



Appeal Decision

Site visit made on 10 March 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Appeal Ref: APP/W1850/X/25/3376739

Log Cabin at Redwood Orchard, St Michaels, Tenbury Wells, Herefordshire, WR15 8TL

- 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 development.
 - The appeal is made by Ms Brigid Eakins against the decision of Herefordshire Council.
 - The application ref P252993, dated 16 October 2025, was refused by notice dated 3 November 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The development for which a certificate of lawful development is sought is proposed alteration to the existing building on site to enable it to comply with the definition of a caravan.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Brigid Eakins against Herefordshire Council. That application is the subject of a separate Decision.

Procedural Matters

3. An application under s192(1)(b) of the 1990 Act seeks to establish whether any operations proposed to be carried out in, on, over or under land, would be lawful.
4. The Planning Practice Guidance¹ (PPG) sets out that an application needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved, must be accompanied by sufficient factual information, and it is the applicant who is responsible for providing sufficient information to support such an application.
5. The appeal is made against the Council's refusal to issue a lawful development certificate (LDC) which sought to ascertain whether works to the existing cabin would be lawful and result in the building falling within the definition of a 'caravan'. The definition of a caravan is set out in the Caravan Sites and Control of Development Act 1960 (the 1960 Act) and the Caravan Sites Act 1968 (the 1968 Act).
6. For the avoidance of doubt, this decision considers only the matters referred to in the description in the LDC application. It is not concerned with and does not consider or prejudice any further consideration of any use of the structure or land on which it is located.

¹ Paragraphs: 005 Reference ID: 17c-005-20140306 and 006 Reference ID: 17c-006-20140306

The Main Issue

7. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded. That turns on whether proposed works to the existing structure constitute 'development' for the purposes of s55 of the Act and, whether those works would result in a caravan as defined by the 1960 and 1968 Acts.

Reasons

8. There is no dispute between the main parties that the existing cabin is a 'building' including all of its component parts. It was constructed on site, has significant scale, it is shown to be attached to the ground by means of a plinth and footings, and has a significant degree of permanence being subject of an appeal² in 2015.
9. The proposed works to the cabin, as detailed on drawing 23/3601, include:
- Roof trusses being bolted and strapped to the wall plate
 - The building frame being bolted and strapped to the brick plinth and footings
 - Ceiling ties bolted and strapped to the roof trusses and wall plate
 - A break in the gable wall frame being bolted and strapped together
 - External boarding pinned together below the gable apex at the main wall plate level.

Such works to demonstrate the building could be reversibly split into two sections.

10. Section 55(1) of the 1990 Act sets out the meaning of 'development' as 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. For the purposes of the 1990 Act "building operations" includes - the demolition of buildings; rebuilding, structural alterations of or additions to buildings; and other operations normally undertaken by a person carrying on business as a builder.
11. Section 55(2) provides that the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land -
- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which -
- (i) affect only the interior of the building, or
- (ii) do not materially affect the external appearance of the building.
12. The majority of the proposed works are internal. The remaining works to cut existing external cladding to enable it to be pinned on reconstruction, or to enable the cabin to be removed from its footings, would be unlikely, in my view, to materially affect its external appearance. Accordingly, those specified works to the building probably benefit from the exclusions referred to in s55(2)(a). This is consistent with the Council's finding.
13. Section 29(1) of the 1960 Act defines a caravan as including 'any structure designed or adapted for human habitation which is capable of being moved from

² APP/W1850/X/15/3002415

one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)'.

14. Section 13(1) of the 1968 Act provides that a twin-unit caravan is 'A structure designed or adapted for human habitation which –

(a) 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

(b) 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),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a road when assembled.'

15. Section 13(2) provides maximum dimensions for assembled caravans. Based on the detail provided on the submitted drawings, there is no dispute between the main parties that the structure falls within those specified size limits.
16. The 2015 appeal decision, which was not to my knowledge challenged, identified that there was almost no evidence of the actual method of construction nor anything to suggest it was constructed to make moving possible. The Inspector concluded that it consisted of two parts with a roof added later, that it cannot be moved by being pulled along, and there were no strengthened parts of the structure that would allow it to be lifted on to a trailer.
17. While the appellant's plans show that the main body of the building could be split by removal of the roof above the wall plate level, it also shows separation from the existing plinth and footings. If the upper parts were removed, those remaining foundations would still fall within the definition of a 'building' by virtue of s336, which includes 'part of a building'. The proposed partial demolition of the existing building shown on the plans would result in at least **three** elements.
18. Furthermore, the proposed works of demolition of what has been determined to be a building would, in themselves, require planning permission by virtue of ss55(1) and 57(1) of the 1990 Act.
19. Moreover, there is little before me to demonstrate that the structure or its separated components would have sufficient lateral, longitudinal or other structural stability to enable relocation without their failure; nor that elements such as the roof covering or window or door elements, for example, would not come apart or be damaged if moved.
20. The footing plinths are made of mortared brickwork such that they would almost certainly require destruction to be relocated. If the remainder was relocated elsewhere, it has not been shown that it would have the structural integrity to be sited without the need for the foundations which are presently integral to the building.
21. In support of the appeal, the appellant directs me to a letter from a mobile home construction specialist who has considered the detail of the works and concludes their completion would render the structure a caravan according to the relevant

Acts. However, it also fails to provide substantive evidence in relation to any structural capability. In the absence of more, I find it is a matter of limited weight in the appeal.

22. The appellant's assertion that my own observations at the site visit confirm any structural integrity of the roof construction to enable it to be relocated is misplaced. As the Inspector in the 2024 appeal advised, it is not for an Inspector to make an appellant's case for them. Moreover, even if the full extent of the roof had been visible, it says nothing of its integrity as a single building element constructed on site from its component parts when subject to loading and/or movement by road.
23. The appellants costs claim refers to the fact that I was shown, by use of card templates, that the detached roof section might be loaded by placing it into the main body of the cabin so it could be transported together. Notwithstanding that additional evidence cannot be accepted at such a late stage (the site visit), or that such a claim was in any case physically impossible without further removal of part of either the roof or gable of the building because of their similar lengths, it was not proof of any structural capability of the building being moved by road.
24. Taking the above matters together, I find the appellant has failed to demonstrate on the grounds of probability that the building would comply with the definition of a 'caravan' as set out in the 1960 and 1968 Acts if the specified works were carried out.

Conclusion

25. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development for the proposed alteration to the existing building on site to enable it to comply with the definition of a caravan 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).

R Hitchcock

INSPECTOR