



Appeal Decisions

Site visit made on 10 March 2026

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2026

Appeal A Ref: APP/G5180/C/24/3358159

Appeal B Ref: APP/G5180/C/24/3358160

Appeal C Ref: APP/G5180/C/24/3358161

Land at 355 Main Road, Biggin Hill, TN16 2HW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Adam Stone against an enforcement notice issued by the Council of the London Borough of Bromley.
 - Appeal B is made by Mrs Lindsay Stone against the same enforcement notice issued by the Council of the London Borough of Bromley.
 - Appeal C is made by the Occupier Land at 335 Main Road, Biggin Hill against the same enforcement notice issued by the Council of the London Borough of Bromley.
 - The notice was issued on 9 December 2024.
 - The breach of planning control as alleged in the notice is without the required planning permission, the operational development comprising a single storey linked building attached to the rear of the main dwellinghouse and to a separate garage on the Land as shown in the approximate position hatched in green in the attached Plan.
 - The requirements of the notice are to:
 - (a) Demolish the single storey linked building described in paragraph 3 above and,
 - (b) Remove from the Land all resultant debris and,
 - (c) Restore the Land to its condition before the breach of planning control took place.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeals A, B and C

1. It is directed that the enforcement notice is varied by the deletion of three months for the time for compliance and its substitution with eight months.
2. Subject to the variation, the appeals are dismissed, and the enforcement notice is upheld.

Appeals A, B and C

Preliminary Matters

3. The enforcement notice relates to No 355 Main Road. Although the appeal form incorrectly refers to the site address as No 335 Main Road, that is evidently a mistake as the main evidence refers to No 355.
4. The appeal statement and rebuttal document are made on behalf of Mr Adam Stone – the appellant for Appeal A. However, the appeal documents are also evidently submitted in relation to linked Appeals B and C. If that isn't the case,

nothing has been submitted for Appeals B and C. My reasoning below therefore relates to Appeals A, B and C.

5. For legal grounds of appeal (b) and (c), the onus lies with the appellants to make their case on the balance of probabilities.
6. I note the submissions made regarding the health issues of the appellants' father and the benefits arising from the current living arrangements facilitated by the matters alleged, but I am unable to weigh such matters into my deliberations, insofar as they relate to the planning merits, as the appellants have not made an application for planning permission through a ground (a) appeal.
7. In that regard, the appellants contend, having regard to the provisions of s174(2A) of the 1990 Act, that a ground (a) appeal is not possible as the enforcement notice was served after 25 April 2024. However, such an appeal would not be barred because an application for a certificate of lawful use or development (LDC) would not amount to a related application for planning permission. Even if it was, it wouldn't be barred because the enforcement notice was issued more than two years after the LDC application¹ referred to by the appellants, ceased to be under consideration.

The Appeals on Ground (b)

8. A ground (b) appeal is that the alleged breach of planning control has not occurred.
9. No 355 is a residential property with detached bungalow and detached garage, set within a spacious garden. The appeals relate to a pitched roof, timber clad structure positioned to the rear of the detached garage and at right angles to the bungalow, and to a smaller flat roof structure positioned between the garage and the bungalow.
10. The appellants refer to the pitched roof structure as a caravan, whereas the Council refer to it as part of the linked building. For the purposes of the ground (b) appeal I shall refer to it in neutral terms as the pitched roof structure, which could be applied to a caravan or building, without inference that it is either one.
11. The appellants argue under ground (b) that the pitched roof structure is not linked to the main dwelling or detached garage. However, the alleged breach doesn't say that it is; rather it refers to operational development comprising a single storey linked building attached (rather than linked) to the rear of the main dwellinghouse and garage.
12. In that regard, the Council's photographs from 2 June and 14 September 2021 clearly show that the flat roof structure was attached to both the main dwelling and garage. The pitched roof structure is not physically attached to the main dwelling (although a small part of its length is positioned so close to it that its eaves overhang those of the main dwelling).
13. The appellants further argue that the pitched roof structure is not linked to the flat roof structure. Although there is a small gap between the two, they do not have to be physically touching to be considered linked. At the time of my site visit I saw

¹ Ref: DC/21/03385/ELUD for the Siting of a caravan within the rear garden area of the existing property for use as ancillary accommodation in connection with the main residential dwelling – refused 23 June 2022.

that there is a door on the side elevation of the pitched roof structure that provides access into the flat roof structure, and that both structures are connected by services (the appellants confirm those to be water, gas and electricity). There is also a canopy attached to the side of the pitched roof structure overhanging the gap between the two structures.

