



SITING OF A MOBILE HOME

Certificate of Lawfulness Appeal Statement

35 Copperfield Avenue

Uxbridge

UB8 3NX

Date: June 2025
Document Ref: NAPC/JD/1135/JM
Application Ref: 22078/APP/2025/1108
Appeal Against: Hillingdon Council

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Introduction

This statement has been prepared by NAPC Ltd to support an appeal against Hillingdon Council's decision to refuse a Certificate of Lawfulness application for the siting of a mobile home at 35 Copperfield Avenue, Uxbridge, UB8 3NX (application ref: 22078/APP/2025/1108). This application was made under Sections 55 and 192 of the Town and Country Planning Act 1990 (as amended) and Section 13(1) of the Caravan Sites Act 1968 (as amended).

Proposal

The Certificate of Lawfulness proposed the stationing of a mobile home within the residential curtilage of the Class C3 residential dwellinghouse 35 Copperfield Avenue for ancillary purposes to the dwelling. The description of the application was as follows:

'Use of the land to site a mobile home for ancillary use to the main dwellinghouse (Application for a Certificate of Lawful Development for a Proposed Development).'

The evidence submitted with the application confirmed that the proposed mobile home meets the criteria to be legally considered as a caravan and so would therefore not constitute operational development. It is also stated that the mobile home would be used ancillary/incidental to the Class C3 residential use of the main dwellinghouse and would therefore not result in a material change of use of the land, within the meaning of Section 55(1) of the Town and Country Planning Act 1990.

Reason for Refusal

The decision notice issued by Hillingdon Council on 11th June 2025 (Appendix A) states that the development would not be lawful, within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. *It is considered that the use of the land to site a mobile home would result in 'development' as defined within Section 55 of the Town and Country Planning Act 1990 as on the balance of probability, the proposal would involve the creation of a separate planning unit for use as a self-contained independent dwelling, resulting in a material change of the sites use.*

This appeal statement will therefore seek to address the above reason for refusal.

The Appellant's Case

The lawfulness of siting a caravan within the residential curtilage of a dwelling is tested via compliance with the two recognised 'limbs' that constitute development, as set out in Section 55(1) of the Town and Country Planning Act 1990 (as amended):

1. Whether the proposal meets the definition of a caravan within the Caravan Sites Act 1968, therefore not resulting on operational development.
2. Whether the siting of the proposed mobile home would constitute a material change of use of the land constituting development requiring planning permission.

The Planning Statement (document ref: NAPC/JD/1137/JM) submitted as part of the application set out how the proposal meets the definition of a caravan and would not result in a change of use of the land. We believe that the Local Planning Authority have made an incorrect assessment, and the appeal should be allowed and the Certificate of Lawfulness granted. This section sets out why the mobile home complies with the definition of a caravan and why no change of use has occurred.

Consideration 1: Whether the proposal constitutes operational development

The Certificate was sought on the basis that the mobile home falls within the definition of a twin-unit caravan within Section 13(1) of the Caravan Sites Act 1968 (as amended). There are three key tests that a structure must meet to legally be considered a twin-unit caravan, which are:

1. Size
2. Mobility
3. Construction

Size

The maximum dimensions for a structure to meet the legal definition of a caravan, as set out in Section 13(1) of the Caravan Sites Act 1968 are 20m long, 6.8m wide, and 3.05m internal floor to ceiling height.

The planning statement confirmed that the proposed mobile home would measure 10.05m long, 6.05m wide, and would have an internal height from the floor level to the highest point of the ceiling of 3.0m.

The case officer's report (Appendix B) confirmed on page 4 that: *'On this basis the 'size test' is passed and it is considered that the proposed caravan would comply with Section 13(2) of the Caravan Sites Act 1968 Act (amended October 2006).'*' As such, the size test is met.

Mobility

Section 13(1) of the Caravan Sites Act 1968 states that caravans should: *'... when assembled, [be] physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer).'*

The planning statement proposed mobile home would rest on a screw pile foundation system, raised a minimum 150mm above ground level and secured by its own weight and so would therefore be capable of being moved away from site as one whole unit.

The case officer's report confirmed on page 5 that: *'...officers consider that it can be reasonably justified that the unit when fully assembled would be capable of being moved by road.'* As such, the mobility test is met.

