Planning Statement:

Application for a Certificate of Lawful Development: Proposed Use – Siting of a Single-Unit Caravan

Site Address: Saltersford Cottages, Saltersford Lane, Alton, ST10 4AU

Applicant: Whitlock & Lowe Ltd

Prepared in conjunction with Mischon de Reya

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1.0 INTRODUCTION

1.1. This Planning Statement has been prepared in support of an application made under Section 192 of the Town and Country Planning Act 1990 (as amended) and has been prepared by Whitlock & Lowe Ltd with legal advice from Mischon de Reya LLP. The purpose of the application is to confirm, as a matter of law rather than planning judgement, the proposed siting of a single-unit caravan within the domestic garden of the host dwelling constitutes a lawful use of land that does not require express planning permission. The statutory exercise is therefore limited to whether the proposal falls within the legal definition of development; considerations of planning merit, landscape impact, design quality, or amenity judgement are not engaged in this process.

1.2. Whitlock & Lowe Ltd is a specialist manufacturer of bespoke oak-framed caravans. Over a sustained period, the company has secured a substantial number of Lawful Development Certificates across a wide range of local planning authorities. These decisions have consistently applied the same statutory framework governing caravans, the same interpretation of incidental use, and the same legal distinction between caravans and buildings. This consistency across authorities demonstrates a settled and well-understood interpretation of the relevant legislation.

1.3. The caravan proposed for Saltersford Cottages is a single-unit structure expressly designed to comply with the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Its intended use is solely ancillary to the main dwellinghouse. It will remain physically, functionally and legally part of the same residential planning unit, with no independent planning identity.

1.4. As demonstrated through this statement, the proposal satisfies all statutory criteria relevant to caravan status and incidental domestic use. It does not involve operational development, does not give rise to a material change in land use, and therefore falls outside the definition of development contained in Section 55 of the Town and Country Planning Act 1990. The lawful position follows directly from the statute and established appeal authority rather than discretionary planning judgement.

1.5. All case law referenced in this statement is provided in full in the Case Law document accompanying this application.

2.0. DETERMINING A CERTIFICATE OF LAWFUL DEVELOPMENT APPLICATION

THE STATUTORY BASIS

2.1. An application for a certificate of lawful use or development is made under section 192 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991. Section 192(1)(a) enables any person to apply to a local planning authority for a certificate of lawful use or development in respect of any proposed use of land or buildings. The present application is made under that provision.

2.2. Section 192(2) provides that if, on an application under section 192(1), the local planning authority is provided with information satisfying them 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. Where the authority is not so satisfied, they shall refuse the application.

2.3. An applicant whose application is refused by the local planning authority has a right of appeal to the Secretary of State under section 195 of the 1990 Act. The appeal in *Friars Close (APP/J2210/X/22/3298471)* was 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.

THE NATURE OF THE EXERCISE

2.4. A Certificate of Lawfulness application is a legal exercise concerned with whether the proposal falls within the statutory definition of development; it is not an evaluative judgment on planning merits. The decision-maker must apply the statutory framework and established authority and determine the matter on the balance of probability.

2.5. The main issue in a certificate of lawful development appeal is whether the council's refusal to grant an LDC in respect of the proposal was well-founded. This turns on whether the applicant 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.

2.6. It follows that the decision-maker is not exercising a planning judgment or weighing competing considerations of amenity, design, or policy. The sole question is a legal one: whether the proposal would be lawful for planning purposes. In most cases, including this, that means ascertaining whether the proposal constitutes development within the statutory meaning. If it does not, the certificate must be granted. If it does, it must be refused. No exercise of discretion in the conventional planning sense is available to the local planning authority.

THE STANDARD OF PROOF

2.7. The standard of proof in certificate of lawful development applications is the civil standard: the balance of probabilities. The applicant is not required to demonstrate lawfulness beyond doubt or to exclude all conceivable contrary argument. It is sufficient to demonstrate that, on the balance of probabilities, the proposed use or operations would not constitute development.

2.8. The onus rests on the applicant to provide sufficient information to satisfy the authority of lawfulness on that standard. Where an applicant provides cogent evidence in support of the application and the authority advances no contrary evidence of substance, the balance of probabilities will ordinarily favour the grant of the certificate.

WHAT MUST BE DEMONSTRATED

2.9. Section 55(1) of the 1990 Act defines "development" as (i) the carrying out of building, engineering, mining or other operations, in, on, over or under land, or (ii) the making of any material change in the use of any buildings or other land. An applicant for a certificate of lawful development in respect of the siting of a caravan must therefore demonstrate that neither limb of that definition is engaged.

2.10. In the context of a caravan siting application, this involves establishing three things on the balance of probabilities:

- *that the proposed structure satisfies the statutory definition of a "caravan" within section 29(1) of the Caravan Sites and Control of Development Act 1960 (and, where applicable, section 13 of the Caravan Sites Act 1968), so that the stationing of the structure does not constitute a building operation;*
- *that the act of siting the structure does not itself constitute operational development, that is, does not involve building or engineering works of a character that would constitute development independently of the question of caravan status; and*
- *that the proposed use of the caravan would not give rise to a material change in the use of the land, which, in the context of a caravan sited within a residential curtilage, requires the use to remain genuinely incidental and subordinate to the enjoyment of the host dwellinghouse.*

2.11. Section 55(2) sets out exclusions from the definition of development. The relevant exclusion is Section 55(2)(d), which provides that the use of any land for purposes incidental to the enjoyment of the dwellinghouse as such shall not be taken to involve development. This exclusion is not marginal; it is a deliberate statutory carve-out recognising that the enjoyment of a dwellinghouse commonly involves ancillary and subordinate domestic activities and arrangements. Where the use is genuinely incidental to the enjoyment of the dwellinghouse as such, the statute operates to remove that use from planning control entirely.

PLANNING MERITS ARE NOT ENGAGED

2.12. The local planning authority is not entitled to refuse a certificate of lawful development on grounds of planning policy, design considerations, landscape impact, or any other policy or discretionary ground. The decision is a matter of law, applied to fact, and determined on the balance of probabilities. Where the statutory conditions for lawfulness are met, the certificate must be granted.

2.13. This principle is well established and is consistently applied by the Planning Inspectorate in certificate of lawful development appeals. In Friars Close, the Inspector confirmed that, on the balance of probability, the available evidence showed 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. No merits-based consideration was engaged in reaching that conclusion.

