



Appeal Decision

Site visit made on 15 September 2026

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date 28 September 2026

Appeal Ref: APP/E2205/X/25/3366212

Little Odiam, Wissenden Green, Bethersden, Ashford TN26 3EW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Miss Kiran Purewal against the decision of Ashford Borough Council.
- The application ref PA/2025/0287, dated 17 February 2025, was refused by notice dated 15 April 2025.
- The application was made under section 192(1)(b) of the 1990 Act (as amended).
- The development for which a certificate of lawful use or development is sought is the siting of a mobile structure to provide ancillary accommodation.

Formal Decision

1. The appeal is dismissed.

Preliminary Matters

2. In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. On appeal, the Inspector's role is to decide whether, on the evidence submitted, the Council's refusal to issue an LDC was well-founded or not. For the avoidance of doubt, the planning merits of the matters applied for, do not fall to be considered. The decision will be based strictly on factual evidence, the history and planning status of the site in question and the application of relevant law or judicial authority to the circumstances of the case.

Main Issue

3. Therefore, the main issue is whether the decision of Ashford Borough Council to refuse to grant an LDC, was well-founded. This issue turns on whether the proposal would result in a caravan as defined by the 1960¹ and 1968² Acts.

Reasons

4. Section 29(1) of the 1960 Act defines a caravan as including '*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)*'.
5. Section 13(1) of the 1968 Act provides that a twin-unit caravan is:

'A structure designed or adapted for human habitation which –

¹ Caravan Sites and Control of Development Act 1960

² Caravan Sites Act 1968

(a) 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

(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a road when assembled.'

6. Section 13(2) of the 1968 Act provides maximum dimensions for assembled caravans. From the information before me, there is no dispute between the parties that the structure meets with the relevant size criteria. Nor is there dispute that the structure is designed for human habitation. Therefore, the issues in this appeal rest on the relevant "construction test" (section 13(1)(a) of the 1968 Act) and the "mobility test" (section 13(1)(b) of the 1968 Act).
7. The appellant states that the structure would be delivered to the site on a flatbed truck unconstructed. The components would consist of a prefabricated timber frame, timbers for cladding, internal partitions and roof slates all to be assembled on site. The structure is to be erected on a steel chassis with timber cross members as detailed in the submitted illustrative photographs³. The photos show a steel chassis resting on concrete pads and include lifting eyes/hooks to enable the structure to be lifted by crane. The appellant liken its construction to that of a large kit. Although, I have not been supplied with the internal layout of the structure, the appellant emphasises that the appeal relates to a "single-unit" caravan rather than a "twin-unit" caravan, thus section 13(1)(a), in their view, would not be applicable.
8. In support of this, the appellant has drawn my attention to three other appeal decisions⁴ which relate to the construction of caravans. I acknowledge the 1968 Act does not indicate that the two sections need to be delivered at the site or that assembly cannot take place on site. Nevertheless, it is a matter of fact and degree that if works do need to be carried out on the site, this could highlight that something more complex is being constructed.
9. In the appeal (ref: 3174314) the Inspector found, based on the information before them, the twin-unit caravan had two sections that were completed alongside each other, and connected securely by using a series of bolts along the lines of the walls and floor. I acknowledge the appellant claims the structure (subject to this appeal) is a single-unit.
10. From the details before me, the structure subject to this appeal would measure approximately 18.8 metres (m) in length, 5.7m in width and 4.6m in height, albeit the internal height would be 3.0m. These measurements are more akin to the largest twin-unit allowed by section 13(2) of the 1968 Act (i.e. 20m in length; 6.8m in width and no more than 3.05m in height when measured internally). Thus, in my view the structure could not be considered a single-unit.
11. Furthermore, I have not been presented with a robust construction method statement or manufacturers specifications which would indicate how the structure

³ Pages 5 and 6 of the LDC Application Supporting Statement

⁴ PINS Refs: 1074589, 3174314 and 3298471

will be put together. Therefore, it is unclear whether the “final act of assembly” would be to join the two sections together or not.

12. The appeal (ref: 3298471) maybe more comparable, given that this related to a single-unit caravan. Here the Inspector found as a matter of fact and degree the structure would not have the characteristics of a building, and it would meet the definition of a caravan in the 1960 Act. However, the single-unit caravan subject to the 3298471 appeal, was significantly smaller than the unit proposed here, being approximately a ‘*quarter of the floor area of the largest twin-unit allowed by section 13(2)*’.
13. As stated above, given its size, the structure would require its delivery in sections, which also raises questions over its mobility once constructed. The structure subject to this appeal would be constructed on site on top of a steel chassis resting on concrete pads. The illustrative photos highlight a similar chassis used at an alternative site, showing the structure is not fixed to the ground. However, the chassis shown is considerably smaller than the minimum 18.8m x 5.7m chassis required for the proposal subject to this appeal. Furthermore, I have not been provided with structural details, load calculations, methods for moving or alike, that show the structure is capable of being moved safely.
14. My approach draws parallels with caselaw⁵, albeit that case concerned a log cabin. In *Byrne*, it was found that the log cabin was not assembled on site out of two separately constructed sections. This was held to be conclusive that section 13(1)(a) does not apply, and therefore the modular construction does not deem the structure as a caravan. Therefore, without the details pertaining to the construction method I cannot be sure that the proposal would meet section 13(1)(a) of the 1968 Act in that two sections should be fixed together as a final act of assembly. Furthermore, without structural details I am also unable to definitively conclude that the structure is capable of being moved without a risk of structural damage. Consequently, I am not satisfied that the structure meets the provisions of either section 13(1)(a) or 13(1)(b) of the 1968 Act.
15. Overall, on the evidence submitted, it does not unambiguously show, on the balance of probabilities, that the proposal would meet the construction and mobility tests. Thus, taking all the above matters into consideration, I find the appellant has failed to demonstrate on the grounds of probability that the structure would comply with the definition of a caravan as set out in the 1960 and 1968 Acts if the specified works were carried out.

Overall Conclusion

16. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful use or development for the siting of a mobile structure to provide ancillary accommodation is 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).

Robert Naylor

INSPECTOR

⁵ *Byrne v Secretary of State for the Environment and Arun District Council* [1997] EWHC Admin 1990