



Appeal Decision

Site visit made on 2 June 2026

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 03 July 2026

Appeal Ref: APP/U1620/X/25/3359701

4 Grange Road, Tuffley, Gloucester GL4 0PD

- 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 Ms Sally Haines against the decision of Gloucester City Council.
 - The application ref 24/00513/LAW, dated 15 July 2024, was refused by notice dated 23 September 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).
 - The use for which an LDC is sought is for the placement of a caravan within the curtilage of 4 Grange Road.
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Decision

1. The appeal is allowed and attached to this decision is a certificate describing the proposed use which is considered to be lawful.

Preliminary Matters

2. An application for a certificate of lawfulness enables any person to ascertain whether specific uses, operations or other activities are or would be lawful. Lawfulness is equated with immunity from enforcement action.
3. Section 192(2) of the 1990 Act states that if the Council is provided with information satisfying it that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect. In any other case they shall refuse the application.
4. For the avoidance of doubt, a certificate is not a planning permission, just confirmation that the matters proposed would have been lawful at the date of application. Thus, the planning merits of the matters applied for (including those concerning the extent to which the proposal would affect outlook from neighbouring properties) do not fall to be considered. The decision is based strictly on the evidential facts and on relevant law and judicial authority. The test of the evidence is made on the balance of probability and the burden of proof rests with the appellant.
5. Although the application form does not expressly describe the proposed use of the caravan, the supporting evidence consistently explains that it would provide ancillary accommodation as an extension of the family home. As the Council assessed the application on that basis, I am satisfied that this description accurately reflects the proposal and I have assessed the appeal on that basis.
6. At the time of my accompanied site visit it was evident that work had commenced on the development. Notwithstanding this, the matter to be decided upon is whether

the activity as proposed by the application made on 15 July 2024, would have been lawful if instigated or begun at that date.

Main Issue

7. The main issue is whether the Council's decision to refuse to grant a certificate was well founded. This turns on whether the siting of a caravan within the curtilage of the dwellinghouse, for the residential purposes proposed, would amount to development requiring planning permission.

Reasons

8. The essence of the appellant's argument is that the caravan would be sited on land within the curtilage of the dwelling and would comply with the statutory definition of a caravan, such that no operational development would take place. Furthermore, it would not function as a self-contained unit of accommodation but be used for ancillary purposes in association with the dwellinghouse, by providing additional living space for the appellant's son and his partner. In this respect, it is stated that there would be reliance on the main dwelling for essential facilities, services, and amenities including cooking and laundry, and for care, assistance and support as needed. Accordingly, it is their view that there would be no material change of use of the planning unit or land.
9. The statutory definition of a "caravan" is set out in the Caravan Sites and Control of Development Act 1960 as modified by the Caravan Sites Act 1968. 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. The structure can comprise not more than two sections separately constructed and designed to be assembled on 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, provided the structure does not exceed specified dimensions¹.
10. These prerequisites are usually referred to as 'the construction test' and 'the mobility test', and the Council has raised no concerns regarding these matters. Nor is it contested that the proposed siting of the caravan as shown in the submitted site plan would be within the residential curtilage of the dwellinghouse. Provided the unit as proposed by the LDC application remains a moveable structure that meets the statutory definition of a "caravan", then it would not amount to operational development for planning purposes.
11. The Council refused the LDC application because of the provision of facilities needed for everyday living. It was considered that as the caravan would be capable of creating a separate unit of residential accommodation, it would not be incidental to the enjoyment of the dwellinghouse. Consequently, there would be a material change of use of the land, and this would constitute development² requiring express planning permission.
12. Stationing a caravan on land usually constitutes a "use" of land and is not necessarily an act of development for which planning permission is required; the

¹ Maximum dimensions 20 metres long, 6.8 metres wide and 3.05 metres internal floor-to-ceiling height

² Section 55 of the 1990 Act sets out the meaning of development. Section 55(1) states that: "Development means 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"

question is whether the proposal would result in a material change of use of the planning unit through the creation of a separate unit of residential accommodation and thus amount to “development” within the meaning of section 55(1) of the 1990 Act.