14. The Council's photograph from 2 June 2021 does not even appear to show a door between the two structures at that time. Rather there appears to be an open connection between the kitchen space in the pitched roof structure and the hallway of the flat roof structure. The steps down from the pitched roof structure had been moved from place at the time of my visit but the ground (b) appeal is concerned with whether the breach had occurred by the date of issue of the enforcement notice.
15. It is likely that the flat roof structure was intended to function as an extension to the pitched roof structure, providing bathroom facilities and a hallway to a 'front door' positioned between the side of the bungalow and the side of the garage. That in turn provides direct access to the combined structure from the front of the property, rather than having to go through or around the main dwelling. There was therefore a clear functional link between the pitched roof structure and the flat roof structure. There is also a visual link insofar that they appear to be physically connected when viewed from the front, even though there is a small gap between them.
16. Therefore, as a matter of fact and degree, it is correct to describe the pitched roof structure and the flat roof structure as linked. As noted, that linked structure was attached to the main dwelling and to the garage, so the allegation is accurate in that regard, even though there is no evidence that there was a link into the main dwelling from either structure. Accordingly, that part of the allegation has occurred.
17. However, it is still possible to succeed in part under ground (b) if it is demonstrated that the pitched roof structure is not a building. I appreciate that the appellants' case in that regard is made under ground (c), that those matters (if they occurred) do not constitute a breach of planning control, but the thrust of the arguments made largely fall to be considered under ground (b).
18. Essentially, the case made is that the pitched roof structure is a caravan, rather than a building, in that it complies with the tests set out in the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) and the Caravan Sites Act 1968 (CSA 1968).
19. The term 'caravan' is defined in s29(1) of the CSCDA 1960 as meaning "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..."².
20. S13(1)(a) and (b) of the CSA 1968 provide that a twin-unit caravan is one that is designed or adapted for human habitation which 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 is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by

² It goes on to list exclusions which are not relevant in this appeal

being transported on a motor vehicle or trailer). The whole unit must be transportable, but the legality of such transportation on the public highway is irrelevant.

21. These prerequisites are usually referred to as ‘the construction test’ and ‘the mobility test’. There is also a ‘size test’, but it is undisputed that the pitched roof structure is within those size limitations. It is also undisputed that it is designed or adapted for human habitation.

Construction test

22. It was initially explained in the July 2021 planning statement that the pitched roof structure, as purchased from Woodland Studios, comprises two sections which were separately constructed and that the sections were transported to the appeal site and then joined together by that company as the ‘final act of assembly’ in accordance with s13(1) of the CSA 1968, thereby purportedly meeting the construction test.
23. However, the appellants’ appeal statement highlights that it was “a factual error” to state that the structure was built off-site. Rather, it was ‘built’ on-site but the final act of assembly was to join the two sections together. Nevertheless, the preceding paragraph of the appeal statement explains, in essentially the same terms as the previous planning statement, that the structure comprises sections which have been separately constructed, and the sections transported to the application site then joined together. That implies, at least, that sections of the structure were constructed off-site. There is therefore ambiguity in that regard.
24. The appellants’ response to the Council’s PCN³ is more categorical in stating that the pitched roof structure was entirely built and assembled on the land by contractors of Woodlands Group, and materials were primarily timber, OSB and plaster boards. It is explained that off-site construction was not possible due to access constraints.
25. In support of their case, the appellants have drawn my attention to two appeal decisions⁴. In relation to the same, I agree that there is no requirement for a twin unit caravan to be delivered to the site in two sections or that assembly cannot take place on site. Nevertheless, it is a matter of fact and degree and, if works do need to be carried out on the site, then that may show that something more complex is being constructed. Indeed, the appellants highlight that a caravan must be ‘composed of not more than two sections separately constructed’ and if the caravan was not constructed in this manner it may be deemed a building.
26. The appellants assert that ‘separately constructed’ means one half is built separately to the other and that the whole must be constructed by the method of first having two separate halves. It is also stated that two halves of a caravan can be made from many pieces, but they must be assembled into two separate sections and that the ‘last act’ would be the assembly of those two sections to the whole. I do not disagree, but I have no other evidence to corroborate assertions that in this case, two separate sections were created or that the ‘last act’ was to join two sections together.
27. Whilst the CSA 1968 does not specify a distance the ‘two sections’ must be apart, it is relevant to consider as part of the fact and degree assessment as to what has

³ Planning Contravention Notice dated 19 August 2024

⁴ Appeal refs: APP/N1025/C/01/1074589 and APP/B5480/C/17/3174314

been created and how, whether the sections were constructed at the same time, on site and in their current and potentially final positions, meaning that they have never existed in a state in which they did not effectively form one whole structure. Indeed, if the structure was entirely built and assembled on site, it raises the question as to what distinguishes it from the construction of a conventional timber frame building?

28. With regard to the Lodge Lane appeal decision the Inspector noted that the Council's evidence did not cast doubt on the appellant's explanation of how the two sections were assembled on the land and then joined together in the final act of assembly. However, in this case, there is little by way of such explanation from the appellants.

