



Appeal Decision

Site visit made on 9 June 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2026

Appeal Ref: APP/M9496/X/25/3367251

Wellyarde, 13 Sherwood Road, Tideswell, Derbyshire SK17 8HS

- 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 Jack Nethercott against the decision of Peak District National Park Authority.
 - The application ref NP/DDD/0125/0048, dated 20 January 2025, was refused by notice dated 2 April 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is siting of caravan to provide additional accommodation for family of homeowners.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's refusal to issue an LDC was well founded. That will turn on whether it has been demonstrated on the balance of probabilities that:
 - i. the proposed caravan would meet the definition of a 'caravan' pursuant to section 29 of the Caravan Sites and Control of Development Act 1960 as qualified by Section 13(1) of the Caravan Sites Act 1968; and
 - ii. the caravan would be for a purpose incidental to the enjoyment of the dwelling known as Wellyarde and that the proposed use would not create a separate dwelling independent of the existing residential unit.

Reasons

3. With a LDC the onus of proving the relevant facts rests with the appellant, and the standard of evidence is the balance of probabilities. The appellant's own evidence does not need to be corroborated with independent evidence, and if there is no evidence to contradict or otherwise make the appellant's version of events less than probable, the appellant's evidence alone may be sufficient to justify the grant of a certificate provided that it is sufficiently precise and unambiguous.

Whether a caravan

4. The Council's first concern regarding this issue is that inaccurate plans were originally submitted which cast doubt on whether the internal height of the caravan met the restriction of 3.05 metres. However, an amended plan TT/SF/01A(2)P has

been submitted which shows a ceiling height of 3.0 metres. As such the Council now accepts that the internal height of the proposed caravan complies with the restriction set out in the Caravan Sites and Control of Development Act 1960.

5. Case law has established that it is necessary for it to be demonstrated that a 'caravan' can be moved without damaging its structural integrity. In *Brightlingsea Haven*¹ the key test of mobility when assembled is that the structure must be capable of being towed on a road or being carried on a road sufficiently to ascertain that it can be moved from one place to another. Furthermore, in *Byrne v SSE*² a structure was not a caravan because the requirement in s13(1)(b) for the caravan to be physically capable of being moved by road would fail if it was possible to lift the caravan onto a trailer by crane but actually moving it would carry a very real risk of structural damage.
6. The evidence before me includes some details of the construction and mobility of a structure, but the important issue of whether it can be moved from one place to another without significantly affecting its structural integrity has not been addressed fully. The calculations provide some evidence that a similar larger unit can meet the relevant mobility test but that falls short of demonstrating that the 'caravan' the subject of the current appeal can successfully be moved from one place to another without its structure being significantly affected.
7. I understand that the structure is designed to rest on a steel chassis with lifting eyelets which allow it to be craned and transported without being taken apart and that no permanent foundations are required. However, these factors do not sufficiently persuade me that the 'caravan' in question meets the mobility test. Therefore, the proposed 'caravan' fails to meet the definition of a 'caravan' pursuant to section 29 of the 'Caravan Sites and Control of Development Act 1960 as qualified by Section 13(1) of the Caravan Sites Act 1968

Whether incidental to the enjoyment of the dwellinghouse

8. The appellant submits that the proposal would provide additional accommodation for visiting relatives, including an additional bedroom and bathroom. When the 'caravan' is not occupied, the main dwellinghouse could be offered as short term let holiday accommodation and the current occupants would reside in the proposed 'caravan'. The appellant argues that it is inconceivable that the 'caravan' would become a separate dwelling because it is close to the main house, shares the entrance, utilities, garden space and a laundry. There would be no separate address.
9. Taking account of case law to which my attention has been drawn, I understand there would be a degree of interconnection between the main dwellinghouse and the 'caravan' and that there would be shared use of parts of the wider site, including the laundry area and garden, but the evidence before me now is that the 'caravan' would be occupied as a separate independent residential unit when the main dwelling is being let out as holiday accommodation to unrelated people. This may take place for a significant part of the year.
10. To meet with the requirements of s55(2)(d) of the 1990 Act, the activity taking place in the 'caravan' must be reasonably incidental to the normal use of the

¹ (1) *Brightlingsea Haven Ltd* (2) *Hammerton Leisure Limited v* (1) *Morris* (2) *Foster* (3) *Clark* [2008] EWHC 1928 (QB)

² *Byrne v SSE & Arun DC* [1998] JPL 122

dwellinghouse as a dwellinghouse. In my judgement, as a consequence of the specific interchangeable nature of different types of occupation and uses that are proposed in this case, that cannot be said.

Conclusion

11. 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 to provide additional accommodation for the family of homeowners was 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.

A A Phillips

INSPECTOR