



Appeal Decision

Site visit made on 29 September 2026

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2026

Appeal Ref: APP/E2001/X/25/3368110

7 Sea Gate View, Sewerby, East Riding of Yorkshire YO15 1ET

- 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 David Boyne against the decision of East Riding of Yorkshire Council.
- The application ref 25/01073/CLP, dated 9 April 2025, was refused by notice dated 30 May 2025.
- 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 siting of a detached mobile unit for domestic use.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of clarity and brevity I have taken the description of development from the Council's decision notice.

Main Issue

3. The main issue is whether the decision of the Council to refuse an LDC was well-founded.

Reasons

4. Class E, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure is permitted development.
5. The Council's reason for refusal indicates that the proposal is a building operation and would not be permitted development as it would not comply with E.1(c) of the GPDO which states that development is not permitted if any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
6. Section 55(1) of the Act defines "development" as to include the carrying out of "building operations" and in addition to this a "building" is defined in section 336 of the Act to include "any structure or erection, and any part of a building". In this regard, the *Skerritts*¹ case established three primary tests for assessing whether a structure amounts to a building, these being size, permanency and the degree of physical attachment.
7. The appellant claims that the proposed structure would not be a building, but a caravan which meets the definitions as stated in the Caravan Sites and Control of Development

¹ *Skerritts of Nottingham Ltd v SSETR (No. 2)* [2000] 2 PLR 102

Act 1960 (CSCDA60) and Caravan Sites Act 1968, and therefore does not fall to be considered under Class E, Part 1 of the GPDO.

8. Section 29(1) of the CSCDA60 states that “caravan” means 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, not including any railway rolling stock or a tent.
9. The appellant states that the structure would be functionally linked to the main dwelling and would not include facilities such that it would form a separate dwelling. It is further stated that it is intended that the occupation of the structure would normally be during daylight hours and that the appellant would still regularly prepare and eat meals in the main dwelling as well as watching television/relaxing, socialising with the family and using existing household facilities. There is also minimal indication that the structure would have electricity or water supply, as well as facilities such as a toilet. From the evidence before me, the proposed structure lacks all the basic facilities required for day to day living and therefore the structure is not designed or adapted for human habitation in the sense of the CSCDA60.
10. Accordingly, there is no need for me to consider the three tests of size, mobility and construction which the appellant has referred to. These tests are normally applied when determining whether a structure that is designed or adapted for human habitation would fall within the definition of a caravan. As I have found that the structure is not designed or adapted for human habitation, it does not pass this first hurdle.
11. I now turn to the three tests established in the *Skerritts* case being size, permanency and the degree of physical attachment as to whether the structure would amount to a building. In terms of permanence, the appellant is clear that the structure would be functionally linked to the main dwelling describing its relationship, function and scale, and it is apparent that the structure would be incidental to the use of the main property. There is also no indication that there would be an intention to move the structure in the future. Consequently, I consider that the structure, whilst being able to be mobile, has a substantial degree of permanence. The size of the structure would be small in comparison to the main dwelling, and there would be no physical attachment to the ground, other than by the weight of the structure. These factors alone are not decisive though.
12. Taking into account all three factors, I am of the view that the structure does amount to a building for the purposes of section 55 of the Act. The building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Therefore, I have found, as a matter of fact and degree, the proposal would not be permitted development under Class E, Part 1 of the GPDO.

Conclusion

13. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful use or development for siting of a detached mobile unit for domestic use is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

Chris Baxter

INSPECTOR