13. Typically, a caravan will be equipped with facilities required for independent day-to-day living. Whether there would be a material change of use is a matter of fact and degree, to be assessed by reference to the purpose for which the caravan would actually be used and whether its occupation would create a new planning unit through independent residential use.
14. In *Uttlesford District Council v Secretary of State for the Environment and White* [1991] 2 PLR 76, to which the appellant brought to my attention, the judge considered that even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annexe only with the occupant sharing her living activity in company with the family in the main dwelling. There was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.
15. In the case before me, the caravan would contain all the facilities necessary for day-to-day living, but it would rely on the main dwelling for water and electricity. It would be positioned within the rear garden close to the house with access available either through the dwelling itself or via the adjacent side gate. Both the rear garden and area at the front of the property would remain in shared use. The caravan would have no separate utility connections, meters, or postal address, with all bills directed to the main dwellinghouse. As confirmed in *Uttlesford*, the presence of facilities capable of supporting independent living does not, of itself, create a separate planning unit. The key consideration is whether a clear functional relationship exists with the host dwelling, such that the question remains one of fact and degree.
16. The stated intention is that the caravan would not be occupied as a self-contained dwelling but would remain part and parcel of the main dwelling in planning terms. A close family and functional relationship would exist between the occupiers, while the land would remain under single ownership and control. The proposed use would not result in any physical or functional separation from the remainder of the property, nor would it alter the character of the existing residential use. Accordingly, the caravan would form part of the same planning unit as the dwellinghouse. Development would arise only if operational works requiring planning permission were undertaken or if a separate residential planning unit were established. Based on the information provided, neither scenario is proposed.
17. An LDC can only certify the use applied for. Consequently, if the caravan is not used in association with the dwelling as proposed, if the functional relationship with the host dwelling ceases, or if the structure ultimately sited does not meet the statutory definition of a caravan, the certificate would be of no benefit to the appellant. Provided that the structure satisfies the relevant mobility, construction and size requirements, and remains in use for purposes ancillary to the occupation of the main dwelling, I am satisfied that its siting would not result in a material change of use of the land.

18. My findings in this regard are consistent with the approach taken to the application of the law in the Appeal Decisions for similar proposals in other local authorities which have been brought to my attention by the appellant. While the Council did not respond to these submitted items, it cited two appeal decisions in its planning officer report. However, it appears that those decisions were concerned with the TCPA section 55(2)(d) exception to development for the incidental use of land within the curtilage of a dwellinghouse, which is not the basis of my decision.

Conclusion

19. For the reasons given, I find that, as a matter of fact and degree, the 'placement of a caravan within the curtilage of 4 Grange Road' (for ancillary purposes) would not amount to development requiring planning permission. I conclude that, on the available evidence, the Council's refusal to grant an LDC was not well-founded and that the appeal should succeed. I will therefore exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

S A Hanson

INSPECTOR



Lawful Development Certificate

APPEAL REFERENCE: APP/U1620/X/25/3359701

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 15 July 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed siting of the caravan within the curtilage of 4 Grange Road and its use to provide accommodation associated with the main dwellinghouse (not used independently) would have been ancillary to the use of the host dwelling as a single dwellinghouse and would not have given rise to a material change of use of the planning unit comprising 4 Grange Road. It does not therefore involve development requiring planning permission.

S A Hanson
INSPECTOR

Date: 03 July 2026

First Schedule

The placement of a caravan within the curtilage of 4 Grange Road (for residential accommodation not used independently from the main house).

Second Schedule

Land at: 4 Grange Road, Tuffley, Gloucester GL4 0PD

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or development which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 03 July 2026

by **S A Hanson BA(Hons) BTP MRTPI**

Land at: 4 Grange Road, Tuffley, Gloucester GL4 0PD

Reference: APP/U1620/X/25/3359701

Scale: Not to scale