3.0. THE LEGAL FRAMEWORK FOR MATERIAL CHANGE OF USE

THE STATUTORY DEFINITION OF MATERIAL CHANGE OF USE

3.1. As noted above, Section 55(1) of the Town and Country Planning Act 1990 defines "development" as including, inter alia, the making of any material change in the use of any buildings or other land. It follows that not every change in the use of land constitutes development; only a material change of use engages the statutory definition. Whether a change of use is material is a question of fact and degree, to be determined by reference to the character of the use, the planning unit within which it occurs, and the relationship between the proposed use and the existing primary use of the land.

3.2. The requirement of materiality is a deliberate statutory threshold. Parliament did not intend that every alteration in the manner in which land is used should require planning permission. Where a proposed use does not alter the essential character of the existing use of the planning unit, no material change of use arises and no planning permission is required.

THE SECTION 55(2)(D) EXCLUSION – USE INCIDENTAL TO THE ENJOYMENT OF THE DWELLINGHOUSE

3.3. Section 55(2)(d) of the 1990 Act provides that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such shall not be taken to involve development of the land. This exclusion is not marginal or residual; it is a deliberate statutory carve-out recognising that the enjoyment of a dwellinghouse commonly involves ancillary and subordinate domestic activities and arrangements within its curtilage. Where the use is genuinely incidental to the enjoyment of the dwellinghouse as such, the statute operates to remove that use from planning control entirely.

3.4. The exclusion applies to any purpose incidental to the enjoyment of the dwellinghouse. It is not confined to particular categories of use or to structures of any particular type. The question in every case is whether the proposed use is genuinely incidental to the enjoyment of the dwellinghouse as such, assessed as a matter of fact and degree.

3.5. The existence of the carve out makes clear that even matters which are potentially material are not development within the curtilage provided that they are incidental to the enjoyment of the dwelling house. If

an incidental use is not material, it would not be development in any event. The carve out would be unnecessary. The existence of the carve out shows that the government intended that even material change of use which remained incidental would not be Development. For a change of use within the curtilage of a dwellinghouse to require planning permission therefore it must be determined to *both* be a material change of use *and* more than incidental to the enjoyment of the dwellinghouse. If only one limb is satisfied the proposal is not development. It is not legally permissible to determine that a change is not incidental *merely* because it is material.

3.6. Whilst the terms "incidental" and "ancillary" are frequently used interchangeably in planning discourse, they carry distinct meanings when applied strictly. "Ancillary" describes a use that is merely secondary or subsidiary to a primary use; "incidental to the enjoyment of the dwellinghouse as such" within section 55(2)(d) denotes a use that is functionally dependent upon and derives its character from the primary residential use. It has been argued that a caravan with full habitable facilities is at most ancillary rather than truly incidental, and therefore falls outside the section 55(2)(d) exclusion. That argument has not succeeded on appeal and is inconsistent with the Inspector authority reviewed in this statement. Nevertheless, wherever the word "ancillary" appears in this statement it should be read as consistent with, and not in substitution for, the statutory concept of incidental use under section 55(2)(d), which is the operative and controlling concept throughout.

IDENTIFYING THE PLANNING UNIT

3.7. In assessing whether a material change of use has occurred, the courts have long held that the first step is to identify the relevant planning unit. In *Burdle v Secretary of State for the Environment [1972],* the Court of Appeal established that the planning unit is a matter of fact and degree, typically comprising the unit of occupation and the land which is functionally related to it. Where land forms part of a single residential planning unit, ancillary accommodation sited within that unit does not of itself create a new planning unit or give rise to a new primary use.

3.8. The practical indicators of whether a proposal remains within a single planning unit include: whether the land remains in the same ownership and under the same household control; whether a separate curtilage, postal address, or vehicular access is created; and whether the proposed use is functionally subordinate to the primary residential use. Where no subdivision of the planning unit occurs and no independent planning identity arises, the use remains within the existing planning unit and no material change of use is engaged.

3.9. In the majority of dwellinghouse cases, the dwelling and its curtilage, and any associated garden land together will represent a single planning unit. It is important to distinguish between two related but legally distinct concepts in this context. "Curtilage" has a specific and relatively confined legal meaning, describing the area forming the immediate setting of the building; it is not synonymous with all garden land forming part of the property, and it is not a land use category in its own right. The planning unit is the correct unit of analysis and is determined by reference to the unit of occupation and the functional relationship between the land and the primary use; where garden land is held in the same ownership, managed in connection with the host dwelling, and has no independent use or planning identity, it will ordinarily form part of the same planning unit as a dwellinghouse even if it lies beyond the strict curtilage. Where a caravan is sited within the curtilage of the dwellinghouse, the section 55(2)(d) exclusion applies expressly and operates to remove the use from the

definition of development entirely, provided the use is incidental to the enjoyment of the dwellinghouse as such. Where a caravan is sited in garden land which forms part of the same planning unit but lies beyond the strict curtilage, the section 55(2)(d) exclusion is not engaged in its express terms; however, the prior and more fundamental question remains whether any material change of the use arises at all under section 55(1), and where the proposed use is plainly subordinate and incidental in character, with no separate access, no independent occupation, and a use that remains functionally connected to the host dwelling, it is properly arguable that no material change of use occurs as a matter of fact and degree, as the essential character of the existing residential use of the planning unit is unaltered.

THE TEST FOR INCIDENTAL USE – FUNCTIONAL SUBORDINATION AND HOUSEHOLD CONTROL

3.10. The test for incidental use is whether the proposed use would be functionally subordinate to and dependent upon the primary residential use of the dwellinghouse, rather than constituting an independent use in its own right. Inspector reasoning in *Harlington* is directly instructive: even where a structure contains facilities for day-to-day living, that does not preclude a finding of incidental use where the evidence demonstrates that the use would not be as an independent unit of accommodation and would remain within the control of the main household.

3.11. In *Friars Close (APP/J2210/X/22/3298471)*, the Inspector confirmed that 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 involve a material change of use. In that case, 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. The Inspector concluded that the proposal would not involve the making of any material change in the use of the site.

3.12. Relevant factors in determining whether a use is incidental include: the physical and functional relationship between the proposed structure and the host dwelling; the degree of shared services and infrastructure; the absence of separate curtilage, postal address, or vehicular access; the nature and extent of occupation; and whether the occupants remain under the control of the same household. Where these factors point consistently to a subordinate and dependent relationship, the use is properly characterised as incidental to the enjoyment of the dwellinghouse.

