



Caravan Planning

Date: 5/10/25

PLANNING STATEMENT

Application for a Certificate of Lawfulness of Proposed Use or Development under section 192 of the Town and Country Planning Act 1990 (as amended) for the use of land for the siting of a 'caravan' at;

53 Long Lane, Honley, Holmfirth, HD9 6EB

Suggested planning application description;
'Certificate of lawfulness for the siting of a caravan within the curtilage of a dwellinghouse'

Prepared on behalf of; Mrs Deborah Newton

By;

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1.0 Outline

1.1 This is an application for a Certificate of Lawfulness of Proposed Use or Development under section 192 of the Town and Country Planning Act (1990) as amended; and specifically the use of the land.

We look to seek agreement that the proposal is in line with the requirements of The Caravan Sites and Control of Development Act (1960) - further known as the 1960 Act, and, where relevant, with the requirements of The Caravan Sites Act (1968) further known as the 1968 Act. Note, these are two separate Acts that sit side by side; the 1968 Act does not supersede the 1960 Act.

1.2 We do not seek to obtain approval for any form of development, and do not consider the proposed unit falls within the auspices of the Town and Country Planning (General Permitted Development) Order 2015¹.

1.3 This application relies on S1 of the First Schedule of the 1960 Act which states “A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated”.

2.0 Background

2.1 The property is known as 53 Long Lane, Honley, HD9 6EB. It is a semi-detached house on a generous plot. It is located within a residential area on the outskirts of the village.

2.2 For the purposes of this application the land outlined in red (on the attached site plan in Appendix A) represents the residential curtilage, any other land in the same ownership is outlined in blue.

3.0 Caravan Definition + Details

3.1 Section 29(1) of The Act, states a;

“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;*

3.2 The original 1960 Act neither mentions nor stipulates any construction methods, or overall dimensions for a caravan, this is supported in Appeal APP/Y3615/X/10/2130578 where the inspector stated *“The Council were not aware of any dimensional restrictions on a caravan (as opposed to a twin-unit caravan) save only that it had to be transportable by road. I do not disagree with that view”*. I would suggest this statement should also bear in mind the other criterion as outlined in 3.1 above, which more fully defines a caravan.

3.3 In Appeal APP/V1260/X/23/3316929, the inspector goes further by stating that *“The requirements of s13 (1)(a) of the 1968 Act apply only to twin-unit caravans; they do not extend to single units. The appellant makes it clear that the proposal is for a single unit”*. This helps create a clear difference between the idea of a single unit caravan as opposed to a twin-unit caravan. The inspector goes on to say *“Therefore, it is not unreasonable to regard the proposal as a single unit, in which case the two-section limit for a twin-unit in s13 (2) is not applicable. That being so, the construction and size tests set out in s13 (1) and (2) do not show that the unit is unable to meet the statutory definition of a caravan”*. This makes it clear that under the 1960 Act, there are actually no maximum size restrictions, or any construction limitations that state how, where and when the unit should be put together. From this appeal case the term ‘single unit caravan’ has been coined and will be further used to distinguish a unit which meets the statutory definition of a caravan under the 1960 Act, and differs from a ‘twin-unit caravan’ which has both size and construction limitations as identified in the 1968 Act.

¹ In addition, the usual material planning considerations relating to matters such as local and national planning policy and other guidance, including the principle of development, sustainability, design, landscape, neighbour amenity, highways and access are not matters for consideration under an application for a Certificate of Lawfulness.

3.4 The Caravan Sites Act (1968) (as amended) introduced the concept of a twin-unit caravan in s13(1);

- a) *is composed of not more than two sections separately constructed and designed to be assembled on 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),*
- c) *shall not be treated as not being (or not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled."*

3.5 Section 13(2) of the 1968 Act (amended October 2006) outlines the following maximum dimensions for twin-unit caravans;

- a) length (exclusive of any drawbar); 20m,
- b) width; 6.8m
- c) overall height of living accommodation (as measured internally from the floor at the lowest level to the ceiling at the highest level); 3.05m

It is well established in case law that the length and width dimensions are external measurements of the main structure of the unit and do not include any overhangs of eaves / gutters etc. The height measurement is made clear as the internal measurement, there is no guidance on the overall height of the unit, either to eaves level or to ridge, although a measure of reasonableness should be adopted here.

