

CERTIFICATE OF LAWFULNESS

SUPPORTING EVIDENCE APPENDICES

Use of land to site a mobile home for ancillary use to the main dwellinghouse

2 Green Lane, Barnburgh, Doncaster, DN5 7HR

Appendices E-I | 29 August 2026

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This document is intended to accompany the main LDC Submission Pack. It reproduces only the most relevant appeal decisions rather than every authority included in the comparator statement. The main pack contains the site-specific plans, photographs, ownership/curtilage evidence, manufacturer information and planning-law analysis.

APPENDIX E

Applicant Family Supporting Statement

Joshua Aden Eades and Kathryn Emma Eades - 2 Green Lane, Barnburgh

Why this evidence is included

- Provides direct factual evidence of the intended family and household relationship.
- Explains why grandparents will stay temporarily and how their visits support childcare, babysitting and normal family life.
- Confirms that the mobile home will not be a separate dwelling or independent planning unit.

Applicant Family Supporting Statement

To whom it may concern,

We are Joshua Aden Eades and Kathryn Emma Eades, the joint owners and occupiers of 2 Green Lane, Barnburgh, Doncaster, DN5 7HR. We provide this statement to explain the genuine family circumstances and intended use of the proposed mobile home within our side garden.

We are a young family and an important reason for providing the additional accommodation is to enable our children's grandparents and other immediate family members to stay with us when they travel to the property. The grandparents provide valuable practical support to our family, including childcare, babysitting and general day-to-day family support. Having suitable accommodation within the same property will make those visits practical and allow that support to take place as part of normal family life.

When grandparents or other family members stay in the mobile home, they will be staying with us as visiting family members. The mobile home will not become their sole or main residence and it will not be occupied as a separate household. Family members will continue to socialise, spend time, eat and use the shared garden and property as part of the wider family household. The purpose is to provide comfortable additional space while maintaining a close physical and functional relationship with the main dwellinghouse.

The proposed arrangement will remain one residential planning unit. The mobile home will share the same ownership, address, access, parking, garden and household services as the main house. There will be no separate garden or enclosure, separate postal address, independent access, separate Council Tax registration, independent utility accounts or independent letting.

The mobile home may also be used occasionally by visiting friends and for normal private/administrative home-office use by members of our household. These uses will remain subordinate and ancillary to the occupation and enjoyment of the main dwellinghouse.

We understand that this application is for a legal determination of the proposed use rather than a decision based on personal planning merits. We provide this statement because the way in which the mobile home will actually be used, and the continuing family and functional relationship with the main dwelling, are directly relevant to whether the property remains a single residential planning unit.

We confirm that the statements above accurately describe the use for which the Certificate of Lawfulness is sought.

Signed: J. Eades

Joshua Aden Eades

Date: 29/08/2026

Applicant / Owner

Signed: K. Eades

Kathryn Emma Eades

Date: 29/08/2026

Applicant / Owner

APPENDIX F

Appeal Ref: APP/L5810/X/15/3140569

Planning Inspectorate - Decision dated 26 May 2016

Why this evidence is included

- Mobility does not require movement on the unit's own wheels; crane or hoist lifting onto a lorry can be sufficient.
- Concrete pad stones/minimal physical attachment and reversible service connections are compatible with caravan status.
- Ancillary family accommodation can remain part of a single planning unit where there is sufficient connection and interaction with the main house.

Source note: The following Planning Inspectorate decision is reproduced from the appeal-decision copy contained within the successful Barnsley comparator application 2025/0783 supplied for comparison. It is included as legal supporting evidence only and is not presented as site-specific evidence for 2 Green Lane.



