



Appeal Decision

No site visit

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 12 January 2026

Appeal Ref: APP/X4725/X/24/3353012

7 Hall Lane, Chapeltorpe, Wakefield WF4 3JE

- 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 Dr Robson-Capps against the decision of Wakefield Metropolitan District Council.
 - The application ref 24/01077/CPL, dated 20 June 2024, was refused by notice dated 10 September 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 use of the land for siting a mobile home for ancillary use to the main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Given the matters in dispute, I consider that a site visit is unnecessary. The parties have not objected to this approach and so I have determined the appeal on the written evidence before me.

Main Issue

3. The main issue of the appeal is whether the Council's decision to refuse the certificate of lawfulness is well-founded

Reasons

4. An application under S192(1)(a) of the Act¹ seeks to establish whether any proposed use of buildings or other land would be lawful. S192(2) sets out that if on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.
5. The main thrust of the appellant's case is that the proposed mobile home meets the definition of a caravan set out in the 1968 Act and that the use of the caravan for purposes ancillary to the main use of the host dwellinghouse does not constitute development or result in a material change of use and therefore does not require planning permission.
6. The mobile home is intended to provide living accommodation for the appellant's daughter. There is no dispute that the land would remain as a single planning unit

¹ Town and Country Planning Act 1990 (as amended)

and there is no suggestion that proposed use would result in a material change of use of the land. The Council refused the application because it considered the evidence provided does not demonstrate that the proposal would not involve operational development.

7. Planning merits form no part of the assessment of an application for a lawful development certificate (LDC) which must be considered in the light of the facts and the law. In an application for a LDC, the onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful. As established in *Gabbitts v SSE & Newham LBC* [1985] JPL 630, an appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.

Whether the proposal would be a caravan

8. The term 'caravan' is defined in section 29(1) in the Caravan Sites and Control of Development Act 1960 (CSCDA60) 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) and any motor vehicle so designed or adapted, but does not include—(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent'. Section 13 of the Caravan Sites Act 1968 (the CSA68) concerns twin-unit caravans. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the CSCDA 1960 and CSA68 (as amended).
9. The appellant submitted the application on the basis that the mobile home would meet the statutory definition of a twin-unit caravan within Section 13 of the CSA68. Twin-unit caravans are defined as a structure designed or adapted for human habitation which is 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; and is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer).
10. As set out in *Measor v SSETR* [1999] JPL 182, although it cannot be said that a structure that satisfies the definition of a mobile home under section 13(1) of the 1968 Act could never be a building for the purpose of the 1990 Act, caravans generally lack the degree of permanence and attachment to constitute buildings². In order to meet the definition of a twin-unit caravan, the structure must also fall within certain dimensions when assembled. It is not disputed that the proposed structure would meet the dimensions set out in the legislation and I see no reason to conclude otherwise.
11. The proposed mobile home would be delivered to site in individual pre-manufactured cassette panels, constructed on site in two sections, with the final act of assembly joining the two parts together. Although there is some detail as to the joining together of the two halves, there is very little information as to the works that would be required to construct the two sections prior to their joining together. It seems likely that the proposed mobile home would be constructed of multiple sections on site, before being joined together (termed 'The Final Act of the Build').

² *Carter v Secretary of State for the Environment* [1994] is also referenced by the appellant.

12. The appellant suggests the case of *Wyre Forest District Council v Secretary of State for the Environment and Allen* [1990] 1 PLR 121 [sic] clarified that to satisfy the definition of a caravan under the 1968 Act, the structure does not need to be fully constructed off-site. However, in that case, the courts were concerned with whether the word “caravan” bore its ordinary and natural meaning or the statutory definition contained within the 1960 Act. It was not disputed that the chalet structure was a caravan within the definition in the 1960 Act.
13. In support of their case, the appellant has drawn my attention to a number of appeals, including APP/N1025/C/01/1074589, dated 23 June 2002. I note in that case, that the Inspector concluded that there is no requirement in section 13(1)(a) of the CSA68 that the process of creating the 2 separate sections must take place away from the site on which they are then joined together. The Inspector opined that it is necessary that only the act of joining the 2 sections together should be the final act of assembly. The Inspector in APP/B5480/C/17/3174314 made a similar finding, as did the Inspector in respect of appeals APP/U1240/C/18/3204771 & 3207038.
14. However, taking this approach requires me to ignore the works leading up to the ‘Final Act of the Build’, which are likely to involve substantial works carried out by a person carrying on business as a builder and themselves are likely to constitute development³. In my view, the proposal must be looked at as a whole. Prior to the ‘Final Act of the Build’ it is likely that the structure would be composed of far more than two sections.
15. The appellant has drawn my attention to the case of *Byrne v Secretary of State for the Environment and Arun District Council* [1997] EWHC Admin 1990, which concerned a log cabin. In that case, it was found that the log cabin was not assembled on site out of two separately constructed sections, which was held to be conclusive that the paragraph (paragraph 13(1)(a) of the 1968 Act) does not apply and therefore the section does not operate to deem the structure as a caravan.
16. While *Byrne* makes it clear that in order to meet the construction test, it is necessary for two separately constructed sections to be joined together, I do not believe the fact that it would be composed of a very much larger number of sections can be ignored. The Council has drawn my attention to appeal decisions APP/G3110/X/17/3181229, APP/W3005/X/22/3302578 and APP/X4725/X/21/3289115, which relate to a proposal which was considered a twin unit (3181229) and proposals which were considered single units respectively.
17. Of perhaps most relevance of the above cases is 3181229. In that case, the Inspector commented that *‘The two sections should be “separately constructed” and designed to be “assembled on site”. In other words, there is an element of pre-fabrication built into the definition whereby the two separate sections should be constructed and then “assembled” on site by being bolted, clamped or joined together. The act of joining the two parts together is the element of work that is envisaged on the site and vice-versa, it appears to me that the implication in s13(1)(a) is that the structure should be brought to site in not more than two sections.’*

