
Appeal Decision

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2026

Appeal Ref: APP/W1850/X/25/3375624

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by T and CPP Limited against the decision of Herefordshire Council.
- The application ref no: 252604, dated 9 September 2025, was refused by notice dated 29 October 2025.
- The application was made under section 192(1)(a) of the 1990 Act.
- The use for which a LDC is sought is the stationing of the caravan compliant shipping container shown in the accompanying plan within the land edged red on the accompanying plan for use ancillary to agricultural under the certificate granted on appeal ref P214586.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by T and CPP Limited against Herefordshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of the use for which the LDC is sought, in the banner heading above, is taken from the application form. The LDC application has been made under section 192(1)(a) of the 1990 Act which relates to a proposed use. The proposed use relates to the “*stationing of the caravan compliant shipping container... for use ancillary to agricultural*” under the LDC granted on appeal¹ (the LDC approval). The site is the whole of the area edged in red on the submitted location plan. The application form indicates that the site was in agricultural use at the time of the LDC application. Moreover, the Council’s delegated report states that the application site comprises a small area of agricultural grassland.
4. Additionally, a legal opinion² submitted specifically in association with this appeal states that “*the application itself and therefore the subsequent appeal arose from a situation where a certificate already existed for the accommodation of a caravan on the Land and the new application was in a form intended to identify what could be placed on the Land within that certificate.*” I have dealt with the appeal on that basis. To avoid any confusion I have referred to the ‘*caravan compliant shipping container*’ as the structure within my reasoning below.

¹Ref No: APP/W1850/X/22/3295616

² Simon Randle 3 May 2025.

Main Issue

5. The main issue is whether the Council's refusal to grant a LDC was well-founded.

Reasons

6. In order for an LDC to be granted under section 192 of the 1990 Act, the burden of proof is with the appellant, and the appropriate test of the evidence is on the balance of probabilities. The appellant is best placed to understand what evidence they have available to them to substantiate their case and is responsible for providing sufficient information to support a LDC application. The onus is firmly on the appellant to show that the proposal would be lawful at the time the application was made. My decision rests on the facts of the case, on relevant planning law and judicial authority.
7. Section 191(2) of the 1990 Act sets out that uses and operations are lawful at any time if: a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
8. The LDC approval stated that *"the proposed siting of a caravan which accords with the legal definition of a caravan and its use ancillary to agriculture would not constitute development requiring planning permission"*. As stated above, based on the submitted legal opinion, it is apparent that the LDC application is seeking to identify whether the structure shown on the drawing³ submitted with it can be lawfully stationed on the appeal site within the terms of the LDC approval.
9. The term 'caravan' is defined in section 29(1) in the Caravan Sites and Control of Development Act 1960 (CSCDA) and what constitutes a 'twin-unit caravan' is defined in section 13 of the Caravan Sites Act 1968 (CSA). As such, in law, a caravan is only a caravan if it meets the definition in section 29 of the CSCDA as amended by section 13 of the CSA. I acknowledge that the appellant has stated that the structure would meet the legal definition of a caravan. The appellant also utilises the term '*caravan compliant*' throughout their evidence and, as stated by the Inspector in the appeal decisions⁴ relating to Windmill Street in London, that term is not used in the legislation. Furthermore, whilst the Oxford Dictionary definition of the word 'compliant' means meeting rules or standards, in my judgement for the purposes of an LDC, it cannot be assumed that the structure would be compliant with the legal definition of a caravan.
10. Section 29(1) of the CSCDA states that a caravan is defined 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. It excludes (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.
11. Section 13(1) of the CSA states: A structure designed or adapted for human habitation which- (a) is composed of not more than two sections separately

³ Drawing No: 24/3821

⁴ Appeal Decisions: APP/X5210/X/24/3351948, APP/X5210/X/24/3351952, APP/X5210/X/24/3345029, APP/X5210/X/24/3358455 & APP/X5210/X/24/3358238

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), Section 13(2) states that for the purposes of Part I of the CSCDA, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely- (a) length (exclusive of any drawbar): 65.616 feet (20 metres); (b) width: 22.309 feet (6.8 metres); (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