The Planning Inspectorate

Appeal Decision

Site visit made on 28 April 2016

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 May 2016

Appeal Ref: APP/L5810/X/15/3140569
27 Elmfield Avenue, Teddington TW11 8BU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (hereinafter "certificate").
- The appeal is made by Mr Albert Ellis, Mrs Joy Ellis, Mr David Ellis and Ms Tracey Agutter against the decision of the Council of the London Borough of Richmond upon Thames.
- The application ref. 14/4973/PS192, dated 01 December 2014, was refused by notice dated 2 September 2015.
- The application was made under section 192(1) (a) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate is sought is described at section 2.1 of the Planning Statement accompanying the application as "The use of land within the curtilage of the dwelling for the stationing of a mobile home to be occupied ancillary to the main house."

Decision

1. The appeal is allowed and attached to this decision is a certificate describing the proposed use which is considered to be lawful.

Matters of clarification

2. The names of the appellants set out in the heading above have been taken from section 1.5 of their appeal statement. This section is somewhat clearer than the details set out on the application form and the appeal form.
3. The appellants acknowledge that the location plan is actually scaled to approximately 1:900 (not 1:1250) and the block plan to about 1:400 (not 1:500). The revised plans submitted with an email dated 2 March 2016 are not particularly helpful in their A4 format. I proceed on the basis of the original plans (taking into account the revised scales) and the measurements stated on the plans as appropriate, noting that the location of the mobile home (unit) is stated on the location and block plans to be nominal in any event.
4. An application for a certificate enables owners or others to ascertain whether specific uses, operations or other activities are or would be lawful. Lawfulness is equated with immunity from enforcement action.

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5. A certificate is not a planning permission. Thus, the planning merits of the proposed development are not relevant, and they are not therefore issues for me to consider, in the context of an appeal made under section 195 of the 1990 Act as amended.
6. My decision must rest on the facts of the case and the interpretation of any relevant planning law or judicial authority. The burden of proving relevant facts in this appeal rests on the appellants. The test of the evidence is made on the balance of probability.

Main issue

7. I consider that the main issue is whether the Council's decision to refuse to grant a certificate was well founded.

Reasons

8. The proposal would see the introduction of a "Homelodge" mobile home in the sizeable back garden of the appeal property which is a two-storey detached house located in a predominantly residential area.
 9. The intention now is for the first two named appellants to occupy the mobile home, whilst their son and daughter-in-law (the last two named appellants) would occupy the existing house from where they would be able to help with their day-to-day living needs. A reverse arrangement was contemplated at the time of the application. I do not consider that this change has any material effect on the appeal as such.
 10. As I see it, the main issue turns on whether the provision of this mobile home within the curtilage of the dwelling house would amount to development requiring planning permission.
 11. Section 55 of the 1990 Act as amended sets out the meaning of development. The nub of the argument presented by the appellants is that the mobile home to be sited on the land within the curtilage of the dwelling would comply with the statutory definition of a caravan in every respect, such that no operational development would take place and that as the mobile home would be used for purposes incidental to the enjoyment of the dwelling house as such, there would be no material change of use of the planning unit or land.
 12. The statement presented by the appellants sets out in full various legislation concerning the meaning of a caravan. In short, the definition of a caravan is 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 structure can comprise not more than two sections designed to be assembled on site, which is physically capable when assembled of being moved by road from one place to another, provided the structure does not exceed specified dimensions.
 13. There is no dispute that the proposed mobile home would fall within the specified dimensions of a "caravan", and nor is there any dispute that it would be designed or adapted for human habitation. The Council queries the tests regarding its construction and mobility.
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14. I have closely studied the letter dated 27 April 2015 from the managing director of Homelodge Buildings Limited, the attached photographs of that company's units being lifted on to the back of a lorry, the bay plan showing how the structure would comprise no more than two sections which are designed to be assembled by being joined together on the site and the letter dated 16 February 2016 from a qualified structural engineer at Braeburn Structures Ltd.
15. I am satisfied that the mobile home unit would not be composed of more than two sections separately constructed and designed to be assembled on the site by means of bolts. The construction test would be met.
16. The mobility test does not require a mobile home to be mobile in the sense of being moved on any wheels and axles it may have. It is sufficient that the unit can be picked up intact (including its floor and roof) and be put on a lorry by crane or hoist. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant. As a matter of fact and degree, I consider that the proposed accommodation once assembled would be capable of being moved intact within the terms of the statutory definition.
17. I note that the proposed unit would rest on concrete "pad stones" placed on the ground. As such, the unit's degree of physical attachment to the ground and the effect on mobility would be minimal or non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved. The mobile home would not acquire the degree of permanence and attachment required of buildings. The mobility test would be met.
18. I consider that what is being proposed meets the definition of a caravan. As the appellants say, it is settled law that stationing a caravan on land, even for prolonged periods, is a use of land rather than operational development. This principle is embedded in the legislative framework, endorsed by case law and routinely applied by the Planning Inspectorate. Thus, the limitations in the General Permitted Development Order that apply to the erection of buildings in the curtilage of a dwelling house have no relevance to this case.
19. The appeal unit would provide accommodation for use ancillary to the residential enjoyment of the main dwelling. The appeal site would remain a single planning unit and that unit would remain in single family occupation. Both the first two named elderly appellants have health problems and are becoming increasingly dependent upon the two younger appellants. The accommodation in the appeal unit would be used interchangeably with the accommodation in the main dwelling for socialising and practical support with day-to-day living needs. A completely separate self-contained dwelling unit is not being provided. I am satisfied, having read all the written representations, that there would be sufficient connection and interaction between the mobile home and the main house, such that there would be no material change of use of the land or planning unit requiring planning permission.
20. The appellants have referred to case law, previous appeal decisions and a considerable number of previous decisions for certificates that were granted by