INDEPENDENT USE DISTINGUISHED

3.13. A use will not be incidental where the evidence demonstrates that the proposed structure would function as an independent unit of accommodation with its own separate planning identity. Indicators of independent use include: the creation of a separate curtilage or postal address; independent vehicular access; letting, sale, or occupation by persons unconnected with the main household; and the absence of any functional dependence upon the host dwelling. Where such indicators are present, the use may constitute a material change of use requiring planning permission. It follows that a Certificate of Lawfulness, if granted, would not authorise any use other than that described in the application; any subsequent change to independent occupation would fall to be assessed on its own merits.

SUMMARY OF THE POSITION ON MATERIAL CHANGE OF USE

3.14. The combined effect of the statutory framework and the body of appeal authority may be summarised as follows. A material change of use arises only where the proposed use alters the essential character of the existing use of the planning unit. Section 55(2)(d) of the 1990 Act expressly excludes from the definition of development any use within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse as such. Where a proposed structure remains within a single residential planning unit, under unified household control, with no separate curtilage, postal address, or vehicular access, and where the use is functionally subordinate to and dependent upon the primary residential use, no material change of use occurs and the section 55(2)(d) exclusion is engaged irrespective of the level of materiality of that change. This position is confirmed by Inspector authority in Friars Close, Harlington, and Forge Close, and is consistently applied by the Planning Inspectorate in certificate of lawful development appeals.

4.0. THE LEGAL FRAMEWORK FOR CARAVANS

INTRODUCTION

4.1. The determination of whether the proposal constitutes development is governed principally by three statutes:

- The Caravan Sites and Control of Development Act 1960 ("the 1960 Act");
- The Caravan Sites Act 1968 ("the 1968 Act"); and
- The Town and Country Planning Act 1990 ("the 1990 Act").

4.2. These instruments operate cumulatively and must be read together. The 1960 Act provides the foundational statutory definition of a caravan. The 1968 Act supplements that definition in respect of a specific class of twin-unit structures assembled on site from two separately constructed sections, and introduces dimensional parameters applicable to that class alone. The 1990 Act provides both the operative statutory definition of development and the express statutory exclusion upon which the applicant's case principally depends.

4.3. The 1968 Act amended the definition of "caravan" in Part I of the 1960 Act. Section 13 of the 1968 Act provides that a structure designed or adapted for human habitation which 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 which is, when assembled, physically capable of being moved by road from one place to another, shall not be treated as not being a caravan within the meaning of Part I of the 1960 Act by reason only that it cannot lawfully be so moved on a highway when assembled.

4.4. Together, these instruments establish: (i) the legal definition of a caravan; (ii) the physical characteristics required for a structure to satisfy that definition; (iii) the additional construction, mobility, and dimensional requirements applicable specifically to twin-unit caravans assembled from two separately constructed sections; and (iv) the statutory distinction (expressly recognised by the Planning Inspectorate in numerous appeal decisions) between single-unit and twin-unit caravans, with the requirements of section 13 of the 1968 Act being confined to the latter class.

THE STATUTORY DEFINITION OF A CARAVAN – THE TWO LIMBS

4.5. The definition of a caravan in section 29(1) of the 1960 Act requires that the structure be "designed or adapted for human habitation" and "capable of being moved from one place to another" (whether by being towed or by being transported on a motor vehicle or trailer). Both limbs are conjunctive and must be satisfied.

DESIGNED OR ADAPTED FOR HUMAN HABITATION

4.6. The phrase "designed or adapted for human habitation" is to be interpreted purposively. It is satisfied where the structure was originally designed with human occupation in mind or has been subsequently adapted to that end.

4.7. The presence of full living facilities, sleeping accommodation, kitchen provision, sanitary installations, and connections to mains services does not displace the caravan classification. In the *Teddington appeal (APP/L5810/X/15/3140569)*, the Inspector confirmed that there was no dispute that the proposed mobile home would be designed or adapted for human habitation.

4.8. The level of internal specification and quality of construction are irrelevant to whether the structure satisfies this limb. A structure may be comprehensively fitted out, with high-quality internal appointments and a sophisticated external finish, and still satisfy the definition provided it was designed or adapted for human habitation and is capable of being moved.

CAPABLE OF BEING MOVED FROM ONE PLACE TO ANOTHER – THE MOBILITY TEST

4.9. The mobility test is capability-based. It does not require:

- An intention, present or future, to move the structure;
- Any frequency or history of actual movement;
- Evidence that movement has previously taken place;
- Proof that movement could be lawfully effected on the public highway in compliance with road traffic or vehicular regulations; or
- That the means of access to or from the site would accommodate the structure in its assembled state.

4.10. In the *Romford appeal (APP/B5480/C/17/3174314),* the Inspector confirmed that "caravan" as defined by statute means a 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 relevant question is whether the structure itself is physically capable of being moved; it is not whether access to the highway is available or whether such movement would be convenient.

4.11. Lawfulness of highway movement is irrelevant. Section 13(1) of the 1968 Act expressly provides that a twin-unit caravan which is physically capable of being moved by road shall not be treated as not being a caravan by reason only that it cannot lawfully be so moved on a highway when assembled. This statutory provision has been applied consistently by Inspectors. In the *Borrowash appeal (APP/N1025/C/01/1074589)*, the Inspector held that the structure must be capable of being moved by road from one place to another in its assembled state, even if moving it on a highway would be unlawful.

4.12. Access constraints and site configuration are irrelevant. In *Brightlingsea Haven Ltd and another v Morris and others [2008] EWHC 1928*, it was held that it is irrelevant whether the structure may have difficulty in reaching a road. In the *Borrowash* appeal, the Inspector held that the fact that the private drive to the property was too narrow to allow passage of the assembled structure was not the point; it is the structure that must possess the necessary qualities, not the means of access.

4.13. Absence of wheels and towing capability is irrelevant. In the *Teddington* appeal, the Inspector held that 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.

4.14. Absence of intention to move is irrelevant. In the *Forge Close* appeal *(APP/R3650/X/25/3359353),* the Inspector expressly held that a lack of any suggested intention to move the proposed residential unit around the site would not mean that what is proposed is not a caravan, and that it is often the case that static caravans remain in the same place for long periods of time. In the *Hertfordshire* appeal *(APP/J1915/X/11/2159970),* the Inspector confirmed that the correct test is whether the unit, once fully assembled, is capable of being towed or transported by a single vehicle — a lack of intention to move is not relevant to that question.

4.15. The correct test. In the Hertfordshire appeal, the Inspector confirmed that the determining issue is not whether the mobile home would be readily moveable around the site, but rather whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle. The Inspector in Romford confirmed that the mobile home should possess the necessary structural qualities to permit its movement in one piece without structural damage.

