Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal Ref: APP/K3605/X/25/3365460
Chatterton House, 71 Oatlands Avenue, Weybridge Surrey, KT13 9TL

- 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 of Your Extra Space Limited against the decision of Elmbridge Borough Council.
- The application ref 2025/0513, dated 27 February 2025, was refused by notice dated 22 April 2025.
- The application was made under section 192(1)(a) of the 1990 Act.
- The use for which a certificate of lawful use or development is sought is described as 'use of the land within the curtilage of the dwelling for the stationing of a mobile home to be occupied as ancillary to the main house'.

Decision

1. The appeal is dismissed.

Preliminary matters

2. I shall refer to the proposed mobile home as a structure throughout this decision, as it is a neutral term, which can refer to a temporary and movable structure, a caravan, or a permanent building.

3. The Council's officer report refers to works on the proposed structure commencing at the site in advance of its decision on the LDC application and I note claims from neighbours that various building works have been carried out. I also noted works on a structure had taken place in the position of the proposal during my site visit. I make no judgment as to whether those works are lawful or related to the proposed structure. This appeal is strictly concerned with whether the proposal specified in the application would have been lawful on the date of the application for an LDC.

Main Issue

4. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded.

Reasons

5. In cases such as this, where an LDC is sought, the onus is on the appellant to demonstrate, on the balance of probabilities, that the proposal would have been lawful on the date of the application. The planning merits of the proposal, including any objections on amenity or fire safety grounds, are not relevant to my decision. If there is no evidence to contradict the appellant's claims relating to the lawfulness of the proposal, or to make them less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.

Whether a caravan

6. Section 57 of the 1990 Act sets out that planning permission is required for the carrying out of development. Section 55 provides the relevant meaning of 'development' as the carrying out of building, engineering, mining or other operations in, on, over or under land (operational development), or the making of any material change in the use of any buildings or other land. The stationing of a caravan is normally taken to be a use of the land on which it is sited, which may or may not bring about a material change in the use of land.

7. A mobile home constitutes a 'caravan' if it accords with the definition provided at section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) (the 1960 Act). This includes 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. The proposed structure would be designed for human habitation, with the submissions explaining it would comprise insulated walls, floor and ceiling, and living, dining, sleeping, kitchen, bathroom and storage areas. Therefore, to constitute a caravan, the proposed structure needs to satisfy the above mobility test.

8. In addition to the mobility test, I have been referred to the size and construction tests set by section 13 of the Caravan Sites Act 1968 (as amended) (the 1968 Act), but these only apply to twin-unit caravans. The appellant's submissions explicitly state that the proposed structure would be a single unit and there is nothing to suggest it would be 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[1]. It is therefore not proposed to station a twin-unit caravan on the site and the size and construction tests at section 13 of the 1968 Act do not apply to the proposal.

9. The Council has stated that it is satisfied that the proposed structure would pass the mobility test, but if I am to issue an LDC, I need to be satisfied myself, as a matter of fact and degree, that the proposal would have been lawful on the date of the application, on the evidence provided.

10. The structure would be located at the end of the rear garden to the site, which is generally flat and at a higher level than the ground floor of the three-storey end-of-terrace main dwelling. Ground levels to the front of the main dwelling are lower and there is a narrow passage down the side of the site between the front parking area and rear garden. It would not be possible to move the proposed mobile home into or out of the rear garden through the side passage in one piece on account of its size.

11. Two options have been presented by the appellant as to how the proposed structure would be stationed in the rear garden. Option 1 would involve the proposed structure being assembled off-site, delivered to the site in one piece, and then craned into the rear garden. Option 2 would require the proposed structure to be delivered to the site in sectional form and assembled on-site. The appellant's preference is for the second option.

12. In both of the above options, the proposed structure would incorporate a steel frame at its base, which would sit on, but not be connected to, ground screws

[1] Section 13(1)(a) of the 1968 Act

and/or concrete pads. It is stated that the ground screws and concrete pads do not form part of the application for an LDC, but the submissions indicate that they form an intrinsic part of the proposal, without which the proposed structure could not be stationed within the rear garden.