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other local planning authorities for similar proposals. This material supports the case being made by the appellants and I note that the Council has provided no written representations in response to this appeal to directly challenge any of the items submitted.

Conclusion

21. Drawing together the above, I find that, as a matter of fact and degree and on the balance of probability, the provision of the mobile home as proposed would not amount to development requiring planning permission. I conclude, on the evidence now available, that the Council's refusal to grant a certificate was not well founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Andrew Dale

INSPECTOR

APPENDIX G

Appeal Ref: APP/J2210/X/22/3298471

Planning Inspectorate - Decision dated 10 January 2023

Why this evidence is included

- Absence of wheels or a conventional drawbar does not prevent caravan status.
- Complete-unit lifting/transport can satisfy the mobility test.
- Day-to-day living facilities can still function as part and parcel of the main dwelling without a material change of use.

Source note: The following Planning Inspectorate decision is reproduced from the appeal-decision copy contained within the successful Barnsley comparator application 2025/0783 supplied for comparison. It is included as legal supporting evidence only and is not presented as site-specific evidence for 2 Green Lane.



The Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH JANUARY 2023

Appeal Ref: APP/J2210/X/22/3298471
26 Friars Close, Whitstable, Kent CT5 1NU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Sally Turner against the decision of Canterbury City Council.
- The application Ref CA/22/00409, dated 25 January 2022, was refused by notice dated 26 April 2022.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is use of the land for siting a mobile home for use ancillary to the main dwelling.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Preliminary Matter

2. I consider that the appeal can be determined without the need for a site visit. This is because I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue in this appeal is whether the Council's refusal to grant an LDC in respect of the proposal was well-founded. This turns on whether the appellant has been able to show that, on the balance of probability, the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

4. The appeal site contains an enlarged semi-detached dwelling. It is proposed to set up a detached structure described as a mobile home or caravan within the curtilage of the dwelling. The structure would be around 6 m long and 5.5 m wide, the overall height not exceeding 2.7 m. It would have a timber laminate frame with composite timber cladding and a rubber covered roofing material. The structure would contain a living area and kitchen together with a bedroom and ensuite WC.
5. A caravan is defined in s29 of the *Caravan Sites and Control of Development Act 1960* as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or

<https://www.gov.uk/planning-inspectorate>

by being transported on a motor vehicle or trailer)...". The stationing on land of a structure which would satisfy the definition of a caravan in s29 of the 1960 Act would not normally involve building operations. The established tests of size, degree of permanence and physical attachment are relevant when ascertaining whether a structure is a building.

