



Appeal Decisions

Site visit made on 4 December 2025

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Appeal A Ref: APP/F2605/X/24/3342490

54a Cyprus Road, Attleborough, Norfolk NR17 2DY

- 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 Michelle Monck against the decision of Breckland Council.
 - The application ref 3PL/2023/1125/LU, dated 28 November 2023, was refused by notice dated 4 January 2024.
 - 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 the stationing of a log cabin mobile home within residential garden for ancillary use.
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Appeal B Ref: APP/F2605/X/24/3349320

54A Cyprus Road, Attleborough, Norfolk NR17 2DY

- 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 Michelle Monck against the decision of Breckland Council.
 - The application ref 3PL/2024/0333/LU, dated 13 April 2024, was refused by notice dated 4 June 2024.
 - 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 the stationing of a log cabin mobile home within residential garden for ancillary use.
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Decisions

Appeal A

1. Appeal A is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Appeal B

2. Appeal B is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Applications for costs

3. An application for costs has been made by the appellant against the Council in respect of Appeal B. This is the subject of a separate decision.

Preliminary Matters

4. The appellant has confirmed that the proposed developments described in Appeal A and Appeal B are identical. The difference between the two applications which were made to the Council was in respect of supporting information only.
5. For the avoidance of doubt, the planning merits of the proposed development, including the specific needs of the appellant's family are not relevant, and they are not therefore an issue for me to consider in the context of an appeal under section 195 of the Act, as amended, which relates to an application for a Certificate of Lawful Use or Development (LDC). Human Rights and the Public Sector Equality Duty do not come into play because my decision rests on the facts of the case and on relevant planning law and judicial authority. The onus is on the appellant to make out his case to the standard of the balance of probabilities.

Main Issue

6. The main issue is whether or not the Council's decisions to refuse the applications were well-founded.

Reasons

7. 54a Cyprus Road (No. 54a) is a detached house fronting the road. It has an L-shaped garden which includes land to the rear of the neighbouring house, 54 Cyprus Road. There is a garage to the front of the house accessed via a driveway and a summer house in the rear garden behind the house. The site of the proposed log cabin is to the rear of No. 54.
8. The appellant states that the log cabin would be occupied by a relative to enable them to receive care and support from the family. The log cabin would provide a lounge/kitchenette, two bedrooms and a bathroom/WC. There is no dispute between the parties that the log cabin would provide additional residential accommodation in association with the house. The appellant seeks to establish that the log cabin complies with the definition of a caravan.
9. The term caravan is defined in the Caravan Sites and Control of Development Act 1960 (CSCDA60) and in law a caravan is only a caravan if it meets the description laid down in the CSCDA60 and the Caravans Sites Act 1968 (CSA68) (as amended) (the definition). The definition of a caravan includes a 'twin-unit caravan' and it is this type which is the subject of the appeals.
10. The tests which are to be applied in determining whether a structure falls within the definition are derived from the CSCDA60 and the CSA68 and are commonly referred to as the construction test, the mobility test, and the size test.

The Construction Test

11. The definition refers to the structure being 'composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices'.
12. The appellant describes via a Method Statement from the providers of the log cabin that the structure will be delivered 'in large panel format' and 'pre-clad panels' will be built onto a pre-prepared support system. The Method Statement

goes on to establish that once built into two separate halves, these elements will be pushed together and cover strips and trim added.

13. This indicates a degree of assembly on the appeal site before the two separate halves of the structure are joined together. However, that the two portions that form the structure are to be constructed on site, from several individual pieces, is not contrary to the terms of the CSA68. There is no requirement for the log cabin to be brought to the site in two parts and bolted together as the final act of assembly as described by the Council in order to meet the construction test.
14. The Council refers to an appeal decision relating to an LDC at Trenear, 29 The Lagger, Chalfont St Giles (Appeal Ref. APP/X0415/X/17/3174735) which was dismissed on the basis of the construction test. However, in that case the Inspector refers to the information before him lacking in clarity and being imprecise. By contrast, the information which is before me is sufficiently precise to pass the test of the balance of probability.
15. The Council also refers to the time which it will take to assemble the log cabin on the site. However, this is also not a matter which is determinative in the construction test.

The Mobility Test

16. The definition also refers to the structure being capable of being moved from one place or another by road. The evidence before me includes details of the manufacture of the log cabin which establish how it can be picked up and moved by crane. There is also confirmation from a crane company that they would be able to move the log cabin, and a detailed proposal of how the log cabin would be attached to the crane.
17. The Council refers to issues with the feasibility of moving the log cabin by crane given its proposed location and access, but it notes, correctly, that this is not determinative.
18. Whilst it has been established that the log cabin is capable of being moved by crane, matters of attachment and permanence are also relevant to the mobility test.
19. The log cabin will rest on timber or steel beams, but it is not attached to them. The beams will then rest on props or pads which themselves rest on the ground. The appellant considers that it is unlikely that the log cabin will need to be tethered to the ground. There is no evidence that any below ground works will be necessary or that detaching the log cabin from existing services would be a complex operation.
20. Once the log cabin has been installed at the site it is reasonable to assume that it will not be moved around. This would be no different to any other static caravan and does not necessarily indicate a degree of permanence which would undermine the concept of mobility. Although the relocation of the log cabin would be complicated as the beams, props and pads would need to be repositioned it would be possible which adds weight to the argument that the log cabin does not exhibit a high degree of permanence.
21. The Council does not provide any evidence to counter the explanations provided by the appellant in relation to the mobility test which are precise and unambiguous.