Construction

The provisions of Section 13(1)(a) of the Caravan Sites Act 1968 pertaining to twin-unit caravans states that the structure should 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.'*

The planning statement confirms that the proposed mobile home would be assembled on-site with two distinguishable sections, and the final act of assembly would involve the bolting of these two parts together. The proposed floor plan (drawing ref: 2254.03.25D.10.07) included in the application illustrates the two sections that would be separately constructed on the application site and subsequently joined together on the same site as the final act of assembly.

The case officer's report confirmed on page 5 that: *'...officers consider that the proposal meets all three tests outlined in Section 13 of the Caravan Sites Act 1968 and its amendment in October 2006. Consequently, the proposal should be considered a caravan, and, as such, does not constitute operational development.'* As such, the construction test is met, along with the size and mobility tests.

The council therefore agrees that the proposed mobile home meets the legal definition of a caravan under Section 13(1) of the Caravan Sites Act 1968 (as amended) and does not result in operational development, as set out in Section 55(1) of the Town and Country Planning Act 1990 (as amended).

Consideration 2: Whether the proposal constitutes a material change of use

Functional Relationship with the Main Dwellinghouse

The key issue in this appeal is whether the siting and use of the proposed mobile home would constitute a material change of use of the land by forming a separate planning unit. The appellant clearly maintains that will not be the case. The proposed use of the mobile home will be wholly ancillary to the existing Class C3 residential use of the main dwellinghouse and is rooted in a close, multigenerational family arrangement that reflects growing pressures faced by many families.

The mobile home will not operate as a self-contained or independent dwelling. Instead, it is designed to facilitate an ongoing familial relationship that is functionally and physically tied to the main dwelling. The proposal arises from the family's personal need to allow the appellant's granddaughter, her partner, and two young children to remain living with her grandfather in the home they have long shared. This arrangement has existed since 2022, providing crucial financial relief and emotional support, particularly following the passing of the grandmother.

To better meet the family's evolving needs, the grandfather (the appellant), who is now 75, proposes to move into the mobile home, allowing the rest of the family to reside in the main dwelling. This approach is not only practical, given his desire for a more manageable single-level living space but is driven by a shared commitment to remain under one roof and maintain strong daily interdependencies. The mobile home will be located within the same residential curtilage, accessed solely via the main house and garden. There will be no separate curtilage, no new access point, no independent postal address, and no individual council tax registration. All utilities and services will be shared. The entire property will continue to operate as a single planning unit and as a single household.

This use is firmly ancillary and subordinate in planning terms. As established in *Uttlesford DC v White* [1992] JPL 171, even a structure with the physical capability for independent occupation can still be considered ancillary if it is functionally part and parcel of the main dwelling. This principle has been repeatedly confirmed in Planning Inspectorate appeal decisions, including APP/J2210/X/22/3298471 (Appendix C) and APP/R5510/X/16/3166035 (Appendix D) (which was also located in Hillingdon Council), where similar proposals for mobile homes to house family members in close care arrangements were deemed lawful and not to constitute a material change of use of the land.

Assessment of Proposed Use over Potential Use

It is important to address the council's reference to the potential use of rear access from Colham Road as an indication that the mobile home will be used as independent occupation. Whilst the site does benefit from rear access from Colham Road, the applicant confirms that this will not be used at any point to access the mobile home. Access to the mobile home will be solely via the main dwelling and its garden, maintaining a clear physical and functional relationship between the mobile home and the main dwelling. The council's suggestion that the use of the rear access to the site could lead to independent use is therefore both inaccurate and speculative.

Supporting the appellant's claims, the above points have been legally sworn by the appellant in the form of a signed statutory declaration (Appendix E). This confirms that the use of the mobile home will be used ancillary to the existing Class C3 residential use of the main dwellinghouse, and that no separate access to the mobile home, such as via Colham Road, will be provided at any point.

It is important to note that the council's reason for refusal relies on a speculative assessment of how the unit could be used rather than how it will be used, as described in the application. The officer refers to the presence of a rear access and the inclusion of facilities such as a kitchen and bathroom as justification for the claim that the unit could function independently. However, this reasoning is inconsistent with the correct approach to determining applications for Certificates of Lawfulness.