3.6 The overall size and scale of the unit in relation to the residential dwelling/curtilage does not need to be *de minimis*. *Hook v Waverly Borough Council* APP/R3650/X/16/3161457 (2017), found that in relation to a 'typical' 4 detached house, despite the fact that the proposed unit was shown as 4 bedrooms, with bathroom, kitchen + lounge, it was the use that was critical to the decision and not the size/scale. Ancillary/incidental *use* can take many forms; such as a study, home cinema, fitness suite, hobby room etc. The lawfulness of a caravan unit is not based on any form of operational development, so it is not within the council's remit to question or limit size and scale; as long as the unit fits within the dimension requirements of 3.3 or 3.5 above.

3.7 Case law in relation to the above points has coined the term the 'Construction and Mobility tests'.

3.8 The construction test clarifies point '3.4a' above by adding that, to be considered a twin-unit caravan, the 'final act' of construction on site should be the connecting together of the two separate elements. Other case law also notes that the physical construction of the 'two sections' does not necessarily have to take place off site².

3.9 Currently there is no known case law that relates to the construction requirements for a single unit caravan. Being that there is no specificity in the 1960 Act as there is in the 1968 Act, it is uncertain how any such case law could provide further guidance on this matter - case law cannot create facts out of thin air, it can only go to clarify existing law, if no such law exists, there is nothing to clarify. Consequently, and without evidence to the contrary, it is deemed that a single unit caravan can be constructed in any manner, out of any materials, either on site, or off site.

3.10 The mobility test is further clarified by *Ellis v London Borough of Richmond Upon Thames* APP/L5810/X/15/3140569 (2016) where the inspector finds 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. In the case of twin-unit mobile homes the whole unit must be physically capable of being transportable by road, the illegality of any such transportation on the public highway being irrelevant*".

² In *Byrne v SoS and Arun D.C* (1997) it was ruled that the act of joining the two sections together should be the final act of assembly in the case of a twin unit caravan. There is no requirement within the ruling for the process of construction of the two separate parts to take place away from the site.

3.11 While the above deals primarily with a twin unit caravan, and no case law exists for the exact details of the mobility of a single unit caravan, it is reasonable to assume that the case law in relation to twin unit caravans was borne from the same original requirement of the original 1960 Act: *...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.* For the purposes of this application (without prejudice) we adopt the mobility test criteria as in 3.10 above for both twin unit and single unit caravans.

3.12 As part of the issue of mobility, *Ellis v Richmond Upon Thames* (as above) also finds 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. The mobile home would not acquire the degree of permanence and attachment required of buildings.*” In this sense, it can be stated that a caravan unit would only be deemed to have taken on a degree of permanence if it was robustly anchored to the ground. Based on the assumption that such attachment would constitute operational development, and render the caravan unit a building, it would be reasonable to say that any fixing / anchoring would need to be at least to the vertical strapping requirements as outlined in Approved Document A of the Building Regulations 2010 (as amended); the thinking here is that if the caravan unit becomes affixed to the ground, it changes from land use to development, and therefore from a caravan to a building. As a building for human habitation, the building regulations stipulate certain minimum requirements for fixing the frame of a timber frame building down to its foundation to prevent uplift.

3.13 Neither the 1960 or 1968 Acts stipulate any criteria in relation to design or appearance. As long as the unit is shown to pass the Construction, Mobility and Size tests (as necessary), it is deemed a caravan.

3.14 It will always be taken as a matter of fact that the land on which the unit is sited is part of the planning unit of the main dwellinghouse, and that planning unit is recognised as C3 use under the Town and Country Planning (Use Classes) Order 1987.

