Planning Inspectorate

Appeal Decision

Site visit made on 23 June 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04th September 2026

Appeal Ref: APP/D1590/X/24/3346233
33 Green Lane, Southend-on-Sea SS9 5AP

- 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 Gavin Sharp of Sharp Builders against the decision of Southend-on-Sea City Council.
- The application ref 24/00235/CLP, dated 12 February 2024, was refused by notice dated 18 April 2024.
- The application was made under section 192(1)(b) of the Act.
- The development for which a certificate of lawful use or development is sought is a moveable car port in timber on wheels.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to issue an LDC for the proposed moveable car port in timber on wheels was well-founded.

Reasons

3. It is the appellant's case that the proposal does not involve development requiring planning permission, and that as such, an LDC should be issued.

4. Section 57 of the Act sets out that planning permission is required for the carrying out of any development of land, while section 55 states '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. In this context, 'building operations' includes demolition of buildings, rebuilding, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder. This list is not exhaustive, and it does not confirm that works not normally undertaken by a builder would not constitute development requiring planning permission.

5. The Council has referred to the most relevant case law[1] for identifying whether a structure comprises a building requiring planning permission, where 3 primary factors have been identified as relevant considerations: size, permanence, and physical attachment. These factors are not decisive on their own, and a judgment needs to be made in the round, as a matter of fact and degree.

[1] *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385; *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102

6. The submissions state that the proposal would involve the construction of a car port measuring 2.3 metres (m) in height, with a footprint of 5m by 4m, on moving skates, which would be 'totally moveable'. It has also been stated that the car port would comprise 3 side panels assembled using bolts and clamps with rubber seals between the panels, the front would be left open or secured with roller shutters, and that it could be constructed off-site. It would not be fixed to the ground or have a floor itself, and the flat roof would comprise fibre glass.

7. It is stated that the proposed car port is to provide shelter during inclement weather for incidental hobby uses and is to be moved into position as and when required. However, there is no clarification of what such hobby uses may be or how the car port would be moved into any positions different to that shown within the block plan[2] without hindering access to the parking area or house.

8. The plans show that the car port would be a notably large structure and illustrate how it could occupy much of the eastern extent of the front parking area to the site. Its length, width and height would be comparable to those of a typical car port and would give it the appearance of a permanent domestic outbuilding rather than a mobile structure.

9. It has been explained that the wheels to the car port would allow it to be moved around the site by hand, with removable webbing to be fixed through webbing eyes to assist. However, this would only be possible when the car port is empty, as it would not have a floor and any items inside would hinder its movement.

10. The Plans also show that there would be very limited opportunities to move the car port in practice on account of the confines of the site, including the accesses to the parking area and the front door of the house. The evidence therefore shows that the car port could be moveable in theory, although it would likely remain in, or very close to, the position shown on the block plan. It is unclear how long the car port would remain on the site, but the appellant states it will be taken away once the owner has finished using it either by crane or unbolting panels.

11. The car port would not be fixed to the ground, but it would rest under its own weight. The evidence indicates that materials used in the construction of the car port would include silicon resin, plywood, and fibreglass sheets and a steel plate. There is limited evidence as to how much the structure would weigh, but it is more likely than not that it could be pushed/pulled by hand with webbing when empty, even if constructed on-site. The evidence shows it is unlikely that any operations normally undertaken by a person carrying on a business as a builder would be necessary.

12. In summary, I find that the proposed car port would comprise a significant size and have a significant degree of permanence, despite having limited physical attachment to the ground and being moveable by hand. The evidence shows that it would function as a building for an unspecified hobby use and an unspecified period, and despite being moveable by hand, it is unlikely to be moved in practice on account of the specific circumstances of the site and its purpose to shelter items.

13. Therefore, as a matter of fact and degree, on the evidence provided, I find that the proposed car port would constitute a building, and whether it is constructed off-site

[2] DRAWING NUMBER: 33SS95AP_BP1.0

or on-site, placing it on the land would comprise building operations requiring planning permission. I have not been made aware of any planning permission that the development may benefit from, and as such, it would not have been lawful on the date of the application for an LDC.

14. Comparisons have been made by the appellant to large trailers, vehicles and caravans, which are commonly parked on driveways without comprising buildings requiring planning permission. Some caravans and trailers can be of much larger sizes and can have higher degrees of permanence than the car port proposed. They are also often delivered to sites in need of some assembly. However, the proposed car port is neither a caravan (which is defined by legislation[3]) nor a vehicle/trailer designed for transporting items. It would also have little similarity to a shepherd's hut, which, like trailers, are designed to be capable of being moved without first being emptied of their contents and do not resemble permanent domestic outbuildings. The fact that such larger items can sometimes be stationed on driveways for long periods without requiring planning permission does not lead me to any different conclusions in this case.

15. I have been referred to other appeal decisions said to relate to caravans being sited within residential gardens. Copies of those decisions and the related documents have not been provided, but on the very limited information available and considering my findings above, they appear to have little relevance to this appeal.

16. Overall, the appellant has not provided sufficiently precise and unambiguous evidence to show, on the balance of probabilities, that the proposed car port would not comprise development requiring planning permission.

Conclusion

17. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a moveable car port in timber on wheels was well founded. The appeal should fail, and I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

L Douglas

INSPECTOR

[3] Caravan Sites and Control of Development Act 1960; Caravan Sites Act 1968