



Appeal Decision

Site visit made on 6 October 2026

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2026

Appeal Ref: APP/A5270/X/25/3368608

102 Studley Grange Road, Ealing, Hanwell W7 2LX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Sylwia Kopicka (Your Extra Space Limited) against the decision of the Council of the London Borough of Ealing.
 - The application ref 250399CPL, dated 29 January 2025, was refused by notice dated 1 May 2025.
 - The application was made under section 192(1)(a) of the 1990 Act.
 - The development for which a certificate of lawful use or development is sought is described as “to station a mobile home within the curtilage of the dwelling located at 102 Studley Grange Road, London W7 2LX”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form gives the date of the application leading to this appeal as 30 January 2025. However, the date of the application in the header is taken directly from the application form.
3. The application form itself contains no description of the development for which the LDC is sought. The Planning Statement that accompanied the application form says the application seeks a LDC for the development as stated in the header. This description forms the basis of my assessment. The Council’s decision notice refers to the proposal being “placement of a mobile home at the rear garden to be used as an accommodation to the rear garden”. However, there is no information before me to indicate that this description has been agreed with the appellant.
4. On my site visit, I saw a structure in the rear garden of the appeal property that appeared to largely accord with the details shown on the submitted plans. However, I cannot be certain that this structure has been constructed or assembled in accordance with the information provided by the appellant. For clarity purposes, I confirm my assessment is based on the written submissions.

Main Issue

5. The main issue is whether the Council’s decision to refuse to grant a LDC was well-founded.

Reasons

6. Section 192(1) of the 1990 Act allows an application to be made to a local planning authority to ascertain whether any proposed use of buildings or land or any

proposed operations to be carried out in, on, over and under land would be lawful. With an application for a LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. For the avoidance of doubt, the planning merits of the matters applied for do not fall to be considered. The decision is 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.

7. Section 191(2) of the Act states that operations are lawful at any time if (a) no enforcement action may then be taken in respect of them (whether because they did not involve development, or require planning permission, because the time for taking enforcement action has expired, or for any other reason); and, (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force. This application seeks a LDC for a proposed operations and so the time for taking enforcement action has not expired. Also, I have seen no evidence of any enforcement notice being in force on the date of the application and so the proposal would not be unlawful due to the provisions of Section 191(2)(b) of the Act.
8. As such, my assessment focuses on whether (i) the proposal involves development, (ii) whether it requires planning permission, and (iii) whether the development would have benefitted from planning permission at the date of the application. Having regard to the submissions from the main parties, the primary considerations are (i) whether the proposal would be a caravan by definition, (ii) if not, whether it would be a building and whether it would constitute a building operation, and (iii) whether the proposal would meet the limitations of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Whether the proposal would be a caravan.

9. The submitted details describe the mobile home as a twin unit caravan. The plans show that the larger unit to the rear would include a living/dining room, a kitchenette and a bathroom. The smaller second unit to the front would accommodate a bedroom.
10. I am referred to the Caravan Sites and Control of Development Act 1960 (the 1960 Act) and the Caravan Sites Act 1968 (the 1968 Act). Under section 29(1) of the 1960 Act, a caravan means *any structure designed 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*. Section 13(1) of the 1968 Act provides that a twin unit caravan is *a structure designed for human habitation that is composed of not more than 2 sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and that is physically capable of being moved by road from one place to another*. From these legal definitions, it is clear that the method of construction and whether it is capable of being moved once assembled are factors in deciding whether the proposed mobile home would be a caravan. There is no dispute it would accord with the maximum dimensions as set out in section 13(2) of the 1968 Act.
11. The frame and chassis of the structure would be constructed from steel beams. The pre-made external walls and flat roof components would be joined with the floors to form the 2 units at the appeal site. Section 13(1) of the 1968 Act contains

no requirement for the separate units of a twin unit caravan to be brought to the site intact. Instead, it simply requires the structure to be designed so the 2 separate sections are assembled on the site. The plans clearly indicate the pair of units that would make up the mobile home and the appellant explains the final act of assembly would be to join the rear and front elements together. No explanation has been provided on how these are to be connected. Nonetheless, the submitted information is sufficient to show that, on the balance of probabilities, the mobile home would accord with the legal definition of a twin unit caravan in terms of its construction and how it is assembled.

12. On the mobility issue, the appellant is required to show, on the balance of probabilities, that the structure is capable of being moved from one place to another. The mobile home would have no wheels or drawbar to allow it to be towed but these are not required features of a caravan under the legal definitions. Instead, the appellant claims the structure as a single entity could be lifted by crane onto a trailer by connecting cables onto anchor points on the chassis.
13. However, this contention is not supported by technical evidence. There are no details on how the units would be fixed together and no information to demonstrate the mobile home once assembled would have sufficient structural integrity to be lifted as a single entity. I note the structure would not be fixed to the ground and the claim that service connections to the unit could be easily undone. However, these features fail to demonstrate the mobile home could be lifted without incurring structural damage.
14. The appellant refers to several appeal decisions where Inspectors have found that structures meet the legal definition of caravans having regard to size, construction and mobility tests. However, these evidently relate to different types of structures to that subject of this appeal. Moreover, these other decisions rely upon the specific evidence provided in support of the appellants' cases on construction and mobility issues. As such, I am not bound to arrive at the same conclusion as in the other referred to appeals.
15. The Council suggests the location of the mobile home within the rear garden would hinder the extent to which it would be moveable. However, the definitions in the 1960 Act and the 1968 Act relate specifically to the mobility qualities of the structure, not the accessibility of the location where the caravan is positioned. As such, the Council's submissions in these regards do not influence my assessment of this matter.
16. Even so, for the reasons given, I find the evidence before me on the structural integrity and the mobility of the structure is insufficiently precise and unambiguous to demonstrate, on the balance of probabilities, that it would meet the legal definitions of a caravan in Section 29(1) of the 1960 Act and Section 13(1) of the 1968 Act.
17. It follows to consider whether the stationing of the mobile home would comprise an act of development

Whether the proposed mobile home would be a building and whether the proposal would involve building operations.