4.16. Service connections do not constitute physical attachment to the land. In the *Teddington* appeal, the Inspector held that 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, and that the mobile home would not thereby acquire the degree of permanence and attachment required of buildings. This principle was affirmed in *Forge Close*.

4.17. Padstones, supports, and bases do not constitute operational development. In the *Hertfordshire* appeal, the Inspector held that placing the mobile home on padstones or another sound and firm surface is not in itself a building operation, notwithstanding that a degree of skill is required in such placement, and that the provision of a hard surface within the residential curtilage would, subject to certain limitations, be permitted development.

IRRELEVANCE OF APPEARANCE, PERMANENCE, AND PHYSICAL SPECIFICATION

4.18. Where a structure satisfies the statutory definition of a caravan under section 29(1) of the 1960 Act, it may not be reclassified as a "building" for planning purposes by reason of its size, external appearance, durability, permanence of siting, or the sophistication of its internal specification.

4.19. In the *Borrowash* appeal, the Inspector observed that the Park Home may look like a building at first sight and may be a structure in the sense of something that has been constructed, but so are all caravans; the unit is not attached to the ground except by easily disconnected services, and it rests on blocks, paving slabs and

hardcore — it has not become a building through permanence or its degree of physical attachment to the ground.

4.20. In the *Teddington* appeal, the Inspector confirmed that it is settled law that stationing a caravan on land, even for prolonged periods, is a use of land rather than operational development, a principle that is embedded in the legislative framework, endorsed by case law, and routinely applied by the Planning Inspectorate.

4.21. In *Forge Close*, the Inspector concluded that because the proposed structure met the definition of a caravan, it could not therefore be a building, and accordingly it was not necessary to assess the proposal against the Class E permitted development provisions applicable to buildings in the curtilage of a dwellinghouse.

THE CARAVAN SITES ACT 1968 – TWIN-UNIT CARAVANS AND INAPPLICABILITY OF SECTION 13 TO SINGLE-UNIT CARAVANS

SECTION 13 OF THE 1968 ACT – SCOPE AND PURPOSE

4.22. Section 13(1) of the 1968 Act provides that a structure designed or adapted for human habitation which 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 which is, when assembled, physically capable of being moved by road from one place to another, shall not be treated as not being a caravan within the meaning of Part I of the 1960 Act by reason only that it cannot lawfully be so moved on a highway when assembled.

4.23. Section 13(2) of the 1968 Act provides that the expression "caravan" shall not include a structure falling within paragraphs (a) and (b) of section 13(1) if its dimensions when assembled exceed any of the following limits: length (exclusive of any drawbar) 20 metres; width 6.8 metres; overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05 metres. These limits reflect the 2006 amendment to the 1968 Act. Earlier decisions, including Borrowash (decided in 2002), recite the pre-amendment limits and should not be relied upon as authority for the current dimensional maxima.

4.24. Section 13 of the 1968 Act was enacted to address a specific and distinct class of structure: the twin-unit caravan, being a structure assembled on site from two separately constructed sections. Its purpose was to bring within the statutory caravan definition those structures which, by reason of their twin-unit construction and assembled dimensions, might otherwise have been excluded from it. It does not impose equivalent or analogous requirements upon single-unit caravans.

SECTION 13 DOES NOT APPLY TO SINGLE-UNIT CARAVANS

4.25. This is a point of critical importance. The s.55(2)(d) exclusion and the caravan definition under s.29(1) of the 1960 Act do not distinguish between caravans assembled on-site and those delivered complete. What matters for the purposes of the statutory framework is whether the proposed structure is a single-unit caravan (assessed exclusively under s.29(1) of the 1960 Act) or a twin-unit structure composed of not more than two sections separately constructed and designed to be assembled on site (which additionally engages s.13 of the 1968 Act). If the proposed structure is a single-unit caravan it is not assembled on site from two separately

constructed sections and section 13 of the 1968 Act has no application to it, whether or not some on-site assembly occurs.

4.26. In *Forge Close*, the Inspector confirmed this expressly: it is not proposed that the residential unit would be a "twin unit caravan", and as a single-unit caravan is proposed, it is not necessary under section 13(1) of the 1968 Act that it 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".* The Inspector held that assembling the prefabricated residential unit on the appeal site does not in this case mean that it is not a caravan with reference to the 1968 Act, and that the claim made by the local planning authority that assembly on site automatically means that what is proposed is a building is not reasonably substantiated when the 1968 Act is considered.

4.27. This is confirmed by appeal decision *APP/J2210/X/22/3298471 (Friars Close, Whitstable)*, in which the Inspector held at paragraph 8: "*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."* The Inspector further concluded that 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.

4.28. It should be noted that, whilst the Inspector in *Forge Close* refers at paragraph 11 to "*the mobility, construction and size tests as laid out in the CSA 1968"* being met, that language should be understood as informal shorthand rather than a statement that those tests are legally engaged for a single-unit caravan. The applicable statutory test remains section 29(1) of the 1960 Act; section 13 of the 1968 Act applies only to twin-unit structures.

THE CONSTRUCTION TEST – APPLICABLE TO TWIN-UNIT CARAVANS ONLY

4.29. In the context of twin-unit caravans, section 13(1)(a) of the 1968 Act requires that the structure be 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.

4.30. In the *Borrowash* appeal, the Inspector held that there is no requirement that the process of creating the two separate sections must take place away from the land; it is necessary only that the act of joining the two sections together should be the final act of assembly.

4.31. In the *Trotters Plot* appeals (*APP/U1240/C/18/3204771* and *APP/U1240/C/18/3207038*), the Inspector confirmed that in *Byrne v SSE & Arun DC [1997],* the court held that if the process of construction was not by the creation of two separately constructed sections then joined together, the terms of section 13(1)(a) are not satisfied.

4.32. In Trotters Plot, the Inspector held that wooden beams and adjustable metal feet supporting the structure above the ground did not form a third "section" of the structure within the meaning of section 13; to form a

section, the elements in question should form an integral part of the structure, and the beams and feet were found to be simply a method for supporting the structure above the ground.

4.33. These principles relating to the construction test are applicable to twin-unit caravans only and are not engaged in the assessment of a single-unit proposal.