29. Reference is made to a further appeal decision relating to land at Trotters Plot⁵ and specifically to paragraph 10 where the Inspector states:

"I was shown photographs of the whole unit under construction, apparently as one unit, and also as two. It is also clear there was a final act of joining together. It was explained that as the two halves are built up from the various elements of the kit, they are placed side by side in order to ensure they [sic] various components would eventually fit together. The two halves were moved apart and back together as required during construction. This seemed to me [to] be a reasonable explanation of the construction process."

30. Again, however, in this case I have been provided with no construction photographs, save for that discussed below, nor has such an explanation of the construction process been provided.

31. The photograph that is provided is of the base construction. That does appear to show one part of the floor frame having been completed and another frame being constructed immediately adjacent to it. It is not possible to tell if the second is being attached to the first. In that regard the appellants state:

"Photo taken during construction December 2020. The initial 22 frames [presumably referring to joists] of 1.2m wide by 3.4m long (giving us an overall size of 6.8 metres by 13.2 metres) being bolted together as rows of 11 frames per half unit."

The appellants may well not mean that they were being bolted together in the photograph, because they then state that the two halves are then bolted together to make one unit. Nevertheless, it adds further ambiguity.

32. The appellants say they were shown a video on Instagram of how the unit was constructed but no further assembly related details are provided and the appellants confirm via an email from their agent, dated 9 December 2021, that the client "does not have a specification for the mobile home".

33. The appellants provide details of the order in response to the Council's PCN and that does refer to a timber 'Twin Caravan Unit'. However, whilst the order also provides some information about the materials, of what is described as a timber frame construction, there is no reference to separately constructed sections or being designed to be assembled on a site by means of bolts, clamps or other devices.

⁵ Appeal Ref: APP/U1240/C/18/3204771

34. Nor has information been provided on the nature of the component parts delivered to the site and whether they had been manufactured in some kind of pre-fabricated kit form or whether they were merely raw materials delivered to the site, thereby increasing the complexity of the work and the likelihood that building operations have taken place by a builder or skilled tradesperson.
35. The Council reasonably highlights that evidence in relation to this particular building is required from a person with personal knowledge of the construction. In that regard, very little evidence is provided from anyone who put the structure together, or from anyone who witnessed the process, to show that the structure comprises sections which were separately constructed and then joined together.
36. There is an unsigned letter from Woodlands Group which asserts that the project meets the size, mobility and construction tests but it acknowledges that it no longer has photographs of the unit during construction. The letter advises that evidence of the construction test can be found in the loft of the unit as well as underneath between the floor panels, in that the double beams in both areas clearly show bolts, screws and nails being the method of putting the two halves of the structural frame together.
37. Whilst the appellants have provided photographs which appear to show two abutting halves of a roof structure and two adjacent beams in the floor frame, they do not show bolts, screws or nails as stated. Therefore, even if the photographs are of the pitched roof structure, rather than generic images, they do not demonstrate how it was constructed on site and that the final act of assembly was to join two sections together.
38. The SD from Mr Stone does state that he has stationed a mobile home within the curtilage of his property, but it does not provide any details in relation to the relevant test outlined above. Consequently, the construction test is not met.

The mobility test

39. As to the mobility test, the structure should once fully assembled be physically capable of being moved as a whole by road, by being towed or transported. A lack of intention to move is not relevant, nor is the absence of a suitable means of access or an adequate road network, but it should possess the necessary structural qualities to permit its movement in one piece without structural damage.
40. The pitched roof structure is not physically attached to the main dwelling. Nor is it physically attached to the flat roof structure, save for the service connections, which can be disconnected. Moreover, it is undisputed that the structure has no foundations and that it sits on stilts, as shown in a picture provided by the appellants. The structure is not therefore physically attached to the ground and is likely held in place by its own weight.
41. The appellants say that when they were shown a video of how these structures are constructed, they were also given a structural engineers report which indicates how the unit can be moved using a lifting cradle. However, the only evidence provided in that regard are generic structural calculations for a basic lifting cradle to lift and move a single storey temporary unit, the dimensions of which do not match that which is the subject of the appeals.