18. Section 55(1) of the 1990 Act 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. Building operations are defined in Section 55(1A) of the 1990 Act and they include operations normally undertaken by a person carrying on business as a builder. An important step in determining whether the proposal would represent building operations is establishing whether the mobile home would be a building.

19. Under Section 336 of the Act, a building includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. There are 3 issues to consider in determining whether a structure is a building: (a) its size, particularly in terms of whether the structure would be brought to the site partially or fully completed or whether it has to be constructed on site, (b) permanence, and (c) physical attachment. No single matter is necessarily decisive and a planning judgment should be reached on a fact and degree basis.
20. The submitted plans indicate that the rear element of the proposed structure would measure 3.5m deep by 5.2m wide and with a maximum height of 2.726m. The front element would be 2.85m deep, 3m wide and with a slightly lower height of 2.654m. In my view, the mobile home would be of a sufficient size to comprise a building, particularly when the 2 units are attached.
21. The appellant's planning statement mentions an option of bringing the bays of the structure to the site as 2 separate sections. However, the clearly stated method of installation is that the units would be delivered in sectional form and that the floor, walls and roof of the structure would be assembled on site. The submissions fail to explain in detail the assembly process. Even so, it seems likely that moving the various elements into position and joining them together would require a level of capability and knowledge to require a builder or someone with a similar skillset.
22. There is little indication within the submissions to show any intention to move the mobile home once it is installed. Indeed, the structure is likely to remain in situ for a lengthy period as it would not be straightforward to move. Therefore, it would have a significant degree of permanence.
23. The level of physical attachment of the structure to the ground would be limited to the connection to services. Even so, I find the proposed mobile home as a matter of fact and degree would be a building for the purposes of the Act given its size, the extent to which it would be constructed at the appeal site, its permanence and that it would be attached to the ground, albeit to a limited extent.
24. Therefore, I conclude the proposal would include building operations and so it would be development having regard to Section 55(1) of the 1990 Act. None of the exceptions as set out under Section 55(2) of the 1990 Act apply. Also, none of the circumstances set out under Section 57(2) to (4) of the 1990 Act are relevant. As such, under Section 57(1) of the 1990 Act planning permission is required for the proposed development.
25. It follows to consider whether the proposal would have benefitted from planning permission on the date of the application leading to this appeal. There is no evidence to indicate that planning permission has been expressly granted by the Council or any other planning authority for the development. Moreover, there is no indication that a LDC has already been issued that defines the proposal as being lawful. However, it is necessary to consider whether Article 3(1) of the GPDO would have granted planning permission for the development.

Whether the proposal would meet the limitations of Class E of Part 1 of Schedule 2 of the GPDO.

26. Schedule 2 of the GPDO defines the types of development that benefit from planning permission through Article 3(1). The appellant makes no case that the proposal would fall within any of the classes set out in Schedule 2, although the Council's decision notice specifically refers to Class E of Part 1 of Schedule 2 (hereafter referred to as simply Class E). This Class defines as permitted development the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse. However, part E.1(e)(ii) states that the provision of a building is not permitted under Class E if it lies within 2m of the boundary of the curtilage of the dwellinghouse and would exceed 2.5m in height.
27. The drawings indicate the side walls of the mobile home would be very near to the side boundaries of the appeal property and well within 2m. Moreover, they also show the rear and front units would be taller than 2.5m. Therefore, the proposed building would not accord with E.1(e)(ii) of Class E and so it would not benefit from Class E permitted development rights. As such, I find it would not be granted planning permission under Article 3(1) of the GPDO.
28. The Council also contends the development would not be permitted under Class E as it would have all the facilities expected in a self-contained unit and would not be required for a purpose incidental to the enjoyment of the dwellinghouse. In response, the appellant explains the intention for the homeowner and their close family to use the accommodation as an integral part of the residential use of the property. The users of the proposed unit would share the same utility services, the same garden space and the same access as the users of the main house.
29. The proposed building would be fairly near to the rear elevation of the main dwelling and it would be markedly smaller in size. Given these characteristics and the intended use, I find that on the balance of probabilities that the proposal would not represent a material change in the use of the appeal site. However, the evidence demonstrates the proposed structure would provide additional primary living space. As such, it would be used as part and parcel of the main residential use of the appeal site rather than for a purpose that is incidental to the enjoyment of the dwellinghouse. Therefore, the proposal would not be permitted development under Class E, regardless of its dimensions.
30. For these reasons, I conclude the proposed development would not meet the limitations of Class E and so it does not benefit from the planning permission granted under Article 3(1) of the GPDO.
31. Therefore, whilst the proposal would not have been a contravention of any requirements of an enforcement notice then in force, it would be development requiring planning permission for which planning permission was not granted on the date of the application. Enforcement action could have been taken against the proposed development and so it would not have been lawful if instituted or begun at the relevant date.

Conclusion

32. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development to station a mobile home within the

curtilage of the dwelling located at 102 Studley Grange Road, London W7 2LX 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.

Jonathan Edwards

INSPECTOR