

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) Section 191/192**

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF  
LAWFUL DEVELOPMENT**

Reference no.: 2025/CL/91470/E

Site: 44, Lidgett Lane, Skelmanthorpe, Huddersfield,  
HD8 9AQ

Description: Certificate of lawfulness for proposed use of land  
for siting a mobile home for use ancillary to the main dwelling

Case Officer: Laura Yeadon

**Decision Reference: PROPOSED USE REFUSED**

**I hereby authorise the refusal of this application for the reasons set out  
in the officer's report and recommendation annexed below in respect of  
the above matter.**

Kevin Walton

**AUTHORISED OFFICER**

**Date 29-Jul-2025**

**APPLICATION – CERFIICATE OF LAWFULNNESS FOR PROPOSED USE OF LAND FOR SITING A MOBILE HOME FOR USE ANCILLARY TO THE MAIN DWELLING**

**REFERENCE – 2025/91470**

**SITE – 44 LIDGETT LANE, SKELMANTHORPE, HUDDERSFIELD, HD8 9AQ**

**1. Summary**

1.1 The application seeks a determination from the Local Planning Authority to confirm a proposed use of the of the land for the siting of a mobile home for use ancillary to the main dwelling is not constitute operational development or a material change of use as per Section 55 of the Town and Country Planning Act 1990 (Act) (see page 1 of the submitted Planning Statement).

**2. The site**

2.1 44 Lidgett Lane is a semi-detached dormer-fronted bungalow with amenity space to the front and rear. The property is constructed from stone with a concrete tiled roof. The property is set up from the neighbouring pair of semi-detached properties and has an elongated driveway which is accessed of Lidgett Lane which abuts the open lawned area to the front of the property.

2.2 Residential properties are located to the north, east and south of the dwelling. Beyond the rear boundary to the west is a large area of defined Green Belt which is allocated within the Kirklees Local Plan.

**3. Development Proposal**

3.1 The applicants propose to site a mobile home to the rear of the property within the rear amenity space. The mobile home would be set in from the boundary with No. 46 by 0.5 metres and would be 9 metres in length, 4 metres in width with an internal head height of 2.4 metres and external height of 3 metres with a mono-pitched roof. This accords with the submitted elevational drawings and information contained within the Planning Statement.

3.2 The mobile home would be orientated with the east elevation (facing the dwellinghouse) containing double doors; a west elevation with no proposed openings; north elevation contain two banks of windows and; a north elevation which would contain a single window.

3.3 The mobile home would have an internal layout consisting of 1 no. bedroom, a bathroom and a kitchen/living room/dining room. The submitted Planning Statement states that the mobile home is for the

applicants who due to personal circumstances require additional living accommodation. An email confirming this has been received.

#### **4. The Law**

4.1 Section 192(1) of the Act provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, under or over land would be lawful then they make an application to the Local Planning Authority (LPA). If upon application the LPA are satisfied that the operations described in the application would be lawful if instituted at the time of the application the LPA shall issue a Certificate to that effect. In any other case the LPA shall refuse the application.

4.2 Section 191(2) of the Act states that for the purposes of the Act, operations are lawful at any time if: -

*‘(a) no enforcement action may then be taken in respect of the (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason....’*

4.3 Section 55(1) of the Act provides the definition for development and includes 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 building or other land.

4.4 Section 55 (2)(d) exempts from the definition of development, 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.

#### **5. Relevant Planning History**

5.1 2000/92005 – Erection of conservatory – Conditional Full Permission

#### **6. Relevant Test**

6.1 National Planning Policy Guidance (NPPG) states:

*‘the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the status of the land.’* The NPPG goes on to state that *‘in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.’*

6.2 Where an existing use is at question, the NPPG advises the LPA that provided that the applicant’s evidence alone is sufficiently precise and

unambiguous to justify the grant of a certificate '*on the balance of probability*' then there is no good reason to refuse the application.

## **7. Evidence submitted**

7.1 The applicant has provided a number of drawings showing the position and design of the mobile home along with a Planning Statement and Construction Method Statement. The information submitted is listed below:

Application form – ref: PP-14047668 – received 28<sup>th</sup> May 2025

Location plan and block plan – ref: 1004 – received 28<sup>th</sup> May 2025

Proposed floor plan – ref: 1001 – P01 – received 28<sup>th</sup> May 2025

Proposed elevations – ref: 1002 – P01 – received 28<sup>th</sup> May 2025

Proposed 3D view and section – ref: 1003 – P01 – received 28<sup>th</sup> May 2025

Construction Method Statement – ref: AMS Architecture – received 28<sup>th</sup> May 2025

Planning Statement – ref: AMS Architecture – received 28<sup>th</sup> May 2025

## **8. Representations**

8.1 None received

## **9. Publicity**

9.1 None required

## **10. Assessment**

10.1 The applicant's Agent sets out the case for granting the Certificate of Lawful Development within the submitted Planning Statement. This is supported by an additional document entitled 'Construction Method Statement' which includes information regarding the proposed design, foundations, services and pod construction. In summary, page 1 of the Statement claims that the Statement will provide justification as to why the siting of a mobile home for purposes ancillary to the main dwelling and does not constitute operational development or a material change of use as per Section 55 of the Town and Country Planning Act and therefore does not require planning permission.