It is a well-established principle that such applications must be determined based on the proposed use, not on hypothetical or potential future uses which may arise. As confirmed in Appeal Ref: APP/T3725/X/21/3266375 (Appendix F): *'...the proposal should be assessed on the basis of the stated purpose and not what might possibly occur.'* If the mobile home were ever to be used in a manner that is no longer ancillary to the main dwellinghouse – such as being let, occupied, or accessed separately – this would fall outside the scope of the certificate and would be subject to enforcement.

Considering the above, we strongly consider that the proposed mobile home will share a clear functional and ancillary relationship with the main dwellinghouse. As such, the proposal will not result in a material change of use of the land, therefore not resulting in development as set out in Section 55(1) of the Town and Country Planning Act 1990 (as amended).

Conclusion

This statement has been prepared by NAPC Ltd to support an appeal against Hillingdon Council 's decision to refuse a Certificate of Lawfulness application for the siting of a mobile home at 35 Copperfield Avenue, Uxbridge, UB8 3NX (application ref: 22078/APP/2025/1108). This application was made under Sections 55 and 192 of the Town and Country Planning Act 1990 (as amended) and Section 13(1) of the Caravan Sites Act 1968 (as amended).

The proposal does not involve operational development, nor does it result in a material change of use of the land. The proposed mobile home is a lawful caravan under the Caravan Sites Act 1968 and will be used ancillary to the existing Class C3 residential use of the main dwellinghouse. It will form part of the same planning unit and is intended solely to support family care needs. This view is supported by extensive legal precedent and appeal decisions, as well as similar precedents in Hillingdon Council.

We therefore politely request to the Planning Inspector that this appeal is allowed and that a Certificate of Lawfulness for the proposed use is issued, under Section 192 of the Town and Country Planning Act 1990 (as amended).

Appendices

Appendix A – Application Ref: 22078/APP/2025/1108 Decision Notice



**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Mr Joe Dunn
Nipc Ltd
Suite 121 Watermoor Point
Watermoor Road
Cirencester
GL7 1LF

Application Ref: **22078/APP/2025/1108**

The Council of the London Borough of Hillingdon as the Local Planning Authority, hereby **REFUSE** the application for a Certificate of Lawfulness of Proposed Development under Section 192 of the above Act.

Description of development: Use of the land to site a mobile home for ancillary use to the main dwellinghouse (Application for a Certificate of Lawful Development for a Proposed Development)

Location of development: 35 Copperfield Avenue Hillingdon

Date of application: 16th April 2025

Plan Numbers: See attached Schedule of plans

The grounds for the Council's decision are listed on the attached schedule:-

R Schen

Head of Development Management and Building Control

Date: 11th June 2025

NOTES: Your attention is drawn to the attached sheet which sets out the rights of applicants who are aggrieved by the decision of the Local Planning Authority.

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 22078/APP/2025/1108

SCHEDULE

The grounds for the Council's decision are as follows:-

Reason for Refusal:

- 1 It is considered that the use of the land to site a mobile home would result in 'development' as defined within Section 55 of the Town and Country Planning Act 1990 as on the balance of probability, the proposal would involve the creation of a separate planning unit for use as a self contained independent dwelling, resulting in a material change of the sites use.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 22078/APP/2025/1108

Schedule of Plans

2254.03.25DiHus10.04 - received 16 Apr 2025
2254.03.25DiHus10.05 - received 16 Apr 2025
2254.03.25DiHus10.06 - received 16 Apr 2025
2254.03.25DiHus10.07 - received 16 Apr 2025
2254.03.25DiHus10.08 - received 16 Apr 2025
2254.03.25DiHus10.09 - received 16 Apr 2025
NAPC/JD/1137/JM - received 16 Apr 2025

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990

Application for Certificate of Lawfulness

Notes

If you are aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate under Sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part, you may appeal to the Department of Communities and Local Government (DCLG), under Section 195 of the Act (as amended).

Notice of appeal must be given in writing to the Planning Inspectorate, 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel; - 0117 372 8428). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://www.planning-inspectorate.gov.uk>. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence, must be supplied to the Inspectorate.