13. It is also claimed that in both of the above options, the proposed structure would remain capable of being lifted off the site by a crane following the disconnection of services, placed on a lorry, and then transported elsewhere by motor vehicle. Limited details have been provided to show how this could be achieved and I share the concerns raised by neighbours that the physical constraints of the site would present significant difficulties in this regard. However, the 1960 Act merely states that a qualifying structure which is capable of being moved from one place to another may constitute a caravan. It is not therefore necessary for the appellant to show how a crane would be able to lift the proposed structure from the end of the garden, move it over the 3-storey main dwelling and onto a motor vehicle, or how it would then be transported elsewhere. It is only necessary for the appellant to show how the proposed structure itself would be capable of being moved in one piece.

14. The plans show a steel frame incorporating anchor points for lifting would comprise part of the proposed structure. A total of 6 anchor points are shown on the plans, comprising small hoops on the steel frame. However, no structural calculations, lifting specification or other technical evidence has been provided to demonstrate that the anchor points and steel frame would be sufficient to enable the completed structure to be lifted. Moreover, there is no structural information before me to show how the proposed structure would have the structural integrity to be capable of being lifted in one piece following little more than the disconnection of services. Furthermore, the manufacturer's method statement refers to it being capable of being loaded or unloaded as a twin bay unit, which may be an error or an indication that the proposed structure may need to be split into 2 pieces.

15. The proposed structure would measure 8.15 metres (m) in length, 4 m in width and 2.75 m in height from the bottom of the steel frame to the top of the lowest eaves. Although it would accord with the size test specified in the 1968 Act for a twin-unit caravan, it is a significant volume. Due to its large size, I am not satisfied on the information provided, on the balance of probabilities, that it would be capable of being moved from one place to another. I am not saying that it would be incapable of being moved, but the evidence simply does not show, as a matter of fact and degree, that this particular structure would be capable of being lifted in one piece by the 6 anchor points incorporated into the steel frame at the base of the structure.

Whether a material change of use

16. The Council is satisfied that the proposal would not bring about a material change in the use of the land. Considering the layout of the site, the position and size of the proposed structure and its facilities (which would include combined living, dining, sleeping, kitchen area and separate bathroom and storage rooms), I am also satisfied that its use as ancillary living space by dependent members of the family living in the main house at the site would not bring about a material change of use requiring planning permission.

Whether operational development

17. As set out above, the proposed structure could be constructed on-site and would be large and significant in size, but this does not mean it would not be moveable.

The submissions indicate that it would rely on supports underneath it, which would need to be installed in advance, but it would not be anchored to those supports and would instead sit on them on account of its own weight, which would likely be significant. It is, however, unclear whether the proposed structure could be placed on the ground without supports underneath, or whether this would have any implications as to how/whether it could be lifted. The proposed structure would also be fixed to services, but the submissions suggest these could be easily disconnected when needed.

18. Overall, having regard to its size, permanence and degree of physical attachment, the evidence does not demonstrate, on the balance of probabilities, that the proposal would not involve building operations requiring planning permission.

Whether otherwise lawful

19. Reference has been made to the proposed structure being used for purposes incidental to the enjoyment of the main dwelling; however, the descriptions provided include its proposed use as an annexe by family members and the proposed plans show primary living accommodation, such as a sleeping area, bathroom and kitchen. Therefore, while I am satisfied that the proposed structure would be for purposes ancillary to the residential use of the site, which would not bring about a material change of use, it would not be required for purposes incidental to the enjoyment of the main dwelling.

20. Since the evidence does not demonstrate that the structure would constitute a caravan, I have also considered whether its construction might benefit from the planning permission granted by Article 3(1) and Class E of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the proposal would not be required for a purpose incidental to the enjoyment of the main dwelling, it would not fall within Class E.

21. In summary, the appellant has not provided sufficiently precise and unambiguous evidence to show, on the balance of probabilities, that the proposed structure would constitute a caravan as defined in the 1960 Act. Furthermore, it has not been shown, on the balance of probabilities, that the proposal would not constitute development requiring planning permission.

Conclusion

22. 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 proposed use of the land within the curtilage of the dwelling for the stationing of a mobile home to be occupied as ancillary to the main house is 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