10.2 The Planning Statement provides an analysis of the definition of a caravan as set out in the Caravan Sites Act 1968 and as amended in 2006 (page 2 of the Planning Statement). It is stated that in order for something to be considered a caravan/mobile home it has to meet three key tests a set in the Caravan Sites Act. These are:

- (a) Size
- (a) Mobility; and
- (b) Construction

The Statement claims that the overall size of the mobile home falls within the prescribed maximum dimensions within the Act. It is also claimed that the mobile home meets the mobility test as once it is assembled it can be lifted as a whole unit. It states that the caravan will be placed on a swift plinth foundation system and will not be fixed down but rather rest on these foundations under its own weight, providing a minimum ground clearance of approximately 150mm thus allowing for lifting straps/rig to be placed under the structure.

The Planning Statement continues with a section entitled '*Mobility – Common Questions*' continuing to sections relating to '*Construction – Common Questions*', '*Operational Development Conclusion*' and '*Material Change of Use.*' The information also refers to a number of appeal decisions.

10.3 It is accepted that the three tests from a judgement held by the Courts which, when dealing with a planning enforcement notice set out the provisions of the Caravan Sites and Development Act 1960 and the Caravan Sites Act 1968.

10.4 However it is also noted that the court within Measor V SSETR (1999) states that whilst a caravan would not generally fall into the typical definition of a building, the judge commented as a matter of law that if a structure can be defined as a caravan under the Caravan Sites Act 1968, it does not follow that it could never be a building for the purposes of the Town and Country Planning Act 1990.

### Size

10.5 Section 13(2) of the Caravan Sites Act 1998 sets out that if the unit is composed of '*not more than two sections separately constructed and designed to be assembled on a site by means of bolts....*' that:

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely-

- (a) length (exclusive of any drawbar): 65.161 feet (20 metres);*
- (a) width: 22.309 feet (6.6 metres);*
- (b) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).*

10.6 In this instance, the proposed size of the single (or twin) unit mobile home as shown on the submitted elevational, floor and sectional drawings conform with the width, length and floor to ceiling height dimensions accord with the above.

### Mobility

10.7 The mobility tests are based upon the provision of Section 29 (Interpretation) of the Caravan Sites and Control of Development Act 1990 which defines a caravan as:

*“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 if for the time being on rails forming part of a railway system, or*
- (a) any tent;*

10.8 Section 13(1)(b) of the Caravan Sites Act 1968 further provides a definition of a twin unit caravan and states:

*(1) A structure designed or adapted for human habitation which-*

- (a) is comprised of not more than two sections separately constructed and designed to be assembled on a site by means of clamps, bolts or other devices; and*
- (a) is, when assembled, physically capable of being moved from one place to another (whether by being towed, or by being transported in a motor vehicle or trailer),*

*shall not be treated as not being (or has not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason of that it cannot lawfully be moved on a highway road when assembled.*

10.9 To address the above, the Planning Statement states that the caravan will be placed on a swift plinth foundation system and will not be fixed down, but rather rest on these foundations under its own weight, which provides a minimum ground clearance of approximately 150mm, and allows for lifting straps/rig to be placed under the structure and

therefore lifted by crane and placed on a flatbed lorry. It goes on to say that the mobile home has been designed as such that once assembled it would have the structural integrity to be able to be craned or moved as a whole unit. However, the applicant has not provided any evidence to demonstrate how, in this instance, the proposed structure will be brought onto the site or assembled simply stating the structure will be constructed on site but provided no construction method or details of structural capabilities. While the applicant states that the structure will have structural integrity to be able for the moved, there are no structural calculations to satisfy the Council the structure is capable of being moved from one place to another. This evidence is vague and ambiguous.