THE MOBILITY TEST UNDER SECTION 13(1)(B)

4.34. For twin-unit caravans, section 13(1)(b) of the 1968 Act requires that the assembled structure be physically capable of being moved by road from one place to another. In the Romford appeal, the Inspector held that the mobile home for which the certificate was granted should, once fully assembled, be physically capable of being moved as a whole by road, by being towed or transported. A lack of intention to move is not relevant, nor is the absence of a suitable means of access or an adequate road network, but the mobile home should possess the necessary structural qualities to permit its movement in one piece without structural damage. In Trotters Plot, the Inspector confirmed that the mobility test was met where the Council did not ultimately dispute that the two halves of the structure could be winched up by a large crane and put on the back of a trailer to be taken to another site. In the Romford appeal, the Inspector was satisfied that temporary lifting beams could be installed under the structure to enable it to be lifted safely for transportation.

4.35. The mobility test under section 13(1)(b) is in any event not engaged as a direct requirement in the assessment of a single-unit caravan. However, the general capability-based mobility test derived from section 29(1) of the 1960 Act applies to single-unit caravans.

DIMENSIONAL LIMITS UNDER SECTION 13(2)- APPLICABLE TO TWIN-UNIT CARAVANS ONLY

4.36. The dimensional limits prescribed in section 13(2) of the 1968 Act apply exclusively to structures falling within section 13(1) — that is, twin-unit caravans assembled from two separately constructed sections.

4.37. For a single-unit caravan, the dimensional limits in section 13(2) are not engaged as a direct requirement of the statutory assessment.

4.38. In any eventuality, the proposed Caravan would in theory comply with the statutory dimensions.

WIDTH MEASUREMENT – EXCLUDING ROOF PROJECTIONS AND EAVES

4.39. The Inspector in Trotters Plot adopted the reasoning of the High Court in Brightlingsea Haven Ltd [2008] EWHC 1928, where the court held that *"if one is measuring the width of a structure such as the lodges, it is normal to take the wall measurements and to exclude the roof measurements" and that "it seems to me to be more likely that Parliament would seek to control the wall measurements for width and length rather than the roof measurements".* The Inspector found that the court's view in Brightlingsea was decisive and that the dimension test was accordingly met on a wall-to-wall basis.

4.40. Width is therefore properly assessed on a wall-to-wall basis, excluding any overhanging roof timbers, eaves, fascia boards, or guttering.

SUMMARY OF POSITION UNDER THE STATUTORY FRAMEWORK

4.41. The combined effect of the statutory framework and the body of appeal authority may be summarised as follows:

1. Section 13 of the 1968 Act has no direct application to a single-unit caravan. The assessment of whether a single-unit caravan satisfies the statutory caravan definition falls to be made exclusively by reference to section 29(1) of the 1960 Act.
2. The construction test in section 13(1)(a), requiring no more than two sections separately constructed and designed to be assembled on site, does not apply to single-unit caravans.
3. The dimensional limits in section 13(2) do not apply to single-unit caravans.
4. The mobility test derived from section 29(1) of the 1960 Act is a capability-based test. The absence of any intention to move the structure, the presence of service connections, the placement of the structure on adjustable concrete pads, and any constraints affecting access to the highway are all irrelevant to that assessment. What matters is the inherent physical capability of the structure, as constructed, to be craned intact onto a flatbed lorry and transported from one place to another.

5.0. APPLICATION PROPOSAL

5.1. The application site is Saltersford Cottages, Saltersford Lane, Alton. The proposal does not involve any subdivision of the residential planning unit at Saltersford Cottages. The caravan would be sited within the domestic garden/curtilage and would remain in the same ownership and under the same household control as the principal dwelling. Critically, there would be no separate curtilage, no separate postal address, and no separate vehicular access created.

5.2. The caravan will provide additional accommodation for family members in a manner wholly ancillary to the host dwelling. It will rely upon the main house for key services including electricity, water supply and waste. No separate curtilage will be created, no subdivision of the planning unit will occur, and no separate vehicular access or postal address will arise. The siting is entirely within the established domestic garden area and will not alter the character of the residential use. Occupation will remain under control of the same household as the principal dwelling. The accommodation will not be let, sold, or otherwise occupied independently.

5.3. The proposed structure is a single-unit oak-framed caravan manufactured by Whitlock & Lowe Ltd. The proposed caravan at Saltersford Cottages measures 10.6 metres by 5 metres, with a maximum internal height within the 3.05 metre threshold, as confirmed on the submitted drawings. The structure is fitted with an integral steel chassis, rests on adjustable non-permanent support pads, and is connected to services in a reversible manner. It is constructed as a single indivisible whole and is not assembled from two separately constructed sections.

COMPLIANCE ASSESSMENT – IS THE STRUCTURE A CARAVAN?

DESIGNED OR ADAPTED FOR HUMAN HABITATION

5.4. The proposed structure contains sleeping accommodation, a living area, kitchen/dining provision, and sanitary facilities. It is expressly designed for human habitation. The level of internal specification and quality of construction are irrelevant to whether the structure satisfies this limb. A structure may be comprehensively fitted out, with high-quality internal appointments and a sophisticated external finish, and still satisfy the definition provided it was designed or adapted for human habitation and is capable of being moved. The first limb of section 29(1) of the 1960 Act is satisfied.

DIMENSIONAL CAPABILITIES

5.5. The proposed caravan at Saltersford Cottages measures 10.6 metres by 5 metres with a maximum internal height within the 3.05 metre threshold. There are no express dimensional limits for a single-unit caravan. The dimensions of a single unit caravan therefore cannot be used to exclude it from the definition of a caravan.

5.6. Notwithstanding the lack of test, the dimensional assessment of the proposed caravan has been undertaken on a wall-to-wall basis rather than including incidental roof overhangs or rainwater goods consistent with established case law, appeal precedent, and longstanding professional practice. Assessed on that basis, the structure comfortably complies with the statutory size limitations as they applied to this unit.

5.7. In Forge Close, a similar approach was taken and the Inspector confirmed that the dimensions of the proposed structure would in any event be well within the maximum size restriction imposed for a caravan as stipulated in the 1968 Act.

SINGLE-UNIT CONSTRUCTION – SECTION 13 NOT ENGAGED

5.8. The proposed structure is a single-unit caravan, constructed as a single indivisible whole. It is not assembled from two separately constructed sections. Section 13 of the 1968 Act has no application to it.