12. There is no dispute that the size of the structure would meet the dimensions stated at section 13(2) of the CSA. The submitted drawing shows the structure with fenestration within its long sides and double doors at one end. Internally it is shown with an open plan kitchen/living space/bedroom and a separate shower room. The structure therefore appears to be adapted for human habitation.
13. The appellant has stated that the structure would be transported to the site and would be capable of being moved by machinery afterwards. I note that within the Council’s Officer Report it states that *‘the shipping container will be transported to the site in one piece by means of another vehicle’*. Yet, it is not clear what evidence that is based on as there is no specific evidence before me to indicate whether the structure would be transported to site in sections or not. Furthermore, there is no evidence before me to indicate when the adaption for human habitation would take place. I acknowledge that the initial design of a shipping container is intended to ensure it is capable of being moved from one place to another on a vehicle. Nonetheless, there is no technical evidence before me to indicate that with the addition of fenestration and the internal adaptations that the structure would remain capable of being moved from one place to another, whether by being towed or by being transported on a motor vehicle or trailer.
14. Overall, I consider that the evidence before me is insufficiently precise and unambiguous to demonstrate, on the balance of probabilities, that the structure would meet the legal definition of a caravan in sections 29(1) of the CSCDA and 13(1) of the CSA. As such, in my judgement it has not been shown that the structure can be lawfully stationed on the appeal site within the terms of the LDC approval.

Other Matters

15. The appellant has cited several other LDC decisions made by different Councils. In relation to all of these decisions I only have Officer Reports and the LDCs before me.
16. The Crondall Lane case LDC states that *‘the proposed caravan compliant container, as shown in the submitted plan, would comply with the definition of a “caravan” as set out in Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968. As such, the proposed siting of the caravan compliant container does not constitute operational development.’* The Officer Report associated with that application states that *‘a container is by its nature designed to be a structure capable of being moved from one place to another on a motor vehicle so designed/ adapted, e.g. a*

lorry with a flatbed trailer.’ The South Fork case relates to *‘the siting of a caravan compliant container for ancillary residential use as sanctioned by consent WA/2022/01276’* and its associated Officer Report states the same reasoning as the Crondall Lane case. However, as stated above, in my judgement there is no technical evidence before me to indicate that with the addition of fenestration and the internal adaptations that the structure would remain capable of being moved from one place to another. Therefore, for the reasons given above I do not agree with the Council’s reasoning in those LDC applications. Moreover, this appeal turns on its own facts.

17. In the Scragged Oak Road case the description of the proposal is *‘proposed siting of a shipping container that meets the criteria of a caravan’*. There is no assessment within the Officer Report as to why or how the shipping container would meet the legal definition of a caravan. Moreover, there is no detail of what evidence had been submitted with that application. As such, I cannot be certain that this case is comparable to that before me and it does not alter my conclusion.
18. The Fox & Dogs Public House case relates to an LDC application for proposed siting of a shipping container related to agricultural use of field. The Wrotham Hill case relates to a LDC application *‘to confirm that the caravan compliant cabin shown would comply with the Certificate of Lawfulness issued under WA/2023/01923..’*. These two cases do not appear to relate to comparable development to that before me and do not alter my conclusion.
19. Two legal opinions have been submitted by the appellant. One relates to a previous appeal decision⁵ on the appeal site and the other relates to the Council’s decisions to refuse several LDC applications on a property in Windmill Street London. I have taken into account the legal opinion relating to the previous appeal decision in my reasoning above. The second legal opinion relates to the Council’s decisions to refuse the LDC applications. It states within that opinion that *‘my instructions are that what was proposed in the Application did in fact constitute a caravan within that statutory definition’*. Nonetheless, I note that the related appeals were dismissed by an Inspector and there is no evidence before me to indicate that those decisions have been challenged in the Courts.

Conclusion

20. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful use or development for the stationing of the caravan compliant shipping container shown in the accompanying plan within the land edged red on the accompanying plan for use ancillary to agricultural under the certificate granted on appeal ref P214586 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.

D Boffin

INSPECTOR

⁵ Ref No: APP/W1850/X/24/3357500