6. The size of the structure falls well within the maximum size allowed for caravans in s13(2) of the *Caravan Sites Act 1968*. The structure would rest on the site solely by means of its own weight. Services would be provided separately and could be detached with ease. The structure would not be fixed to the supporting foundation. There was no dispute between the main parties regarding the limited extent to which the structure would be physically attached to the site and there is nothing before me to suggest that I should find otherwise.
7. A factor critical to ascertaining whether the structure would be a caravan or a building is its mobility. The structure would not be wheeled, nor would it have a drawbar as in a caravan in the conventional sense. However, that does not necessarily mean that the structure would be immobile. 'Mobility' does not require a caravan to be mobile in the sense of being moved on its own wheels and axles. A caravan may be mobile if it can be picked up intact and put on a lorry. The available evidence clearly showed that the structure would be capable of being picked up intact and moved, either by lifting it onto a trailer using a hoist attached to a crane, or by using a removable wheeled skid.
8. It is proposed to assemble the structure on site using pre-manufactured components; it was estimated that such works would take around five days to complete. The definition of a caravan contains no requirement for pre-assembly or for it being brought to site intact. Moreover, the number of components involved in assembling the structure has only a limited bearing on whether it is capable of being moved subsequently. The requirements set out in s13(1)(a) of the 1968 Act to be no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other device apply in respect of twin-unit caravans. However, the above requirements do not extend to single unit caravans. It is more appropriate to regard the structure as a single unit, as it would be much smaller than a twin-unit caravan. The structure would be about a quarter of the floor area of the largest twin-unit allowed by s13(2) of the 1968 Act. Moreover, it is clear that unlike in the case of a twin-unit, the structure could be brought to the site intact if desired. Consequently, the structure does not need to meet the statutory requirements in respect of the maximum number of sections applicable to a twin-unit caravan.
9. Drawing the above matters together, 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. It follows that setting up the structure on the site would not involve the carrying out of building operations.
10. The stationing on land of a caravan for purposes that are part and parcel of and integral to the lawful use as a single residential planning unit would not involve a material change of use. Generally, provision within the curtilage of a dwelling of a separate structure which would provide the facilities for independent day-to-day living but is nevertheless intended to function as part

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and parcel of the main dwelling would also not involve a material change of use¹.

11. I am given to understand that the structure would be used to provide additional living accommodation for the appellant's family. It was not disputed that the intended use of the structure would be as an integral part of the primary use of the planning unit as a single dwellinghouse; there is no sound reason why I should find otherwise. As a result, the proposal would also not involve the making of any material change of use.
12. On the balance of probability, the available evidence therefore shows that the proposal would not involve the carrying out of development, as it would not involve undertaking building operations or the making of any material change in the use of the site.

Conclusion

13. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a mobile home for use ancillary to the main dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR

¹ *Uttlesford DC v SSE & White* [1992] JPL 171.

APPENDIX H

Appeal Ref: APP/B0230/X/22/3295944

Planning Inspectorate - Decision dated 4 April 2023

Why this evidence is included

- Directly concerns a proposed caravan for ancillary residential use.
- Remaining in one position for a number of years does not of itself turn a caravan into a building.
- Supports permanent-duration ancillary use where the caravan remains movable and integral to the main dwellinghouse.

Source note: The following Planning Inspectorate decision is reproduced from the appeal-decision copy contained within the successful Barnsley comparator application 2025/0783 supplied for comparison. It is included as legal supporting evidence only and is not presented as site-specific evidence for 2 Green Lane.