10.10 The applicant has not clarified the lifting means and it appears the straps/rig are not part of the overall construction should it be required to be moved. The Agent has confirmed by email that *'the annex is built in two sections, can simply be lifted straight off the temporary foundations, onto the back of a suitable transportation lorry and taken away from site. No modification to the two sections in situ is required.'*. However, the applicant has not provided any detail of lifting hooks other than to say a rig/straps would be used. Therefore, these independent elements to lift the structure are required to physically move the structure and it would appear these are not a necessary component of the structure itself. It has not been detailed on how the mobile home could be lifted without this means of additional support. As the additional lifting support does not form a structural component of the mobile home, it is assumed that without the use of the straps/rig which would be 'temporary' support, the structure cannot be lifted. Consequently, it has not been wholly demonstrated that the mobility test can be met.

### Construction

10.11 With regard to construction, as noted above in the mobility section of this report, the definition of the twin unit caravan states that the unit 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. Within the supporting statement and the construction method statement, the applicant has demonstrated that two sections will be formed on site and then as a final act of construction, bolted together to form the twin unit mobile home.

10.12 The in case of *Byrne (Byrne vs Secretary of State and Arun [1997] EWHC Admin 190)*, the Court did not interfere with an Inspectors decision to reason the construction of a log cabin, assembled on site in two sections and then bolted together did not comply with s29(1) or s.13(1)(a) of the relevant Caravan Acts. The Inspectors decision was

based on a detailed analysis of the facts of that particular case with the inspector deciding that two separate parts were not separately constructed units which were then bolted together and where thus a building operation.

10.13 In this case, the applicant has not provided any clear or unambiguous evidence to demonstrate how the two units will be constructed and whether this can reasonably be said to meet the construction test.

10.14 As set out in Measor, the Court noted that a caravan may be a building for the purposes of Planning Law although it was held that this was a matter of fact and degree but generally a mobile caravan would not be a building when taking into account factors of permanence and attachment. In other words, a structure that cannot be generally (or ordinarily) regarded as a mobile caravan is capable of being a building on the facts of each case and the degree of permanence and attachment.

10.15 As it has been established from the above assessment the applicants have not demonstrated with clear evidence that the structure has met the definition of a caravan as set out in the Caravan Sites Act 1968 for the structure to have the characteristics of a caravan. It cannot be said, therefore, that the structure can generally be regarded as a caravan. It is therefore considered necessary to consider whether it is more appropriate to consider the structure as a building for the purposes of planning law.

10.16 The Courts (*Barvis Ltd v Secretary of State for the Environment [1971] 22 P&CR710*) have considered that there are three fundamental characteristics of a building operation: size, permanence and attachment to the ground.

#### Size

10.17 The unit will not be, nor has it been suggested can be brought to the site in one piece, it is reasonable to suggest the construction would involve the erection of a structure through the construction of two parts resting on a foundation system with four walls and a roof constructed on top.

10.18 The applicant states the “mobile home will be constructed into two distinguishable parts on site.....” suggesting the structure will be delivered to the site in component parts and constructed from these parts with a final act of attaching these modular parts of the structure. As in Byrne, the construction in such circumstances may be regarded as a

building operation. As it is not evidenced how the structure will be fully constructed, it is reasonable to assume the building would be constructed from many component parts similar to the building of a traditional building. This is considered to consist of a building operation as defined in Section 55 of the Town and Country Planning Act 1990. The introduction of a building on the land whether or not it falls within the statutory definition of a caravan or not, is not relevant as the actual development in this case, as defined by section 55 relates to a building operation to create the structure.

10.19 The resultant building operation creating a building of 9m in length, 4m in width and 3m height leads to the construction of a sizable building being erected on site..

#### Permanence

10.20 The application implies that the mobile home is intended to be a permanent feature on the site. There is no evidence to suggest any temporary nature of the structure.

#### Attachment to the ground

10.21 The planning statement sets out the means of attachment to the ground via a swift plinth foundation system in which the structure rests on these foundations. Notwithstanding this, it is clear the structure requires some degree of foundation as part of its construction. While the structure may not be physically affixed to the ground, its weight alone would provide a reasonable degree of physical attachment, requiring either demolition or additional structural specialist lifting apparatus for its removal (rig, lifting straps, a crane etc.)

10.22 Overall, it is considered the proposed structure in terms of its permanence, size and attachment to the ground can be reasonably described as building operations rather than the positioning of a caravan.

10.23 Consequently, it is therefore considered necessary to consider whether or not the structure may take advantage of any general planning permission by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), primarily Schedule 2, Part 1, Class E relating to any building required for a purpose incidental to the enjoyment of the dwellinghouse. In this instance, as discussed in a previous section of this report, it has been established that the building would not be required for purposes incidental to the enjoyment of the dwellinghouse. Therefore, General Permitted Development Rights would not apply in this instance.

