



Appeal Decision

Site visit made on 12 January 2026

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/P2365/X/24/3349674

West Lodge, Mercer Court, Great Altcar, Liverpool L31 4LF

- 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 Mr R Empson against the decision of West Lancashire Borough Council.
 - The application ref 2023/1136/LDC, dated 15 December 2023, was refused by notice dated 9 February 2024.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is a residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

Reasons

3. The onus is on the appellant to demonstrate that, on the balance of probabilities, the use was lawful at the time of the LDC application. A development is lawful under the provisions of section 191(2)(a) and (b) of the Town and Country Planning Act 1990 (as amended) (the Act) if no enforcement action may be taken because it did not involve development requiring planning permission, or because the time for enforcement action against the use has expired; and, providing it does not constitute contravention of any requirement of any enforcement notice then in force. 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 their evidence alone is sufficiently precise and unambiguous.
4. The appellant contends that what has been constructed on site is a dwelling. I will use the term "structure" in a neutral sense for the purposes of assessing it, rather than what is variously claimed to be, namely a building/caravan.
5. The structure comprises a static caravan clad in timber that has been extended on both sides. The extension on one side comprises a timber shed/workshop. The extension on the other side provides internal living accommodation for the residential unit, namely an office, bathroom and bedroom. The original caravan part of the structure has also been extended to the front and rear.

6. The statutory declaration of Joan Epsom states the building was constructed on the site in April 2017. This is further supported by the statutory declarations of Leah Spence, Michael Kennan and Peter Lysaght.
7. However, the statutory declarations of neighbouring residents Paul Boyle, Philip Pearson, Ian Lewis and Charles Aindow refer to the structure as a caravan and that the caravan was delivered to the site in June 2018. Ian Lewis recalls being on holiday between 6 June 2018 and 20 June 2018. The caravan was not on the site before they went on holiday but it was in situ when they returned. Charles Aindow recalls the appellant using his track to deliver the caravan and discussing the event with Ian Lewis when he returned from his holiday. Paul Boyle also recalls a discussion amongst the residents of Mercer Court upon Mr and Mrs Lewis' return from their holiday.
8. Therefore, there is clearly conflicting evidence between the two sets of statutory declarations. On the basis of a lack of corroborating evidence that the structure was brought on to/constructed on the site in April 2017 and the fact that neighbouring residents remember the specific event of a caravan being delivered and can link it to a personal event, ie a holiday, on the balance of probabilities, I find that a caravan was brought on to the site in June 2018.
9. Notwithstanding the contradictory evidence, the balance of probabilities indicates that a caravan was brought onto the site more than four years before the LDC application. However, the key issue is whether the resulting structure is a caravan or a building and, if a building, when it was substantially completed.

Caravan or Building

10. Section 29(1) of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) defines a caravan as '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'.
11. When the structure was brought onto the site in June 2018 it was clearly capable of being moved from one place to another and there is no evidence that it was not designed or adapted for human habitation at that point. It was therefore a caravan in June 2018.
12. The appellant contends the structure was constructed out of the caravan chassis and timber frames for the extension. The front and rear of the caravan were cut off and extended. A timber frame was constructed over the caravan to create these extended areas. The frame was insulated, plaster boarded and plastered over. The extension works are also bolted to the adjacent commercial building. The structure falls within the dimensions of a caravan as set out in the 1960 Act and therefore the question is whether it would be capable of being moved from one place to another.
13. The entire structure is constructed as one unit, which is also bolted to the adjacent commercial building, the joints of which are now covered with insulation and plaster. Whilst the structure could fit on the back of a large trailer, in order to move it there would need to be significant demolition works carried out to structural elements of the structure to locate the bolts and detach them from the adjacent building. These significant dismantling works go beyond what could reasonably be

described as 'moving' the structure. Accordingly, on the evidence before me, I do not consider that the structure is capable of being moved from one place to another. I therefore find that it is a building and not a caravan.

When was the building substantially completed

14. The June 2018 aerial photograph clearly shows an extension to the side of the caravan. However, there is no evidence of whether this extension was substantially completed at this point. The September 2019 aerial photograph appears to show construction works taking place to the front of the 2018 extension, suggesting that construction works to the structure had not been completed at this point. These works appear to be continuing in the April 2021 aerial photograph.
15. Moreover, the extension works to the front and rear of the caravan section are not apparent in the 2018 nor 2019 aerial photographs. In neither of these images does there appear to be a timber frame constructed around the caravan section.
16. I acknowledge the appellant's contention that the extension to the front of the extension that is visible in the 2018 aerial photograph and the extension on the other side of the structure do not form part of the LDC application. The shed/workshop extension does not provide any living accommodation and therefore I am satisfied it does not form part of the dwelling. However, the front extension that is omitted from the LDC application is clearly a fundamental part of the living accommodation, providing a contiguous layout with the original caravan and the other extension and forming part of the open plan living space with the kitchen and living area.
17. Given the seamless integration of the front extension and the extended front and rear of the caravan section with the original caravan section and the other extended section, it is reasonable to conclude they were constructed as a single operation. This is supported by them being constructed within such a short period of time with each other. It seems unlikely that the first extension works were substantially completed only to then create further disruption to the occupants and undo some of the finished work to accommodate the other extensions shortly after.
18. Therefore, on the evidence before me, the building was constructed as a single operation comprising the works to the caravan and the extensions that provide living accommodation. The structure was therefore not substantially completed until such time as these extensions were substantially completed. Notwithstanding the lack of evidence of when the first extension as seen in the 2018 aerial photograph was completed, the second extension and extensions to the front and rear of the caravan were not completed more than four years prior to the date of the LDC application.
19. Therefore, whilst I find that the development comprises the construction of a dwelling, the evidence before me is not sufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the dwelling was substantially completed four years prior to the date of the LDC application.
20. I have had regard to the appeal decision relating to a similar development in Essex¹. However, this does not draw me to a different conclusion. It only

¹ Appeal reference APP/X1545/C/12/2181769

highlights that such appeals are determined on a fact and degree basis pertaining to the individual circumstances of the appeal.

Conclusion

21. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development 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.

A Walker

INSPECTOR