You are advised to consult the brief official guide and appeals, published by the Department of Communities and Local Government (DCLG), this and appeal forms can be obtained from the Planning Inspectorate on request.

Address:

Development Management
Directorate of Place
Hillingdon Council

3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

Appendix B – Application Ref: 22078/APP/2025/1108 Case Officer's Report

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Report of the Head of Development Management and Building Control

Address: 35 COPPERFIELD AVENUE HILLINGDON

Development: Use of the land to site a mobile home for ancillary use to the main dwellinghouse (Application for a Certificate of Lawful Development for a Proposed Development)

LBH Ref Nos: 22078/APP/2025/1108

Drawing Nos: 2254.03.25DiHus10.04
2254.03.25DiHus10.05
2254.03.25DiHus10.06
2254.03.25DiHus10.07
2254.03.25DiHus10.08
2254.03.25DiHus10.09
NAPC/JD/1137/JM

Date Plans received: 16-04-25 **Date(s) of Amendments(s):**

Date Application valid 16-04-25

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

It is considered that the use of the land to site a mobile home would result in 'development' as defined within Section 55 of the Town and Country Planning Act 1990 as on the balance of probability, the proposal would involve the creation of a separate planning unit for use as a self contained independent dwelling, resulting in a material change of the sites use.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 Planning Considerations

The Council considers that the overarching test applicable is whether the proposal constitutes "development" as defined by Section 55 of the Town and Country Planning Act 1990.

"Development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The two main questions that must be assessed are:

- 1) Whether the proposal is for the siting of a caravan (and therefore the use of land) rather than a building (which would constitute operational development), and;
- 2) Whether the proposal would result in a material change in use.

RELEVANT LEGISLATION:

- 1) Whether the proposal is for the siting of a caravan (and therefore the use of land) rather than a building (which would constitute operational development)?

The definition of a caravan is provided in section 29(1) of the Caravan Sites and Control of Development Act 1960. This reads as follows:

"caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include:

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent;"

This definition has been supplemented by Section 13(1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. This defines twin-unit caravans as:

"A structure designed or adapted for human habitation which-

- (a) 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
- (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a when assembled."

Section 13(2) of the Caravan Sites Act 1968 Act (amended October 2006) prescribes the following maximum dimensions for "twin unit caravans":

-Length 10 metres;

-Width: 6 metres;

-Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) 3metres

Based on established case law, the Council is of the opinion that if the "caravan" does not meet the statutory definitions set out in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 Act (as amended), this provides a basis to refuse the application for a Lawful Development Certificate for a proposed use or development. This means that if the caravan fails to meet (i) the size limitations, (ii) the construction requirement or (iii) the mobility requirement, the

proposal will not constitute a use of land.

In *Measor v SSETR JPL 182* the Court stated that it would be wary of holding, as a matter of law, that a structure which satisfies the definition under the Caravan Sites Act 1968 Act could never be a building. There may be cases in which the tests above are met, but due to the proposal's size, permanence or physical attachment, the proposal constitutes a building. This would provide a further basis on which to refuse the Certificate of Lawfulness for Proposed Use or Development.

ASSESSMENT:

i) Whether the proposal would comply with the size limitations set out by the Caravan Sites Act 1968 (as amended)?

The proposed caravan would be a twin unit caravan. It would measure 10.05 metres in length by 6.05 metres in width. It would have a internal height of 3m. On this basis the 'size test' is passed and it is considered that the proposed caravan would comply with Section 13(2) of the Caravan Sites Act 1968 Act (amended October 2006).

ii) Whether the proposal would involve a building operation (the construction test)?

The proposed caravan is a twin unit structure. The submitted planning statement advises that 'The mobile home consists of two pre-constructed sections that will be joined as a final act onsite, fulfilling the "construction" test defined in *Byrne v Secretary of State* (1997).'

Taking into consideration these points the caravan is considered to pass the construction test outlined in Section 13(1) of the Caravan Sites Act 1968 Act (amended October 2006).

iii) Whether the proposal would meet the mobility requirement?

Section 13(1) of the Caravan Sites Act 1968 states that the caravan, 'when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a when assembled'.

The submitted planning statement states:

'Mobility

Specific structural calculations, detailed in Appendix K of the planning statement, confirm that the load can be evenly dispersed, ensuring the caravan can be lifted without incurring structural damage. For clarity, this mobile home corresponds to a Wheatley model.