5.9. It is important that the statutory scheme is applied as drafted. Section 13(1) of the 1968 Act contains provisions dealing expressly with twin-unit caravans. Those provisions do not create an additional "construction test" for single-unit caravans. This distinction is confirmed in Inspector authority such as Forge Close, which states that because a single-unit caravan is proposed, it is not necessary under Section 13(1) that it is composed of not more than two sections designed to be assembled by bolts/clamps/devices. The Inspector's reasoning is clear: assembly on site does not of itself mean the proposal is not a caravan when the statutory provisions specific to twin-units are properly understood. The proposed unit at Saltersford Cottages is a single-unit caravan. It is therefore to be assessed against the statutory size and mobility criteria applicable to single units, without importing additional construction requirements not contained in the legislation.

5.10. This position is directly confirmed by the Friars Close Inspector, who held at paragraph 8 of *APP/J2210/X/22/3298471* that 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, and that those requirements do not extend to single unit caravans.

MOBILITY – COMPLIANCE WITH SECTION 29(1)

5.11. The correct test. Section 29(1) of the 1960 Act defines a caravan by reference to capability: it must be capable of being moved from one place to another (towed or transported on motor vehicle/trailer). The mobility test is therefore concerned with inherent physical capability, assessed as a matter of fact and degree.

5.12. What the test does not require. Inspector authority is consistent on what does not form part of the mobility test. Teddington explains that the unit need not be mobile in the sense of being towed on its own wheels; it is sufficient that it can be picked up intact (including floor and roof) and placed on a lorry by crane or hoist. Critically, that decision also makes clear that the illegality of transportation on the public highway is irrelevant to the mobility assessment in caravan definition terms. The planning question is capability, not compliance with highway regulations.

5.13. Forge Close and Romford address the common but incorrect focus on access and logistics. They confirm that perceived difficulties with craning and manoeuvring are not the point; it is the unit which must possess the necessary mobile qualities, not the means of access to and from the site. A lack of intention to move, or constraints in the road network, are not determinative of caravan status.

5.14. Application to the proposed structure. The proposal at Saltersford Cottages is designed to satisfy the mobility test in the manner contemplated by the statute and described in the above authority. The unit incorporates an integral chassis and is capable of being lifted and transported intact. It will rest on adjustable steel pads placed on levelled ground, ensuring that it is not physically fixed to the land.

5.15. Service connections (electricity, water, drainage) will be made in a reversible manner. As Teddington makes clear, attachment to services is not the same as attachment to land. In practical terms, following disconnection of services, the unit can be lifted by crane and placed onto a suitable vehicle for transportation. That satisfies the statutory concept of "capable of being moved", which is the correct legal test.

5.16. Mobility evidence. In an LDC context the onus is on the applicant to provide sufficient information on the balance of probability. The mobility evidence accompanying this application is specific to the proposed structure and addresses its particular physical characteristics, including the integral chassis specification, the capacity of the structure to be lifted intact without structural damage, and the method of transportation. This approach is consistent with the Chessington decision, which requires that mobility evidence be specific to the particular structure proposed rather than generic in character. The accompanying structural engineer's report and this mobility statement address the proposed unit specifically and provide the decision-maker with the information required to determine, on the balance of probabilities, that the mobility test is satisfied.

COMPLIANCE ASSESSMENT – DOES SITING INVOLVE OPERATIONAL DEVELOPMENT?

5.17. Even when the structure is a caravan, it remains necessary to consider whether siting it would involve operational development. The correct focus is whether building or engineering operations are involved, and whether siting gives rise to permanence and attachment in a manner consistent with building works.

5.18. Harlington is directly instructive: where the unit rests on supports and is not physically attached to the ground, and where it can be removed (including by crane), siting does not constitute operational development. The Inspector in that case was satisfied that the siting of the mobile home would not constitute operational development.

5.19. Application to the proposed structure. No operational development is proposed. The works are limited to minor levelling (if at all) and the placement of non-permanent support pads. There will be no foundations, no excavation of the type that would create permanence, and no anchoring or fixation which would tie the structure to the land. The structure will rest by its own weight on adjustable pads, consistent with the long-established principle that structures resting by their own weight and not fixed into the ground are not ordinarily building operations. The siting is fully reversible, and removal can occur without demolition or land restoration.

5.20. Any connection to services is temporary and removable and does not alter the physical status of the unit or convert the siting into building operations. This mirrors the reasoning in Teddington, which distinguishes service connections from attachment to land. Accordingly, siting the caravan at Saltersford Cottages does not constitute operational development within the meaning of Section 55(1).

5.21. In Friars Close, the Inspector confirmed that 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, and the structure would not be fixed to the supporting foundation. The same position is established here.

Compliance Assessment – Is the Use Incidental to the Enjoyment of the Dwellinghouse?

5.22. As set out in Chapter 3 above, the first step in assessing whether a material change of use arises is to identify the relevant planning unit. Applying the principles established in Burdle v Secretary of State for the Environment [1972] and summarised at section 3.7 onwards of this statement, the relevant planning unit at Saltersford Cottages comprises the host dwelling and its associated domestic curtilage, held in single ownership and under unified household control. The proposed caravan would be sited within that existing planning unit. No subdivision of the planning unit is proposed, and no new primary use would arise.

5.23. Assessed against the practical indicators identified in Chapter 3 of this statement, the proposal does not give rise to any independent planning identity. The caravan would be sited within the domestic garden and curtilage of Saltersford Cottages. It would remain in the same ownership and under the same household control as the principal dwelling. No separate curtilage, postal address, or vehicular access would be created. On these facts, the proposal remains within a single residential planning unit throughout.

5.24. Applying the test for incidental use set out at section 3.10 of this statement, the proposed use is properly characterised as functionally subordinate to and dependent upon the primary residential use of the host dwelling. The caravan will provide additional accommodation for family members, occupied under the control of the main household. It will rely upon the main house for key services including electricity, water supply, and waste. The accommodation will not be let, sold, or otherwise occupied independently. Although the caravan will contain facilities for day-to-day living, the evidence demonstrates that it would not function as an

independent unit of accommodation; it would remain part and parcel of the main dwelling in the manner contemplated by the Inspector in Harlington and confirmed in Friars Close (see sections 3.4.1 and 3.4.2 above).

5.25. The present proposal is materially indistinguishable from the circumstances considered in Friars Close (APP/J2210/X/22/3298471), where the Inspector granted a certificate notwithstanding that the structure would provide facilities for independent day-to-day living. As at Friars Close, the intended use of the caravan at Saltersford Cottages would be as an integral part of the primary use of the planning unit as a single dwellinghouse. The factors identified at section 3.4.3 of this statement — physical and functional relationship with the host dwelling, shared services and infrastructure, absence of separate curtilage, postal address, or vehicular access, and unified household control — all point consistently to a subordinate and dependent relationship.