The Size Test

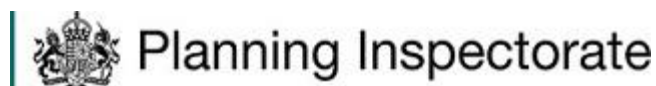
22. There is no dispute between the parties that the size of the log cabin is within the dimensions set out in the definition and the evidence before me demonstrates this.

Conclusion

23. The log cabin meets the definition of a caravan as set out in the CSCDA60 and the CSA68 and for the reasons given above, I conclude that the Council's refusal is not well-founded and that both Appeal A and Appeal B should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Sarah Dyer

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 28 November 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red 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:

As described in the Crane Report, In Plan TSP – Lynne Monck and manufacturers method statements, the log cabin mobile home meets the definition of a caravan under the terms of the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968.

Signed

Sarah Dyer

Inspector

Date: 17th December 2025

Reference: APP/F2605/X/24/3342490

First Schedule

The stationing of a log cabin mobile home within the residential garden for ancillary use.

Second Schedule

Land at 54A Cyprus Road, Attleborough, Norfolk NR17 2DY

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 /operations 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 /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 use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /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.

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

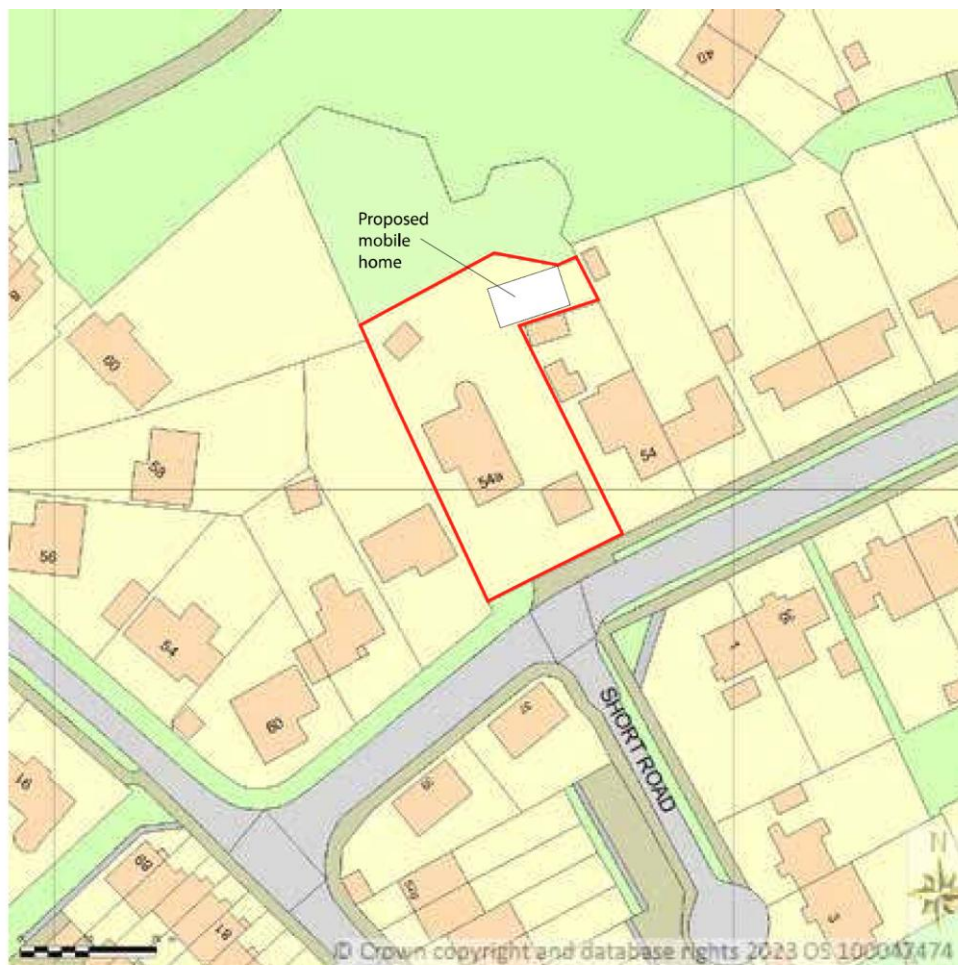
This is the plan referred to in this decision dated: 17th December 2025

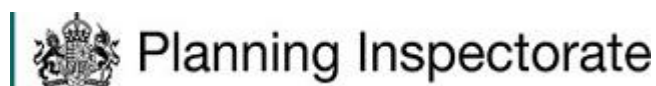
by Sarah Dyer

Land at: 54A Cyprus Road, Attleborough, Norfolk NR17 2DY

Reference: APP/F2605/X/24/3342490

Scale: Not to Scale





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 13 April 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red 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:

As described in the Crane Report, In Plan TSP – Lynne Monck and manufacturers method statements, the log cabin mobile home meets the definition of a caravan under the terms of the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968.

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This is the plan referred to in this decision dated: 17th December 2025

by Sarah Dyer

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