The proposed placement of the caravan on a screw pile foundation system, without being fixed down but rather resting on these foundations under its own weight, is illustrated in the diagram contained within the planning statement. This design ensures a minimum ground clearance of 150mm, allowing for the use of lifting straps/rigging to be positioned under the structure. Consequently, the caravan can be lifted by crane and placed onto a flatbed lorry.

The proposed caravan is not affixed to the ground through permanent works, and any connections

to

services are easily reversible. Legal precedent has established that such connections are deemed de-minimis by the courts. The planning statement contains a number of appeal decisions to support this view.

To the rear (west) the site benefits from direct access to Colham Road. The road measures approximately 7.8 metres wide giving adequate space for a caravan to be physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer).

Therefore, officers consider that it can be reasonably justified that the unit when fully assembled would be capable of being moved by road. Thus, it is considered that the proposal would fall within the definition of a caravan as set out within the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (as amended) and would fail to comply with the mobility requirements.

Construction

The provisions of Section 13(1)(a) of the Caravan Sites Act 1968 pertaining to twin-unit caravans state that the structure should 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.'

The planning statement confirms that in alignment with these specifications, the proposed mobile home will be assembled on-site, with two distinguishable sections, and the final act of assembly will involve the bolting of these two parts together. Drawing ref: 2254.03.25D.10.07, included in the application, illustrates the two sections that will be separately constructed on the application site and subsequently joined together on the same site as the 'final act of assembly' (construction methodology provided in Appendix L).

Considering the above, officers consider that the proposal meets all three tests outlined in Section 13 of the Caravan Sites Act 1968 and its amendment in October 2006. Consequently, the proposal should be considered a caravan, and, as such, does not constitute operational development.

2) WHETHER THE PROPOSAL CONSTITUTES A MATERIAL CHANGE OF USE?

In *Burdle v SSE* 3 All ER 240, Lord Bridge explained that a "useful working rule" is that it should be assumed that the unit of occupation is the planning unit, unless some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally. As such, identifying whether the proposal would constitute a material change of use (and take place in a separate planning unit) requires an assessment of both the physical and function connection between the caravan or mobile home, and the main dwelling.

The planning statement confirms that:

"the mobile home will be used by the applicant, whilst his family move into the main dwelling. The provision of the mobile home will allow the applicant and the wider family to provide essential care and support. The proposed caravan entails only a modest increase in footprint. The accommodation within the caravan is designed with minimal scale, offering the necessary facilities for the occupants to lead a comfortable life. While a caravan typically possesses all the amenities needed for independent day-to-day living, the mere inclusion of primary living accommodation does not automatically create a material change of use. The primary intent is to facilitate comfortable

living without creating a material change of the use of the land.

To confirm, the proposed mobile home will have no separate or independent:

- Address
- Post Box
- Utility meters
- Services (such as internet, phone line and television)
- Parking
- Garden area or curtilage
- Access

The caravan will not be independently registered as a separate unit of occupation for Council Tax purposes. The mobile home is not viable in isolation and is dependent on the main dwelling for its functionality and operation, as outlined in the accompanying supporting letter.

The occupant of the mobile home will be the applicant, whilst his family move into the main dwelling. The provision of the mobile home serves the purpose of enabling the family to provide the necessary care and support for the applicant. Consequently, there will be a clear functional relationship between the main dwelling and the mobile home by all occupants.

Despite the mobile home being equipped with all the necessary facilities for independent use, it is explicitly outlined that the occupants of the mobile home will maintain a reliance on the main dwelling. The main dwelling and the mobile home to be used interchangeably, ensuring the planning unit would remain as one whole unit. The main dwelling and the mobile home will be used in a manner which does not result in a change of use, thus meaning a change of use of the land will not occur."

Officers however consider that, despite this, it is considered that, on the balance of probability, the mobile building (if situated in the proposed location) could be accessed from Colham Road, within the street scene there are already multiple examples of dwellings with separate rear entrances to the garden via Colham Road such as the adjoining neighbours at Nos.33 and 37 Copperfield Avenue. Given the kitchen/living room, bathroom facilities and 2 separate rooms (capable of being used as bedrooms) shown on the submitted plans, it is considered that on the balance of probability, the unit could be occupied separately to the main dwelling, and would be capable of use as a independent dwelling.

Conclusively, based on the details that were accompanied with the application, on the balance of probability, the proposed caravan would be capable of use as a self contained form of accommodation, and would therefore constitute the creation of a separate planning unit, and therefore would result in a material change of use, contrary to Section 55 of the Town and Country Planning Act 1990.

CONCLUSION:

Based on the evidence that has been submitted, it is considered, on the balance of probability, that the proposal would fall within the definition of a caravan as set out within the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (as amended). However, based on the details that were accompanied with the application, on the balance of probability, the proposed caravan would be capable of use as a self contained form of accommodation, and would therefore constitute the creation of a separate planning unit, and therefore would result in a material change

of use, contrary to Section 55 of the Town and Country Planning Act 1990.

The application is recommended for refusal.

3.0 Relevant Planning History

22078/APP/2025/1112 35 COPPERFIELD AVENUE HILLINGDON

Erection of outbuilding to rear garden for use as annex.

Decision Date:

22078/D

Decision Date:

22078/C

Decision Date:

22078/C/0268/96

Enforcement(car repairs etc)

Decision Date:

22078/B

Decision Date:

22078/A/83/0979 35 COPPERFIELD AVENUE HILLINGDON

Householder development - residential extension(P)

Decision Date: 10-08-83 Approved

22078/76/0450

Decision Date:

22078/A /83/0979

Decision Date:

Comment on Planning History

Appendix C – Appeal Ref: APP/J2210/X/22/3298471



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

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

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 D – Appeal Ref: APP/R5510/X/16/3166035



Appeal Decision

Site visit made on 18 September 2017

by **Jessica Graham BA (Hons) PgDipl**

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

Decision date: **27 September 2017**

Appeal Ref: APP/R5510/X/16/3166035

2 Westfield Cottages, Sipson Lane, Harlington, Hayes UB3 5EJ

- 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 Mrs Rebecca Hampton-Flory against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 71826/APP/2016/3207, dated 23 August 2016, was refused by notice dated 9 November 2016.
- 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 siting of a mobile home within the curtilage of the dwellinghouse to be used for purposes incidental to the enjoyment of the dwellinghouse as such.

Summary of Decision: The appeal is allowed, and a certificate of lawful use or development is issued in the terms set out below in the Formal Decision

Main issue

1. The main issue is whether the Council's refusal to issue a LDC was well founded. That turns on whether the siting of a mobile home within the curtilage of the dwellinghouse, for use as described in the application, would amount to development requiring planning permission.
2. S.55(2) of the Town and Country Planning Act 1990 Act lists operations and uses of land that, for the purposes of the 1990 Act, shall not be taken to involve development of the land. This includes at s.55(2)(d) *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*.
3. The Council refused to issue a LDC on the grounds that the proposal would not fall within s.55(2)(d) of the 1990 Act for two reasons: firstly, that the size, scale and facilities of the proposed mobile home were not such as would be required for purposes incidental to the enjoyment of the dwellinghouse, and secondly, that its siting would involve the installation of a substantial foundation which would constitute operational development.
4. The key questions for this appeal, then, are (1) whether the use of the mobile home would be for purposes incidental to the enjoyment of the dwellinghouse as such; and (2) whether siting the mobile home would involve operational development.

Reasons

Background

5. In applications for LDCs, it is for the Appellant to make out her case on the balance of probability.
6. The Appellant wishes to site a mobile home within the garden of her house, as ancillary accommodation for her elderly parents. The evidence of the Appellant, which is supported by letters from medical practitioners and is not disputed by the Council, is that both of her parents are in ill health and need a considerable amount of care and support. The appellant is a healthcare professional, and with help from her eldest daughter, wishes to care for her parents at home. There is insufficient space for this in the existing three-bedroom dwellinghouse at No. 2 Westfield Cottages, and the appellant's father would be unable to access the bathroom, which is upstairs.
7. The proposed mobile home is intended to provide a secure and supervised environment for the appellant's parents, while still allowing them a degree of independence and privacy. The mobile home would have three bedrooms; one for each of the appellant's parents, and one for her eldest daughter. There would be an en-suite bathroom attached to the bedroom used by the appellant's father, and a separate bathroom for the other two occupants. While the mobile home would have its own kitchen, main meals would be prepared by the appellant, and her parents would eat with the rest of the family in the dining room of the dwellinghouse.

Whether use would be for purposes incidental to the enjoyment of the dwelling

8. The curtilage of 2 Westfield Cottages consists of the garden around the dwellinghouse, as shown edged in red on the application plan. The mobile home would be sited within the garden just under 5m from the back door of the house, and would share the same access from Sipson Lane. It would not have its own separate postal address, and nor would services be separately metered: the electricity, central heating and water would connect to the existing supply, and would be paid for by the appellant.
9. I note the Council's concern that with a footprint of 92m², the proposed mobile home would represent 170% of the original 54m² footprint of the house, and so would fail to appear subservient. However, the dwellinghouse has two storeys, which together provide floor space of 108m². This is only slightly more than that provided by the mobile home, but the single-storey structure would appear visually subservient to the two-storey house. In any event, while comparative scale is a relevant consideration, it is not a determinative factor: the size of the proposed mobile home does not preclude it from being used for purposes incidental to the enjoyment of the dwellinghouse.
10. The Council also expressed concern that the proposed orientation and positioning of the mobile home would create a secluded private garden area to its rear, such that it would have its own curtilage independent from the original dwelling. However, the evidence of the appellant is that the proposed position of the mobile home is so that its entrance, living space and front bedroom would be visible from the main dwellinghouse. It would have no back door to open on to the rear portion of the garden, which would not be fenced off or severed from the rest of the curtilage in any way, but rather would continue to

be used as garden space for the enjoyment of all family members, whether resident in the main dwellinghouse or the mobile home.

11. The Council contends that because the mobile home would contain all the facilities required for day to day living, the appellant's parents would not be dependent on any of the facilities in the main dwellinghouse, and so there would be no functional link between the dwellinghouse and the mobile home. The appellant does not dispute the fact that the mobile home would contain all the facilities needed for day to day living, but her evidence makes it clear that the proposed use is not as an independent unit of accommodation. The use of the mobile home in the manner described in the application would be a use that was part and parcel of the use of the existing dwellinghouse at 2 Westfield Cottages. If it subsequently transpired that the mobile home was being used in a different way to that described in the application, then the LDC would be of no benefit to the appellant and it would be open to the Council to take appropriate action.
12. On the basis of the evidence before me, I conclude that 2 Westfield Cottages and all of its curtilage would remain under one ownership and control, and there would be no functional separation of the use of the mobile home from the use of the main dwellinghouse. I am satisfied that the mobile home would be used for purposes incidental to the enjoyment of the dwellinghouse as such.

Whether siting the mobile home would involve operational development

13. The plans and supporting information submitted with the application demonstrate that the dimensions of the proposed mobile home would not exceed the size limitations set out in the statutory definition of a caravan given within the relevant legislation¹. It would rest on top of spaced breeze blocks placed on a concrete slab and would not be physically attached to the ground. It could be removed by running straps between the breeze blocks, and lifting the unit by crane. The Council contends that laying the concrete slab would constitute the provision of deep foundations, "extending downwards by at least 1 metre", and would amount to engineering operations falling within the definition of development.
14. It is not clear how, on the basis of the information provided by the appellant, the Council has reached this conclusion. The plans submitted with the application do not indicate a concrete slab approaching anywhere near a depth of 1m, and in the course of the appeal the appellant has confirmed that the slab would be 30cm at its thickest point. In any event, the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such is, subject to limitations and conditions which do not apply here, Permitted Development². Since I have found that the proposed mobile home would be used for purposes incidental to the enjoyment of the dwellinghouse, it follows that the creation of a concrete slab for it to stand on would not constitute development.
15. This accords with the findings of the Inspector who determined an appeal in Hertfordshire³, referred to in evidence by both the Council and the Appellant, albeit that the proposal in that case specified padstones for the mobile home to

¹ Caravan Sites and Control of Development Act 1960 (CSCDA) & Caravan Sites Act 1968 (CSA).

² By virtue of Article 3 and Schedule 2, Part 1, Class F of the General Permitted Development Order 2015.