The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2023

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH APRIL 2023

Appeal Ref: APP/B0230/X/22/3295944

34 Hayton Close, Luton LU3 4HD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs Tracey and Warren Lee against the decision of Luton Borough Council.
- The application Ref 21/01601/LAWP, dated 16 November 2021, was refused by notice dated 14 January 2022.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the proposed siting of a caravan for ancillary residential use.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Preliminary Matter

2. As there is no description on the application form, the description in the banner heading of the use for which an LDC is sought has been taken from the appeal form. This is similar to the description on the Council's decision notice. I have used a corresponding description on the attached certificate.

Application for costs

3. An application for costs was made by Mr and Mrs Tracey and Warren Lee against Luton Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is whether the Council's refusal to grant an LDC in respect of the proposal was well-founded. This turns on whether the appellants have been able to show that the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act.

Reasons

5. The onus is on the appellants to show that the proposal would be lawful, the relevant test of the evidence being on the balance of probability.

<https://www.gov.uk/planning-inspectorate>

6. The appeal property contains a modern two storey, link-detached dwelling. The dwelling has been enlarged to the rear at some stage. It is proposed to set up a freestanding unit, described as a caravan, in the rear garden. The unit would be around 7.8 m in length, around 4.2 m wide and about 2.7 m in height. The unit would contain a living area, kitchen, and a bedroom with an ensuite WC/shower. I am given to understand that the unit is intended to provide additional living accommodation for an adult member of the appellants' immediate family.
7. The definition of development in s55(1) of the 1990 Act includes the carrying out of building operations in, on, over or under land, as well as the making of any material change in the use of any buildings or other land. The definition of a building in s336(1) of the 1990 Act 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. The established tests of size, degree of permanence and physical attachment to the ground are relevant in assessing whether the unit would be a building falling within the above definition.
8. A caravan is defined in s29(1) of the *Caravan Sites and Control of Development Act 1960* as "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)...". Relevant case law confirms that a structure which met the definition of a caravan would not generally be a building, with regard to permanence and attachment¹.
9. The unit would be composed of two separately constructed sections, which would be brought to the property then joined together. The unit would be much smaller than the maximum dimensions of a twin-unit caravan provided for at s13(2) of the *Caravan Sites Act 1968*. The unit would rest on supporting screw piles by means of its own weight. Other than connections to utilities, there would be no works physically attaching the unit to the ground. It is highly likely that the utilities could be disconnected with ease, within a short space of time. To fall within the definition of a caravan, the unit does not need to be mobile in the sense of being moved on its own wheels and axles. The unit would be capable of being picked up and moved intact, including its floor and roof, and put on a lorry by crane or hoist. There is a void beneath the unit so that it could be lifted using belts or straps if required. As a result, there is little in terms of the size or the extent of physical attachment to the ground to indicate that the unit would be other than a caravan.
10. In the context of the established tests referenced above, 'permanence' is generally concerned with works that would affect the mobility of a structure—for example, if it were to be fixed to a foundation, or if a brickwork outer skin and/or a roof were to be constructed. No such works are proposed. It is reasonably safe to assume that the unit might remain in situ for some years, having regard to its intended use. Even so, I do not regard this as being a significant factor in relation to the test of permanence. A caravan can often stay in one position for an indeterminate period, without adversely affecting its ability to be moved. For example, a static caravan at a residential or holiday park will often remain in the same position for several years without being moved. Such a caravan would also generally remain connected to services. In no sense could a residential or holiday park caravan be described as a building

¹ *Measor v SSETR & Tunbridge Wells DC* [1999] JPL 182.

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simply because it had not been moved periodically. Neither is the intended use of the unit of great relevance in terms of whether operational development would occur, instead having more application to whether there would be a material change of use.