## Material Change of Use

10.16 Notwithstanding the above, should it be demonstrated that the structure is a caravan and a such a use of the land then development may occur under the definition in Section 55 of the Town and Country Planning Act 1990 should change the use to be a material one.

10.16 The siting of the structure would be within the defined residential curtilage of the host dwelling, 44 Lidgett Lane. Section 55(2)(d) does provide an exemption to the definition of development where land is used within the curtilage of a dwellinghouse for purposes incidental to the enjoyment of that dwellinghouse. In this respect it is generally considered that primary residential uses such as creating a living space cannot be incidental unless they are short lived (e.g. additional guest accommodation) to the degree that it would be unreasonable to suggest that the use is an extension to the primary use. In this case, the proposed use and design of the structure is for permanent primary accommodation and thus cannot be incidental. Section 55(2)(d) does not provide an exemption to the definition of development.

10.17 The question of development therefore turns on whether the siting of the structure is a “material” change of use or, as the applicant argues an ancillary use to the main use as a single dwellinghouse. The applicant’s statement claims that there are 4 accepted tests. The thrust of the appellants argument is that the occupation of the structure will be by the applicant’s family member and there will be a clear, functional interchange of use between the main dwelling and the mobile home by all occupants. It is intended that the occupant of the mobile home will be regularly preparing and eating meals in the main dwelling, socialising with the occupants of the main dwelling and using the main dwelling’s household facilities. It will not function as a separate dwellinghouse. It is claimed the structure creates a small increase in footprint, the scale of the accommodation is minimal and that the mobile home will not have a separate address, post box, utility meters, services, parking, garden or access – the applicant claims that without the main dwellinghouse the mobile home would not be able to function. The occupant of the mobile home will be a close family member of the owner/occupiers of the host dwelling, so there will be a clear functional interchange of use between the main dwelling and the structure by all occupants.

10.18 The mobile home is large and benefits from a bedroom, kitchen, living, dining facilities and bathroom and would appear to be capable of operating as a separate dwellinghouse irrespective of service connections. It is accepted the mobile home would not create a

separate planning unit to that of the host dwelling – the occupant of the mobile home would be a family member of the occupiers of the dwellinghouse sharing the main households facilities, therefore, the occupants of the proposal and the main dwelling will interact (e.g. at mealtimes) in the main house and garden, sharing a close functional link with the main dwelling. However, the siting of the mobile home introduces a primary living use which would appear excessive for the nature of use it is proposed to serve (i.e. not necessary for the cooking of meals, relaxing space etc.). The Court (*Harrods Ltd v Secretary of State for the Environment [2002] JPL 1321* ) held that it was not appropriate to concentrate on what was appropriate to a particular use, but to see what a use in general had as reasonably incidental activities. In the case, the siting of a large mobile home with all the facilities for comfortable day to day living, despite not entirely necessary for the proposed use seems to introduce a feature into the planning unit which would not normally be generally expected to be sited at a typical dwellinghouse. In these circumstances, on the balance of probabilities the applicant has not demonstrated such a large mobile home with more living space than what is necessary can be ancillary to the host dwellinghouse.

## **11. Recommendation**

- 11.1 The proposed mobile home is not considered to meet the criteria of the definition of a caravan as described in the Caravan Sites Act 1968 (as amended). The legislation effectively sets out 3 “tests” that a structure must meet to be defined as a (twin-unit) caravan. These are commonly referred to as the size, mobility and construction tests. The applicant has not provided clear evidence to demonstrate the proposed structure meets the mobility requirements as it appears a supporting rig is required to physically move the unit and are not integral to its structure. Therefore, and as set out above the construction of the mobile home would be considered a building operation, when assessing the structure against the permitted development rights for outbuildings incidental to the enjoyment of the dwellinghouse, this does not meet the requirements as the building is not required for a use incidental to the enjoyment of the dwellinghouse.

**Recommendation:** Refuse Certificate

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/91470

It is considered at the time of this application and on the balance of probability, the evidence provided and that held by the Local Planning Authority does not demonstrate that the proposed structure is not a building operation for the

purposes of the Town and Country Planning Act 1990 or that the structure either benefits from or does not require a grant of planning permission.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan and block plan	1004		28 <sup>th</sup> May 2025
Proposed floor plan	1001 – P01		28 <sup>th</sup> May 2025
Proposed elevations	1002 – P01		28 <sup>th</sup> May 2025
Proposed 3D view and section	1003 – P01		28 <sup>th</sup> May 2025
Construction Method Statement	ASM Architecture		28 <sup>th</sup> May 2025
Planning Statement	ASM Architecture		28 <sup>th</sup> May 2025

**Dated:** 26<sup>th</sup> June 2025