³ Appeal ref: APP/31915/X/11/2159970

rest on, rather than breeze blocks. In support of its contention that the mobile home here proposed would have sufficient permanence and physical attachment to the land to constitute development, the Council drew my attention to reference within that Hertfordshire decision to caselaw concerning the readiness with which a unit of residential accommodation could be moved⁴. The test derived is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle.

16. The Council contends that since the appellant states the mobile home would be transported in sections by lorry and be assembled on site, it must follow that its removal would also have to be done in sections, which would fail the above test. However, the supporting material⁵ submitted with the application not only states that the mobile home would be delivered to the site in panels which would be assembled in two sections prior to connection as a whole, it explains that its structure has the appropriate integrity to allow lifting with crane and cradle when assembled as a whole. This would allow the mobile home to be lifted on to a HGV trailer and transported by a single vehicle, thus satisfying the test in *Carter v SoS*, and the requirements of the CSCDA.
17. The Council also refers to the judgment in *Cardiff Rating Authority v Guest Keens* [1949] 1 KB 385 as authority for the proposition that if a structure can only be moved through the use of specialist equipment then, as a matter of fact and degree, it will have a greater permanence and physical attachment to the land so as to constitute operational development: the Council points out that a crane is not a piece of equipment commonly found in residential dwellings.
18. I accept that cranes are not readily available to householders or members of the public, but they are frequently deployed by operators engaged in the construction, sale and transport of mobile homes, static caravans, park homes, and other such structures. Importantly, the appellant in this case has provided sufficient information to demonstrate that the proposed mobile home would comply with all of the relevant criteria set out in the CSCDA and the CSA, would be capable of transportation by a single vehicle, and would not be physically attached to the land. In my judgment, when assessed against the considerations set out in *Cardiff Rating Authority* it is clear that the proposed mobile home would be a caravan rather than a building or structure.
19. I am therefore satisfied that the siting of the mobile home would not constitute operational development.

Other matters

20. The Harlington Conservation Area Advisory Panel has expressed concern about the impact the proposed siting of the mobile home would have on the Green Belt. However, I am unable to take such considerations into account since the planning merits of the proposal are not before me: applications for LDCs must be determined solely on the basis of whether or not the existing or proposed development is, or would be, lawful.

⁴ *Carter v Secretary of State* [1995] JPL 311

⁵ Value Mobile Homes Ltd: Caravan Construction Methodology

Conclusion

21. 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 within the curtilage of the dwellinghouse to be used for purposes incidental to the enjoyment of the dwellinghouse as such 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.

Formal Decision

22. 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.

Jessica Graham

INSPECTOR

Appendix E – Statutory Declaration

Statutory Declaration

I, Mr. Robert Joyce, the owner of:

35 Copperfield Avenue, Uxbridge, UB8 3NX ('The Property')

DO SOLEMNLY AND SINCERELY DECLARE as follows:

- 1 The property edged red on the attached plan is used as a single Class C3 dwellinghouse, as defined in Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 2 The proposed mobile home will be stationed within the residential curtilage of the property and will be used solely for purposes ancillary to the existing Class C3 residential use of the property.
- 3 The proposed mobile home will not be used, let, sold, or accessed as a separate unit of accommodation and will not have an independent postal address, council tax registration, or utility metering. All services (water, electricity, drainage) will be connected to and shared with the main dwellinghouse.
- 4 There will be no separate curtilage, parking space, or garden area designated for the mobile home. The mobile home will be accessed only through the main dwelling and its garden; the rear access to the property from Colham Road will not be used to access the mobile home at any time.
- 5 The occupant(s) of the proposed mobile home will be myself, with my granddaughter and her family living in the main dwelling. The intention is to facilitate multigenerational living and family care within a shared household, not to create a new or independent planning unit.

AND I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

SIGNED AND DECLARED

at *B P Collins, Ickenham*

in the County of Greater London

Dated

Solicitor / ~~Commissioner for Oaths~~

Mr. Robert Joyce

B P Collins LLP
2 Swakeleys Road
Ickenham
Uxbridge
UB10 8BG

2nd July 2025

(ANSLING DWYER)

Appendix F – Appeal Ref: APP/T3725/X/21/3266375



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

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

