



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal Ref: APP/D1265/X/24/3358144

Sherborne Valley House, Hardings House Lane, Sherborne DT9 4TB

- 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 C Brown against the decision of Dorset Council.
 - The application ref P/CLE/2024/03040, dated 10 June 2024, was refused by notice dated 27 August 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is siting of a mobile home for residential use as a separate dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. Sherborne Valley House is a large dwelling in substantial grounds within which there are several outbuildings. At the north end of the grounds is the mobile home that is the subject of the appeal. For an LDC to be granted the 'siting of a mobile home for residential use as a separate dwellinghouse' must be immune from enforcement action. To be immune from enforcement action the use must have subsisted uninterrupted for a period of ten years. If immunity was achieved in the past then the established use must then have subsisted up to the date of the application to now be lawful. The onus of proof is on the Appellant and there shall be no good reason to refuse the appeal provided the evidence submitted is sufficiently precise and unambiguous to justify, on the balance of probability, the grant of an LDC.
4. The main issue is whether the siting of a mobile home for residential use as a separate dwellinghouse is immune from enforcement action and is thus a lawful use.
5. The Appellant purchased Sherborne Valley House and its grounds in June 2022 from Mr and Mrs Robinson, who purchased the property in September 2000. Aerial photographs indicate that there has been a mobile home in this location since 2014. Apart from the photographs the Appellant relies, in terms of evidence, on his Statutory Declaration dated 3 June 2024 and on two Statutory Declarations by Mrs Robinson, one dated 25 May 2022, before she and her husband sold the property, and one dated 25 July 2024. The two Declarations by Mrs Robinson are, in terms of evidence, the same. The Appellant also relies on a Planning Appeal Statement by his Agent.

6. In the appeal statement is a history of planning applications. In 1980 planning permission was granted for 'site two residential caravans', and in subsequent years planning permission was granted on six occasions for retention of the caravans; the last being in April 1989. There is no evidence about where the two caravans were sited and no evidence about how they were used and by whom. Mrs Robinson has declared that "A mobile home was situated on the property prior to our ownership which had been used as an independent residence by the previous owners" and "...I can confirm that prior to...purchasing the property in September 2000, the mobile home was in continuous independent use as a dwelling for a period of at least ten years...".

7. There is no evidence about who resided in the mobile home or about the continuity of residential use prior to September 2000. There is nothing, in this regard, to support Mrs Robinson's certainty about occupation of the mobile home before then. There is no evidence to indicate that the 'siting of a mobile home for residential use as a separate dwellinghouse' gained immunity from enforcement action before 2000. That the use and retention of the mobile home has been without complaint or challenge by the local planning authority, and that the mobile home has previously had its own address, are not relevant matters.

8. Mrs Robinson, who, with her husband, operated Sherborne Valley Boarding Kennels, has also declared that "During our ownership of the property the mobile home was used on occasions by members of staff for accommodation purposes" and "From time to time the mobile home was used for independent residential purposes following the closure of our business in 2013". So the mobile home, from Mrs Robinson's Declaration, was occupied 'on occasions' before 2013 and occupied 'from time to time' after 2013. Mrs Robinson has also declared that "After we purchased the property...we allowed people to use the mobile home for independent residential use as a dwelling".

9. People were clearly 'allowed' to use the mobile home because there are no tenancy agreements in evidence. There is, in fact, a complete dearth of evidence to support a claim that the mobile home was even occupied 'on occasions' or 'from time to time'. Consequently, it must be concluded that residential occupation of the mobile home has not been continuous for any ten year period and that, therefore, the siting of a mobile home for residential use as a separate dwellinghouse is not immune from enforcement action. The evidence submitted is not sufficiently precise and unambiguous to justify, on the balance of probability, the grant of an LDC.

10. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for the siting of a mobile home for residential use as a separate dwellinghouse at Sherborne Valley House, Hardings House Lane, Sherborne was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector