



Appeal Decisions

Site visit made on 4 February 2026

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2026

Appeal A Ref: APP/R3650/X/24/3358242

Southfork Farm, Wrotham Hill, Dunsfold, Nr. Godalming, Surrey GU8 4PA

- 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 T&CPP Ltd against the decision of Waverley Borough Council.
- The application ref WA/2024/01764, dated 9 September 2024, was refused by notice dated 4 November 2024.
- The application was made under section 192(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 siting of a caravan for use for residential purposes.

Summary Decision: The appeal is dismissed.

Appeal B Ref: APP/R3650/X/24/3341327

South Fork, Wrotham Hill, Dunsfold, Nr. Godalming GU8 4PA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr David Stedman against the decision of Waverley Borough Council.
- The application ref WA/2024/00284, dated 19 January 2024, was refused by notice dated 21 March 2024.
- The application was made under section 192(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 siting of a shipping container for use ancillary to the residential use of the land.

Summary Decision: The appeal is dismissed.

Appeal C Ref: APP/R3650/X/25/3364731

South Fork, Wrotham Hill, Dunsfold, Nr. Godalming GU8 4PA

- 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 David Stedman against the decision of Waverley Borough Council.
- The application ref WA/2024/01684, dated 29 August 2024, was refused by notice dated 24 October 2024.
- The application was made under section 192(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 siting of a shipping container for use ancillary to the residential use of the land.

Summary Decision: The appeal is dismissed.

Application for Costs

1. Applications for costs were made by TCPP Ltd and Mr David Stedman against Waverley Borough Council. These applications are the subject of a separate Decision.

Preliminary Matters

2. The appeals relate to applications for LDCs under section 192 of the Town and Country Planning Act 1990 as amended (the Act). As a result, they seek to determine whether the proposed development would be lawful were it to be instituted or begun on the relevant date. The relevant date for ascertaining whether the proposed development would be lawful is the date of the LDC application. The relevant dates in these cases, therefore, are 9 September 2024 for appeal A, 19 January 2024 for appeal B and 29 August 2024 for appeal C.
3. The burden of proof on an application for an LDC is on the appellant, with the relevant test of the evidence being on the balance of probability.
4. In relation to appeal B, the appellant questions whether the decision of the Council is valid as it did not include a plan. Section 192(3) of the Act requires that an LDC specify the land to which it relates but do not require a plan be attached. The address provided on the decision is sufficient to meet those requirements. As such, a plan would not be required to be attached to a decision to refuse an LDC.
5. I note that the Council have granted an LDC under section 191 of the Act (reference WA/2021/02581) for “the use of the land edged red shown on the accompanying plan from agriculture to residential use for a continuous period in excess of 10 years”. That relates to the land subject of these appeals. Another LDC was issued under section 192 of the Act (reference WA/2022/01276) for the siting of a caravan for use ancillary to the lawful residential use of the land. I understand that a further LDC for siting of a caravan compliant container has been issued (reference WA/2025/01265). I have taken these into account in coming to my decision.
6. Section 55 of the Act defines development as the carrying out of building 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. The appellant suggests that the proposals do not comprise development. They suggest that the caravan and shipping containers are not buildings, so their stationing on the land would not be building operations. Neither do they consider the caravan or shipping containers would result in a material change in the use of the land.
7. Section 55(2) of the Act sets out a number of operations and uses of land that are not taken to involve development of land. This includes, at paragraph 55(2)(d), the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such. In order to be lawful, therefore, the use of any caravan or shipping container would need to be incidental to the enjoyment of the dwellinghouse.
8. Appeal A relates to a caravan to be placed on the flat roof of the existing building at Southfork Farm. A spiral staircase is proposed to be constructed within the building leading through a hole in the roof of the building and another in the floor of the caravan. It is not proposed to physically attach the caravan to the building in any way.
9. Appeals B and C relate to the stationing of a shipping container that, the appellant suggests, could be a “Caravan Compliant Container”. As I understand, they consider that, if it were converted into a caravan, it would meet the definition of a

caravan as set out in the CSDPA60 and CSA68. However, they also indicate that, should the residential use of the site cease and the land change to agricultural use, the container could remain as incidental to that use. That suggests that it may be put to another use, such as storage. The description of development for both of these applications related to stationing of a shipping container for use ancillary to the residential use of the land and I need to consider the appeals on that basis.

