a flatbed lorry and transported as a complete unit.
7. For the reasons set out in paragraphs 8 to 11 below, I do not consider that the structure would be a caravan as defined in section 29(1).
8. The application drawing NAP-2406.02A 'Floor Plan & Elevations as Proposed' shows that the structure would have two separate elements – the part labelled "Mobile" on one side and the part labelled "Store" on the other side. Each part would have only one means of access, which is shown on the plan as the two separate doors from the garden at the opposite ends of the structure. There would be no internal access between the two parts. The occupiers of the "Mobile" part might use the "Store" part, although it would not be conveniently located for them, but it appears to me that the primary function of the "Store" part would be to serve as a garden store for the house. Part of the structure would therefore not be "designed ... for human habitation".
9. The application does not specifically identify the "many pieces" that would be assembled on site to construct the structure, but some information can be obtained by studying the supporting document 'Structural Calculation P24-0045-HSC-Ca-S-001 Mobile Home Lifting Cradle' drawn up by consulting engineers. The structure would not have a self-supporting framework or a structural chassis. Its floor would be constructed using timber joists that the applicant indicates would rest on the screw pile foundation system referred to. The applicant's Planning Statement shows on page 6 that about fifty-five piles would be screwed into the ground at different heights in order to provide the necessary support. The type of pile illustrated in the statement has holes and slots in the top that would enable the joists to be affixed to the piles, which I assume would occur because the benefit of the screwed-in piles lies in the secure and permanent foundation they would provide for the structure. In my opinion, the structure would be a building and not a caravan because of the permanence of its foundations and the degree of its attachment to the land.

10. The Structural Calculation document is twenty-nine pages long. The Introduction states that it assesses the framework requirements necessary to sit around the structure so that it can be lifted from its position as a single unit. The stated intention is that steel sections would be passed below the base of the structure to support the floor joist ends. These steels would in turn be fixed to two steel sections running parallel to the front and rear elevations. The structure would then be lifted by these steels via a steel frame and verticals which could be lowered from above. The document's General Arrangement reads: "It is proposed that the lifting frame will be made up of Needle beams & Needle Ties placed below the building edges, Edge Beams connecting the needle beams, placed parallel to the front and rear elevations and a braced framework above comprising Columns, Primary Beams, Secondary Beams, Strut Beams, Tie Beams, Cross Braces and Diagonal Braces." The document continues with many pages of detailed assessments and calculations but does not contain any overall conclusions and recommendations.
11. It seems to me that it is implausible that anyone would go to the trouble and expense required to attempt to lift this particular structure intact in order to move it to another place, when it would be much more straightforward to disassemble it and then re-erect it elsewhere. Even if it could be lifted successfully, it would be essential to provide groundwork foundations at the place to which it was moved, since the structure would not be self-supporting. In my opinion, this structure cannot realistically be categorized as being "capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)".
12. I am satisfied that, if the Council had refused the application, their refusal would have been well-founded. The appeal has therefore been dismissed, as required by section 195(3).

D.A.Hainsworth

INSPECTOR