42. Nevertheless, the aforementioned photograph shows, as per the structural report, a joisted floor framework, individually levelled above the ground and supported by timber stilts. The report confirms that the calculations contained therein are intended to show that a unit can be moved by the installation of steel beams beneath the floor frame to form a lifting cradle.
43. The letter from Woodlands Group also confirms that the commissioned structural engineers report proves that their units can be lifted so as to conform with the mobility test.
44. Taken together, I am satisfied that the appellants' evidence demonstrates, on the balance of probabilities, that the pitched roof structure is physically capable of being moved by road from one place to another, thereby meeting the mobility test.
45. Nevertheless, for the reasons explained, the pitched roof structure fails the construction test. In order to meet the statutory definition, there has to be compliance with all three tests and that has not been demonstrated to be the case, on the balance of probabilities.
46. I appreciate that finding will be very disappointing to the appellants but in overall terms, I simply have not been provided with enough information to demonstrate, to the required standard of proof, that the pitched roof structure meets the construction test, despite the onus lying with the appellants to make their case. Although the Council has no evidence of its own regarding the process of assembly or construction, the appellants' evidence is not sufficiently precise and unambiguous on those matters.
47. As such, on the balance of probabilities, I find that the pitched roof structure does not amount to a twin unit caravan, as defined by the CSA 1968.
48. Given that finding, it is appropriate to assess whether it amounts to a building. Established case law⁶ has set down three primary tests for doing so: size, permanency and the degree of physical attachment. No one factor will be decisive and any assessment will be a matter of fact and degree in the given circumstances.
49. At around 13m in length, 6.7m in width with a pitched roof, the structure is of significant size, involving a degree of construction on site that was likely, in the absence of evidence to the contrary, undertaken by a builder or similar tradesman with specific skills - having regard to the definition of building operations at s55(1A)(d) of the 1990 Act.
50. In terms of permanence the pitched roof structure is occupied by the appellants' parents, who live there in association with the main dwellinghouse. I understand that the current living arrangements allow the appellants to provide care and supervision for their parents and for the parents to provide assistance with childcare. Based on what I am able to consider in relation to those living arrangements, the pitched roof structure is likely to have a substantial degree of permanence.
51. Whilst I recognise that the existing services could be disconnected relatively easily, it is unlikely that they will because they facilitate being able to live in the structure. That again points towards a significant degree of permanency.

⁶ *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, endorsed by the Court of Appeal in *Skerrits of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102

52. As noted, the structure is not fixed to the ground, but it is, nonetheless, held in position by its own substantial weight.
53. Taking account of all three factors, the pitched roof structure would, on the balance of probabilities, amount to a building for the purposes of the 1990 Act. It is not argued that the flat roof structure is not a building. Accordingly, operational development comprising a single storey linked building has occurred.
54. The appeal on ground (b) therefore fails.

The Appeal on Ground (c)

55. A ground (c) appeal is that the matters do not constitute a breach of planning control.
56. The main thrust of the appellants' ground (c) case is that the pitched roof structure is a caravan and therefore does not require planning permission. However, for the reasons explained under ground (b), it has not been demonstrated that it meets the definition of a caravan and on the balance of probabilities I have found it to be a building operation.
57. In that regard, it is not shown that planning permission is not required for the single storey linked building or that it benefits from a grant of planning permission. The appellants assert under ground (f) that the development benefits from permitted development rights, but no such rights are identified under the Town and Country Planning (General Permitted Development) (England) Order 2015.
58. I note the submissions made that there has not been a material change of use of the land but that again relies on a finding that the pitched roof structure is a caravan⁷. Moreover, as the notice is concerned with operational development only, it is not necessary to consider that matter further.
59. The appeal on ground (c) must fail.

The Appeal on Ground (f)

60. An appeal on ground (f) is that the requirements of the enforcement notice are excessive to remedy the breach of planning control or, as the case may be, the injury to amenity caused by the breach.
61. In this case, the breach of planning control is operational development comprising a single storey linked building, whilst the requirements of the notice are to demolish the same, remove all resultant debris and restore the land to its condition before the breach of planning control took place. The purpose of the notice must therefore be to remedy the breach of planning control.
62. The appellants argue that the requirements are onerous and should not be sought for development that benefits from permitted development rights. However, as explained under ground (c), the appellants have not shown that to be the case.
63. Under ground (f), the point at issue is whether the requirements exceed those necessary to remedy the breach of planning control. To that end, the appellants have not shown that there are any other lesser steps that would remedy the breach of planning control and I find that the requirements of the notice tally and

⁷ The stationing of a caravan is normally taken as constituting a use of land.

logically follow from the breach and are not excessive for the purposes of remedying the same.

64. The appeal on ground (f) fails.

Other Matters

65. A ground (g) appeal has not been made, that the time given to comply with the notice is too short. Nevertheless, I am mindful that the appellants' parents live in the linked building and will therefore need to make alternative living arrangements. I am also mindful of the father's health issues.

66. In those circumstances three months is too short. A period of eight months would strike a reasonable and proportionate balance between any difficulties and disruption the family may encounter and the public interest in this case.

67. I am satisfied that I am able to vary the period of compliance in those terms under s176(1)(b) of the 1990 Act, without injustice to either party.

Conclusion

68. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a variation.

Richard S Jones

INSPECTOR