11. Consequently, on the basis of the available evidence and as a matter of fact and degree, having regard to the factors of size, degree of permanence and physical attachment to the ground the unit would not be a building as defined in s336(1) of the 1990 Act. The unit would however meet the definition of a caravan in s29(1) of the 1960 Act. It follows that the setting up of the unit at the property would not involve the erection of a building.
12. Turning to whether the proposal would involve a material change of use. Although the unit would be self-contained, that does not necessarily mean that a separate planning unit from the main dwelling would be formed. This is because the provision within the curtilage of a dwelling of a separate structure which would provide the facilities for independent day-to-day living but is nevertheless intended to function as part and parcel of the main dwelling would not normally involve the making of a material change of use.
13. My understanding is that the unit would perform a similar function to a residential annexe, with the occupier sharing their living activity, including taking meals and carrying out routine tasks such as laundry, in company with the family members in the main dwelling. The intended use would therefore be integral to and part and parcel of the primary use of the planning unit as a single dwellinghouse. The planning unit would remain in single family occupation and would continue to function as a single household. Therefore, as a matter of fact and degree there would be no material change of use.
14. Accordingly, the available evidence shows that, on the balance of probability, the proposal would not involve the carrying out of development as defined in s55(1) of the 1990 Act, as the setting up of the unit would not amount to a building operation or the making of a material change of use. It is consequently unnecessary to consider whether the proposal would be granted planning permission by Article 3, Schedule 2, Part 1, Class E of the GPDO².

Conclusion

15. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed siting of a caravan for ancillary residential use was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

APPENDIX I

Appeal Ref: APP/T3725/X/21/3266375

Planning Inspectorate - Decision dated 7 July 2021

Why this evidence is included

- Particularly relevant to family interdependency and childcare support.
- Confirms that the stated intended use is the relevant basis of assessment, not hypothetical future use.
- A close family and functional link, single ownership/control and no physical or functional separation can retain one residential planning unit.

Source note: The following Planning Inspectorate decision is reproduced from the appeal-decision copy contained within the successful Barnsley comparator application 2025/0783 supplied for comparison. It is included as legal supporting evidence only and is not presented as site-specific evidence for 2 Green Lane.



The Planning Inspectorate

Appeal Decision

Site visit made on 8 June 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Appeal Ref: APP/T3725/X/21/3266375 12 Warmington Grove, Warwick CV34 5RZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs Darcy Craven against the decision of Warwick District Council.
- The application Ref W/20/1189, dated 10 March 2020, was refused by notice dated 11 December 2020.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act)
- The use for which an LDC is sought is the proposed siting of a mobile home/caravan for incidental/ancillary residential use.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Application for costs

2. An application for costs was made by Mr and Mrs Darcy Craven against Warwick District Council. This application is the subject of a separate Decision.

Preliminary matters

3. Section 192(2) of the 1990 Act indicates that if, on an application under that section, the Council is provided with information satisfying it that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect. In any other case they shall refuse the application.
4. 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.
5. Planning Practice Guidance is clear that the applicant (or in this case the appellants) is responsible for providing sufficient information to support an LDC application¹.

¹ Lawful development certificates, paragraph: 006 Reference ID: 17c-006-20140306

Main Issue

6. This is whether the Council's decision to refuse to issue an LDC was well-founded. The decision turns on whether the provision of a mobile home/caravan within the curtilage for incidental/ancillary residential use to the main house would constitute a material change of use of the land, which would require planning permission.