³ Section 55(1) of the Act states in this Act, except where the context otherwise requires, “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

18. In this case, the structure would not be composed of not more than two sections: It would be designed to be constructed on site, in multiple sections. Having regard to the proposal as a whole, the evidence provided does not show, on the balance of probabilities, that the proposed mobile home would meet the construction test and so it would not be a caravan in law. I recognise that this is not the approach taken by a number of inspectors in respect of some of the above appeal cases cited, however, I respectfully take a different view.

Whether there would be operational development

19. While I have found that the appellant has not demonstrated that the proposed mobile home would be a caravan in law, it does not automatically follow that it would comprise operational development. Section 55 of the Act sets out the meaning of “development” and “new development” and provides that “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(1A) sets out that building operations includes, amongst other things, other operations normally undertaken by a person carrying on business as a builder.
20. Section 336 of the Act states a “building” ‘includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.’ The main characteristics of a building found in the *Cardiff Rating Authority v Guest Keen Baldwin’s Iron & Steel Co Ltd* [1949] 1 KB 385, as endorsed by the Court of Appeal in *Skerritts of Nottingham Ltd v SSETR (No 2)* [2000] JPL 1025⁴, as a matter of fact and degree, are (a) physical attachment, (b) permanence and (c) of a size to be constructed on site, as opposed to being brought onto the site. No one test is conclusive.
21. As set out above, the proposed mobile home would be constructed on-site in multiple pieces. I have limited detail regarding the number of pieces, or level of construction that is required. Nevertheless, it seems likely to me that constructing a structure of this size and complexity on site is likely to require some skill and is therefore likely to be carried out by a builder or someone with a similar skillset. The mobile home would measure 12.05m x 6.05m x 3m and would be of sufficient size, in my judgment, to comprise a building.
22. It is stated that the proposed mobile home would not be affixed to the ground, and any connections to services would be easily reversible. Indeed, I note in appeal APP/L5810/X/15/3140569, that the Inspector concluded that disconnection from services could be achieved within minutes if the mobile home needs to be removed. Similarly, in APP/D3125/X/20/3250345 the Inspector found the proposed unit would lack such a degree of physical attachment and permanence as to render it a building within the meaning of section 336(1) of the 1990 Act.
23. However, there is no suggestion that, once the structure has been completed it would be moved. Within the appellant’s submissions, it seems that a framework is necessary to sit around the proposed mobile home, so that it can be lifted from its position as a single unit. Moving the proposed mobile home is therefore unlikely to be straightforward and so I consider it is unlikely that it would be moved following its construction.

⁴ Referred to by the Inspector in respect of appeal decision APP/G3110/X/17/3181229

24. I consider the mobile home is likely to remain in situ for a sufficient length of time to be of significance in the planning context. Given its size, that it would be constructed on site and the fact that there would be some physical attachment through the connection of services, I find, as a matter of fact and degree, that the proposed mobile home would be a building for the purposes of the Act.
25. The appellant does not suggest that the proposal should be considered under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(the GPDO), rather they explicitly state that the application should not be assessed against the criteria for outbuildings. The appellant is not proposing that the structure would be used for purposes which are incidental to the enjoyment of the dwellinghouse but is proposing primary living accommodation.
26. Thus, it has not been shown, on the balance of probabilities, that the proposed mobile home would be a caravan in law, or that it would not comprise operational development for which planning permission is required.

Other Matters

27. The Council states that it considers that the proposal satisfies the mobility tests of the 1960 and 1968 Acts. In support of their application, the appellant has submitted structural calculations, which details the framework requirements necessary to sit around the IHus range of garden buildings, such that the home could be lifted from its position as a single unit. The appellant has also drawn my attention to a range of appeal decisions which considered the mobility test, APP/J1915/X/11/2159970, APP/B0230/X/22/3295944, APP/J2210/X/22/3298471 (and others, already cited above). While it is not clear to me whether the mobile home could be transported without the frame and meet the mobility test, given my findings above, it is not necessary for me to explore this matter further with the parties.

Conclusion

28. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for use of the land for siting a mobile home for ancillary use to the main dwelling 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).

M Savage

INSPECTOR