10. The term “caravan” is defined by the Caravan Sites and Control of Development Act 1960 (CSDPA60) and Caravan Sites Act 1968 (CSA68). These include structures that are 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).
11. My attention has also been drawn to the potential for the caravan or shipping containers to comprise buildings. There are three primary factors in defining what is a building as set out in case law, including *Skerritts of Nottingham Ltd v SSETR & Harrow LBC (No.2)* [2000] EWHC Civ 5569 [2000] JPL 1025 (Skerritts). These are size, permanence and physical attachment. These are considered as a matter of fact and degree and none of the factors are necessarily decisive. It is possible for one to be given greater weight than the others. I will consider these matters in my reasoning.

Main Issues

12. The main issue in an appeal against refusal of an LDC is whether the decision of the Council was well-founded.

Reasons

Appeal A

13. In coming to their decision, the Council have assumed that the caravan would be permanently attached to the roof of the existing building. If that were the case, it would require building works to detach it to allow transportation and, on that basis, could not be a caravan.
14. A plan of the building is provided showing the caravan placed on top of the building to provide a living/dining room and bedroom with living/dining, bedroom, kitchen and utility on the ground floor. A spiral staircase would be inserted in the living room within the single storey building to provide access to the caravan above. It would protrude from the top of the building such that the caravan could be adapted with a hole to fit around the staircase and placed on the roof of the building.
15. The appellant suggests that, given the lack of physical attachment, the caravan would be capable of removal and transportation without building works. That is likely to be by means of being lifted off the building and placed on a trailer for transportation.
16. In addition, a letter from Michael Tamsett of Architectural Designs along with plans has been supplied. These suggest a caravan with a floor infill removed would be placed on top of the building once roof capping on the spiral staircase has been removed, along with a demountable balustrade provided and seals fitted around the spiral staircase. That provides an outline of how this would work but there is

limited detail as to how an effective seal may be provided, including to provide effective insulation.

17. To accord with the definition of a caravan at section 29 of the CSDPA60, it would need to be designed or adapted for human habitation and be capable of being moved from one place to another. Due to the hole in the floor, once removed from the building the caravan would not be capable of human habitation without further works. In addition, once removed from the building it is unclear whether it would provide the facilities for human habitation, with no cooking and washing facilities within the caravan annotated on the plan. The cooking facilities of the proposed extended dwelling appear to be provided solely on the ground floor. For this reason, I consider that it would not fall within the definition of a caravan.
18. My attention has also been drawn to Section 13 of the CSA68 that defines twin-unit caravans. These are caravans in two sections that can be assembled on site. However, the evidence suggests that the proposal would not comprise a twin-unit caravan. If it were a twin-unit caravan, the hole in the floor means that it may not comply with the limitation in Section 13 of the CSA68 as to the overall height of living accommodation of 3.05 metres.
19. In addition, if the caravan were removed from the building, it appears that the staircase would need to project above the roof of the existing building to link into the caravan. Further works would be required to construct the balustrade. That may mean building works to the roof of the building that would require planning permission.
20. The Council have also drawn my attention to the definition of a building as set out in Skerritts. The caravan's size could be comparable to that of a small building. It would be placed on top of an existing building, such that it would extend and be part of the building. It is intended to provide integral living space to the dwelling, such that it would have a significant degree of permanence. Its physical attachment would be minimal, although there would be a degree of attachment with the stairs protruding through the floor and sealed onto the building below as well as being held down by its own weight. Taking these factors into account, I conclude that it would comprise an extension to the existing building.
21. For these reasons, on the balance of probability, I conclude that the proposed caravan would comprise an extension to the building such that it would not be a caravan as defined by the CSDPA60 and CSA68. Even if it were a caravan, its incorporation onto the dwelling means that it would be part of the primary use of the land rather than incidental to the residential use such that it would not be in accordance with section 55(2)(d) of the Act.
22. My attention has been drawn to the LDC issued by the Council of the London Borough of Camden for a caravan to be situated at the fourth floor of the building at 38-40 Windmill Street, London W1T 2BE. I have limited information relating to that development, in particular whether the caravan was intended to be adapted in any way before stationing on site or how it was proposed to be used. Consequently, I am unclear how it compares to this proposal such that it can carry limited weight in this appeal.
23. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a caravan for use for residential purposes is well-founded. The appeal should fail, and I will exercise

accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeals B and C

24. The appellant suggests that the siting of a shipping container is a use of land as the container would not comprise a building. Whilst they suggest that it may be a “Caravan Compliant Container”, I need to consider the development as applied for, being a shipping container. The Council indicate the container may be a building and I will consider this against the tests set out in Skerritts as summarised above.
25. The proposed container would be of a size sufficient that it could be defined as a building.
26. The purpose of the shipping container is unclear. The plans submitted with the appeals show an empty container with two openings in one side and window at the end opposite the container doors. However, there is some suggestion that if the use of the land were to change to agriculture then the container could remain if it was in an incidental or ancillary agricultural use. That indicates a substantial degree of permanence. If it were a “Caravan Compliant Container”, which has also been suggested, this would suggest providing facilities for human habitation that also indicates a degree of permanence. There appears to be some flexibility intended in the use of the container, further supporting a conclusion of permanence.
27. The shipping container would not be attached to the ground other than by its own weight. An object the size of a container can have a very considerable weight and would require specialist equipment to move. As a result, shipping containers can comprise buildings.
28. Taking these factors into account, on the balance of probability I consider that the shipping containers proposed in appeals B and C would comprise buildings.
29. It would be possible for a shipping container to be adapted to meet the definition of a caravan under CSDPA60 and CSA68, such that it could be a “Caravan Compliant Container”. However, the use of the containers as described in the applications and appeals has not been limited to this purpose and the description of the proposals are for shipping containers rather than caravans. As a result, I consider that the application is not seeking the use to be limited to a caravan.
30. As referred to above, the purpose of the shipping container is unclear. It may be laid out as a caravan. The plans provided show that, if so, it would provide all the facilities required for day-to-day living. This suggests that it could be in residential use and not used for a purpose incidental to the use of the dwellinghouse. Consequently, the use of the shipping container would, whether or not it was a caravan, on the balance of probability and as a matter of fact and degree, not comply with the limitation at section 55(2)(d) of the Act.
31. I understand that the Council have issued an LDC for a self-contained container for ancillary residential use at Wrotham Hill Cottage that is located on the opposite side of Wrotham Hill from South Fork under reference WA/2024/01129. That followed the issue of an LDC under reference WA/2023/01923 for the siting of a caravan ancillary to the residential property. The container proposed in that case

was proposed to be laid out as a 1 bed studio apartment with windows and doors. They concluded that it fell within the definition of a caravan under CSDPA60.

32. It is suggested that the Council have been inconsistent in their decision making as they granted an LDC in relation to an identical container under reference WA/2024/00634. However, each case needs to be considered on its own merits. Neither am I bound by a decision of the Council in different circumstances.
33. An appeal decision, reference APP/V0728/W/23/3314720, was submitted with appeal B relating to the change of use of land to a self-storage facility. In that case, it was held that the containers proposed to be located on that site would not be buildings. A Community Infrastructure Levy (CIL) appeal decision reference 1814012 has been submitted relating to a change of use to create a commercial storage facility that concluded containers were not buildings based on the circumstances of that case. I accept that containers are not necessarily buildings and this needs to be determined on the basis of fact and degree on the circumstances of the particular case.
34. My attention has been drawn to a newspaper opinion piece from the Sunday Times dated 10 March 2024 by Jeremy Clarkson, in which he suggests shipping containers usually don't need planning permission as they are moveable.
35. This case needs to be considered on the basis of fact and degree in relation to its particular circumstances. Whilst I have taken the Council's decision to issue an LDC at Wrotham Hill Cottage, the CIL appeal and newspaper article into account, they have not altered my conclusions in these cases.
36. For the reasons given above, I conclude that the Council's refusal to grant certificates of lawful use or development in respect of the siting of shipping containers for use ancillary to the residential use of the land is well-founded. The appeal should fail, and I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Formal Decisions

Appeal A – The appeal is dismissed.

Appeal B – The appeal is dismissed.

Appeal C – The appeal is dismissed.

AJ Steen

INSPECTOR