5.26. Accordingly, applying the legal framework set out in Chapter 3 above, the proposed siting at Saltersford Cottages is properly characterised as ancillary domestic accommodation within a single residential planning unit. The use falls squarely within the section 55(2)(d) exclusion as analysed at section 3.2 of this statement. No material change of use arises, and the exclusion from the definition of development is engaged.

SUMMARY OF COMPLIANCE ASSESSMENT

5.27. Drawing together the analysis set out in Chapter 5, the proposed siting of a single-unit caravan at Saltersford Cottages satisfies each of the three requirements identified at section 2.4.2 of this statement, assessed by reference to the legal frameworks established in Chapter 3.

5.28. First, as to caravan status, the proposed structure satisfies the statutory definition of a caravan within section 29(1) of the Caravan Sites and Control of Development Act 1960 as analysed in Chapter 4. It is designed for human habitation, is physically capable of being moved intact from one place to another by crane onto a flatbed vehicle, and is constructed as a single indivisible unit to which the twin-unit provisions of section 13 of the Caravan Sites Act 1968 have no application. Its dimensions fall comfortably within the statutory maxima. The structure accordingly falls to be treated as a caravan and not as a building for planning purposes.

5.29. Secondly, as to operational development, the siting of the caravan does not involve building or engineering operations within the meaning of section 55(1) of the 1990 Act. The structure will rest on adjustable non-permanent support pads without foundations, anchoring, or fixation to the land. Service connections are reversible and do not constitute physical attachment to the ground. The siting is fully reversible and does not give rise to the permanence and attachment characteristic of building operations.

5.30. Thirdly, as to material change of use, applying the legal framework set out in Chapter 3, the proposed use does not give rise to a material change in the use of the land. The relevant planning unit remains the host dwelling and its domestic curtilage, held in single ownership and under unified household control. No subdivision of the planning unit occurs. The proposed use is functionally subordinate to and dependent upon the primary residential use of the dwellinghouse, with no separate curtilage, postal address, or vehicular access created. The use falls squarely within the section 55(2)(d) exclusion as a purpose incidental to the enjoyment of the dwellinghouse as such.

5.31. Accordingly, none of the three limbs of the statutory definition of development is engaged. The proposed siting of the single-unit caravan at Saltersford Cottages does not constitute development within the meaning of section 55(1) of the Town and Country Planning Act 1990, and the proposal is lawful for the purposes of section 192 of that Act.

6.0. RELEVANT APPEAL AUTHORITY

6.1. The present proposal aligns with a consistent body of Inspector authority addressing (i) caravan definition and mobility, (ii) incidental use within a residential planning unit, and (iii) operational development.

6.2. *Forge Close* confirms that, for a single unit caravan, it is not necessary to satisfy the twin-unit construction provisions in Section 13(1) of the 1968 Act. It also confirms that perceived access/logistics issues and intention to move are not determinative of caravan status.

6.3. *Teddington* provides a clear articulation of the mobility test: the unit can be moved by being lifted intact and placed on a lorry by crane or hoists; it need not be towed on its own running gear. It also makes clear that illegality of transport on the highway is irrelevant to the planning definition of mobility. Teddington further addresses permanence and attachment: minimal physical attachment to land, and service connections not equating to attachment, mean the unit does not acquire the permanence of a building. This is also supported in appeal references *APP/X0360/C/19/3221552* and *APP/X0360/C/19/3221553*.

6.4. *Friars Close (APP/J2210/X/22/3298471)* directly reinforces the position that the section 13 construction requirements do not apply to single-unit caravans and that the definition of a caravan contains no requirement for pre-assembly or for it being brought to site intact. The Inspector allowed the appeal and granted the certificate, concluding that on the balance of probability, the available evidence showed 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.

6.5. *Harlington* is particularly helpful in an LDC context because it frames the issues in the correct two-part structure (incidental use and operational development) and demonstrates that the presence of full living facilities does not preclude incidental use where the evidence supports a subordinate relationship and household control. It also confirms that a unit resting on supports and removable by crane can be found not to involve operational development.

6.6. *Romford* reinforces the same principles on logistics/access and intention to move, confirming that a lack of intention to move, or absence of suitable means of access or adequate road network, is not relevant to whether something is a caravan.

6.7. Taken together, these decisions reflect a clear and easy-to-apply approach for councils presented with an application: where a single-unit structure meets statutory size limits, is inherently capable of being moved intact, is not physically attached to the land, and is used incidentally to the enjoyment of a dwellinghouse within a single planning unit, a Certificate of Lawfulness should be granted.

6.8. The *Trotters Plot* appeal decisions *(APP/U1240/C/18/3204771* and APP/U1240/C/18/3207038) further reinforce the established approach to caravan definition, particularly in relation to dimensional interpretation,

construction methodology, and mobility. The Inspector confirmed that dimensional limits are properly assessed on a wall-to-wall basis, excluding incidental roof projections such as eaves or guttering, consistent with the reasoning in *Brightlingsea Haven Ltd and others v Morris and others [2008] EWHC 1928*. The decision also recognised that on-site assembly from prefabricated components does not preclude caravan status where the resulting structure satisfies statutory mobility requirements, and that normal service arrangements (pads, beams, or levelling systems) do not constitute additional structural sections or evidence of permanence.

7.0. NATIONAL CONSISTENCY AND PRECEDENT

7.1. Whitlock & Lowe Ltd has secured a strong record of Certificates of Lawfulness for materially similar proposals across numerous authorities, each applying the same legislative framework and principles. While each case turns on its own facts, the repeated acceptance of the same legal approach demonstrates that the statutory interpretation relied upon is well established nationally.

7.2. The consistent themes across those decisions are: (i) compliance with statutory size limits, (ii) an evidence-based conclusion that the unit is inherently capable of movement intact, (iii) siting without foundations/anchoring such that it remains removable, and (iv) occupation that remains ancillary and subordinate to the host dwelling under unified household control.

7.3. This consistency is relevant because it demonstrates that the approach advanced in this statement is not novel, stretched, or policy-driven; it is the settled application of the caravan definition and the Section 55(2)(d) exclusion. It also promotes fairness and predictability in decision-making, which is a core aspect of good administrative practice in LDC determinations.

