



Appeal Decision

Site visit made on 3 February 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/D0840/X/24/3353083

Treverbyn Cottage, Carnkief, Goonhavern, Cornwall TR4 9NP

- 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.
 - The appeal is made by Mr and Mrs G and W Wintle against the decision of Cornwall Council.
 - The application ref PA24/04034, dated 20 May 2024, was refused by notice dated 18 July 2024.
 - The application was made under section 191(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 caravan within the residential curtilage of the dwelling known as Treverbyn Cottage and the occupation of that caravan for purposes ancillary to the dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally made for a Lawful Development Certificate ("LDC") for a proposed use or development under the provisions of Section 192 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). However, having sought the views of the parties, it appears that the structure subject of the application was on the land prior to the date of the application and, therefore, it referred to an existing use or development. Such is considered under Section 191 of the 1990 Act.
3. The argument presented in favour of lawfulness is, in essence, that the siting of the structure on the land does not involve development because it is a caravan in the curtilage of a dwellinghouse, being used for purposes ancillary to that dwellinghouse. If all of those statements are correct, then the structure would not require planning permission and it would be lawful within the meaning of Section 191(2) of the 1990 Act, irrespective of whether that was established before (Section 192) or after (Section 191) the works had taken place. Therefore, no injustice would arise to either party if I were to consider the appeal as an existing use or development under the provisions of Section 191 of the 1990 Act.

Reasons

4. I understand that the structure, to use a neutral term, falls within the size limits of a twin-unit caravan defined in the Caravan Sites Act 1968. It takes services from the main house and is not fixed to the ground. Nevertheless, the definition of a caravan includes that the structure can be 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. It is this first assembly, not whether it can

subsequently be split into two complete sections, that determines whether or not it is a caravan.

5. The appellant has explained how the structure was designed as two separate sections that could be joined by means of bolts. Cover pieces can be seen externally and internally, which I understand to conceal the joints between the two halves. A photograph provided during construction shows that two separate floor constructions and walls up to roof level were built.
6. However, other photographs of the construction process clearly show that the two parts were joined prior to the completion of the structure. At a time that timber blocks and bolts were placed between them, the base floor covering did not cover the whole structure, internal walls were incomplete and there were no windows or doors. This was not separately constructing two sections designed to be assembled on a site – more construction and assembly and more sections, including windows and doors, were required once the main structure had been formed.
7. Therefore, I find that the works involved the construction of a single structure on the site from more than two sections that does not meet the statutory definition of a caravan. Irrespective of whether it is within the curtilage of a dwellinghouse and its ultimate use it is, therefore, development within the meaning of the 1990 Act and there is no substantive evidence that it would not require express planning permission. I understand that express planning permission had not been granted at the date of the application, so I conclude that the structure was not lawful. The personal circumstances of the occupants can have no bearing on this decision.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or 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. The appeal is dismissed.

M Bale

INSPECTOR