Reasons

7. The appellants seek an LDC to site a mobile home within the garden of their home at 12 Warmington Grove. The use of the mobile home is described as additional living accommodation incidental to the main house rather than separate self-contained residential accommodation.
8. It is undisputed between the parties that, provided the mobile home remains a moveable structure that meets the definition of a "caravan" within the Caravan Sites and Control of Development Act 1960 as amended by the Caravan Sites Act 1968, then it would not constitute a building. Neither is it contested that the proposed siting of the mobile home, as shown on the submitted site plan, would be within the residential curtilage of 12 Warmington Grove.
9. The mobile home would contain a basic kitchenette, a bedroom, bathroom and living area. The mobile home would not be registered as a separate unit of occupation for the purpose of Council Tax. The Council accepted that the proposed unit would share utility services and bills and would not have a separate access or postal address. However, the Council noted that the mobile home would be sited some distance from the main dwelling, "at the far end of an unusually long garden". This, it was said, limits the physical relationship between the house and the proposed mobile home, adding weight to the argument that the mobile home, which includes all of the necessary facilities, would not be ancillary.
10. The mobile home would be positioned some 25m from the main dwellinghouse within a garden that is surrounded on all sides by residential properties. It would be occupied by Mr Edwards who is Mr Craven's Godfather and a surrogate grandfather to the appellants' daughter. Mr Edwards has a long and close family-bond² with the appellants, and he currently resides with the appellants at their home address. The application for the LDC outlined Mr Edwards' health issues and provided information to demonstrate how the mobile home would enable him to continue to stay with the appellants, who in turn would be able to provide close support and assistance in managing his health and well-being. I note that part of the reason for providing the mobile home for Mr Edwards is because, when the application was submitted, the appellants were expecting another child and naturally, room within the house would be more limited.
11. The Council note the positive impact on mental and physical wellbeing provided within the doctor's letter. However, they argue that the evidence submitted is not sufficiently precise or unambiguous to indicate that there is an immediate need for Mr Edwards to be fully cared for by the family.
12. However, the issue requiring consideration regarding this appeal is not whether there would be an independent residential use, but rather, whether the

² Since at least 1986 – evidence provided by a written statement from Mr Edwards

proposal would involve a material change of use of land and thus amount to “development” within the meaning of section 55(1) of the 1990 Act. Although the mobile home would be equipped with all the facilities required for independent day-to-day living, it does not follow automatically that once occupied there would be a material change of use simply because primary living accommodation is involved. Much depends on how the unit would actually be used and the proposal should be assessed on the basis of the stated purpose and not what might possibly occur. If there is no material change of use of the land, then there can be no development requiring planning permission.

13. In *Uttlesford DC v SSE & White*³ the judge considered that, even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. The occupant of the annexe in the Uttlesford case was living alone and was in need of care at the time the application was being considered. Whilst the annexe was fully self-contained and gave the occupant some independent space, the level of dependency on the occupiers of the main dwelling for the care received was sufficient to tip the balance in favour of the annexe being ancillary to the main dwelling. The situation is akin to a ‘granny annexe’ in a separate building in the curtilage of the main dwellinghouse, which would normally be regarded as part and parcel of the main dwellinghouse use.
14. In these circumstances, the appellants provide that they are a close-knit family unit that supports and relies on one another in a range of ways including emotional care and support, childcare support, domestic support, general care regarding health and wellbeing and also financial support for one another. In the appellant’s view the family unit demonstrates all the features defined in the term “interdependency relationship”.
15. From the evidence before me, it is clear that there would be a family and functional link with the land which would remain in single ownership and control. The proposed use of the mobile home in the manner described would not involve physical or functional separation of the land from the remainder of the property. The character of the use would be unchanged. Thus, the use described would form part of the residential use within the same planning unit. Only if operational development which is not permitted development is carried out or if a new residential planning unit is created, will there be development. From the application, neither scenario is proposed. Accordingly, the proposal would not require express planning permission.
16. An LDC can only certify the use applied for. If the mobile home is not used in association with the dwelling, as described, and the functional link is severed, then it would not benefit from the LDC.
17. In the circumstances of this case, I find that the siting of a mobile home in the garden of 12 Warmington Grove for the provision of additional living accommodation as described in the application would, as a matter of fact and degree, have been lawful at the time of the application. My findings in this regard are consistent with the approach taken to the application of the law in the other Appeal Decisions⁴ brought to my attention by the appellants.

³ [1992] JPL 171

⁴ APP/K3605/X/12/2181651, APP/L5810/X/15/3140569, APP/C1950/X/19/3247983, APP/Y0435/X/15/3129568

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Conclusion

18. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a caravan for ancillary use was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

S A Hanson

INSPECTOR