7.4. Recent grants of certificates obtained by Whitlock & Lowe Ltd for materially similar proposals include, amongst others:

- **PL/24/3659/SA**-Kinsella Cottage, Mopes Farm, Denham Lane, Chalfont St Peter, Buckinghamshire, SL9 0QH
- **24/07551/CLP**- The Jays, Chinnor Road, Bledlow Ridge, Buckinghamshire, HP14 4AA
- **24/00570/CLP**- Crickley Hall, Crickley Hill, Witcombe, Gloucester, Gloucestershire, GL3 4UQ
- **Pl/25/0324/SA**- Nashleigh Farm, Ashley Green Road, Chesham, Buckinghamshire, HP5 3PF
- **MO/2025/0078/PCL**- The Pheasantry, Mill Lane, Newdigate, Dorking, Surrey, RH5 5AL
- **24/00298/CPL** | Certificate of lawfulness application for proposed siting of mobile home to provide ancillary annexe accommodation | Upper Wingbury Farm Leighton Road Wingrave Buckinghamshire HP22 4LW
- **25/05542/CLP** | Certificate of lawfulness for proposed siting of caravan to provide additional accommodation for family of homeowners | Dovers Farm Frieth Road Frieth Buckinghamshire RG9 6PU
- **25/00830/CLOPUD**, Manton House Sevenhampton Cheltenham Gloucestershire GL54 5SL
- **2025/0684** - George House 16 Meadway Esher KT10 9HF
- **RR/2025/450/O**, Furnace Oast, Furnace Lane, Broad Oak, Brede, TN31 6ET
- **25/00884/COL**, The Old Rectory High Road Horsington Templecombe Somerset BA8 0DN
- **25/0994/CLPUD,** Tanners Cottage, Weathercock Lane, Congleton, CW12 3PS

- **P/CLP/2025/03802,** Turbary Cottage, Holt Heath, Mannington, BH21 7JZ
- **C25/0420/44/TC,** St Brides Cottage, Porthmadog, LL49 9YA
- **M/25/01120/CLPU,** Bridge Cottage, Whiteleaved Oak, Bromsberrow, HR8 1SE
- **P0905/25/LD2,** Clifton House, The Lottery, Redmarley, Gloucester, GL19 3HX
- **WA/2024/02157,** 8 Forge Close, Farnham, GU9 9PX
- **25/02425/CPL,** Oakridge Farm, Pilch Lane, Great Horwood, Buckinghamshire, MK17 0NX
- **PL/2025/07388,** Bay Tree House, The Green, East Knoyle, Salisbury, SP3 6BN
- **EHDC-25-1038-LDCP,** Park House, Ropley, Hampshire, SO24 0EW
- **M/2501485/CLPU,** Littleton Bungalow, Lower Interfields, Malvern, WR14 1UU
- **Pl/2025/08106,** Combe Farm, Combe Lane, Bratton, Westbury, BA13 4SY
- **DM/25/2436,** Chatesgrove, Cross Colwood Lane, Bolney, Haywards Heath
- **RR/2025/1900/LDP**, Quedley Farm, Union Street, Flimwell, TN5 7NY
- **PL4/1/117/NBH,** Pilgrims, Broadmead, Sway, Hordle, SO41 6DH
- **DC/25/1819/CLP,** Lodge Farm, Hargrave Road, Little Saxham, Suffolk, IP29 5LH
- **P25/02798/CLP**, Corner House Farm, Shepperdine Road, Oldbury on Severn, BS35 1RJ
- **CB/25/03437/LDCP,** Tyne Hill Farm, Shillington Road, Lower Stondon, Henlow, SG16 6JX
- **25/012367/LDCP**, Sandlea Farm, Middle Road, Tiptoe, Lymington, SO41 6EJ

- **25/00751/CLPUD**, The Nooks, Cocks Lane, Warfield, RG42 6JE
- **25/03926/CLOPUD,** Windfalls, Silver Street, South Carney, GL7 5TP
- **LW/25/0658**, The Anchor Inn, Anchor Lane, Barcombe, BN8 5EA
- **3/2024/0273,** Rock House, Higher Road, Longridge, PR3 2TW
- **26/01026/CPL,** Wyndhurst, Wollerton, Market Drayton, TF9 3NB
- **2026/0277,** 131 Brunwell Street, Brunwell, Norfolk, NR16 1QY
- **25/01464/CLDP,** 1 Mount Rise, Kenn, EX6 7XE
- **2025/0663/LDP,** Rye Hill Lodge, Norton Junction, Long Buckby NN6 7PW

8.0. CONCLUSION

8.1. The correct legal test in a Section 192 application is whether on the balance of probability, the proposal would be lawful. That requires the decision-maker to apply the statutory definition of "caravan", assess incidental use under Section 55(2)(d), and determine whether any operational development would occur. Planning merits are not engaged.

8.2. On the evidence and the correct application of statute and authority, the proposed unit at Saltersford Cottages satisfies the definition of the caravan. It would fall within the statutory size limits and retains the inherent mobility required by Section 29(1) of the 1960 Act. As confirmed in Teddington, it is sufficient that the unit can be lifted intact and placed on a lorry by crane or hoist; it need not be towed, and questions of highway legality do not form part of the mobility test. As reinforced by Forge Close and Romford, access constraints, manoeuvring arrangements and intention to move are not determinative.

8.3. The proposal also satisfies the incidental use test. The caravan will remain within the domestic curtilage of Saltersford Cottages, under the control of the same household, with no separate planning unit created. There

will be no separate curtilage, no separate postal address and no independent vehicular access. In line with Harlington, the presence of facilities for day-to-day living does not preclude incidental use where the evidence demonstrates a subordinate relationship and household controls; and if the unit were ever used other than as described, the Certificate would not authorise that different use.

8.4. The siting would not involve operational development. The unit will rest on adjustable pads, without foundations, anchoring or works that create permanence. Any service connections will be reversible and do not constitute physical attachment to the land. As per Teddington and Harlington, the unit would not acquire the permanence and attachment required of buildings and can be removed intact without demolition.

8.5. The position is further confirmed by the Friars Close decision (APP/J2210/X/22/3298471), in which the Inspector granted a certificate in materially identical circumstances, holding that on the balance of probability, the proposal involves the stationing of a mobile home and its use integral to and part and parcel of the primary use of the planning unit as a single dwellinghouse and therefore would not fall within the definition of development in s55(1) of the 1990 Act.

8.6. For these reasons, the proposed siting of the single-unit caravan at Saltersford Cottages falls outside the definition of development and is lawful under Section 192 of the Town and Country Planning Act 1990 (as amended). Whitlock & Lowe Ltd therefore respectfully requires that a Certificate of Lawfulness (Proposed Use) be granted in the terms applied for.