3.15 s1 of the First Schedule of The Act stipulates that “*A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.*” For the purposes of this submission ‘curtilage’ shall be understood to mean; “*The ground which is used for the comfortable enjoyment of a house or other building may be regarded in law as being within the curtilage of that house or building and thereby as an integral part of the same although it has not been marked off or enclosed in any way. It is enough that it serves the purpose of the house or building in some necessary way.*” *Sinclair-Lockhart’s Trustees v Central Land Board* (1950). *Metheun-Campbell v Walters* (1979) further found that there also needs to be an “*intimate association*” between the residential dwellinghouse and the land in question. It is not simply a case of the land being used, or indeed useful, but one could go as far as suggesting it is ‘critical’ to the enjoyment of the dwellinghouse, on the basis that without the use of said land, the enjoyment of the dwellinghouse would be clearly impacted upon in an unreasonable way. This is clearly a matter of fact and degree, but acts to frame the question of what actually constitutes ‘curtilage’.

4.0 Context

4.1 **Use:** The proposed caravan unit is to be used as additional accommodation in association with the main house. The householder’s son is to use the unit while saving money to buy a house of his own . All access, utilities, services, garden etc. will be shared with the main house. The unit will not have a separate address. This use is deemed to be perfectly reasonable as per the definition in section 3.15 above (outlined by *Sinclair-Lochart’s Trustees*). The functional link between the main dwellinghouse and the proposed unit is the fact that the proposed caravan will be installed and maintained by the householders, they will have complete control over who uses the unit and when, and it can only be accessed via the main house. It will not be used by anyone as their principal residence, or in any way unconnected with the main house.

4.2 Curtilage: The residential curtilage is identified by a Red line on the plan (Appendix A), while any other land in the same ownership is shown with a Blue line.

4.3 Location: The possible location of the caravan unit is identified by a purple outline and associated label. This location could be changed at any time and for any reason, as long as it remains within the residential curtilage and the use / functional relationship with the main dwellinghouse remains the same. This is supported by S15 of Appeal case 312975 (2016) where the inspector found that *“there is no need for the appellant to pinpoint whereabouts the caravan would be within that curtilage”*.

4.4 Construction:

The proposed unit is to be classed as a single-unit caravan. As established above, being a single unit caravan there is no need to pass the ‘construction test’. The proposed unit itself is actually built out of a shipping container, with ‘pop-out’ elements that increase its overall size.

The unit will be sat on ‘jack-pads’ (or similar) levelling blocks which will be used both to make the unit level for use and also to raise it slightly off the ground to facilitate the feeding-through of strops or other lifting gear, in order to be able to lift the unit with a crane or hoist.

4.5 Mobility: Being constructed out of a shipping container, the unit is ultimately ‘movable’; for example by hoist or crane. An example of this can be seen here;

[PrefabX transport and installation](#) (if link does not work, search PrefabX SPD-43m2:8h quick installation prefabricated house on youtube).

To further support the mobility requirements, due to limited access on site, the unit is to be craned into position, which would clearly not be possible if it were not mobile.

4.6 Size:

For your information, the unit is 11.6m long, by 6.6m wide. However, as stated by the inspector in 3.3 above, single unit caravans are not subject to any size restrictions.

4.6 Functional Link: At all times, the unit will retain a functional link to the main dwellinghouse, this will include (but not be limited to) the connection of services, jointly shared access and amenity space, a single postal address and a single registration for council tax purposes. If any of these elements change, it may be, as a matter of fact and degree, that a new planning unit has been formed which would require planning approval.

5.0 Limitations

5.1 A functional, incidental relationship between the main dwelling house and the proposed caravan unit shall be maintained at all times. The unit shall remain in the same ownership and control of the main dwelling house, and at no point shall it be used separately to the main dwellinghouse - i.e. rented / sold as a principal private residence.

5.2 At no point shall the unit be physically and robustly fixed to the ground.

5.3 The unit may be moved anywhere within the area identified with a red line (curtilage) on the site plan whenever the ownership, use and functional relationship of said land remains the same as it was at the time of application for a certificate of lawfulness.

5.4 If *any* of the above criteria are breached, the unit is likely to be deemed as operational development rather than land use, and will become liable to be judged under the criteria within the Town and Country Planning Act 1990 (as amended).

6.0 For the avoidance of doubt

6.1 The Local Planning Authority is not in a position to infer the separate and self-contained use of the proposed unit based solely on its layout, or ability to provide for independent day-to-day living. S15 of Appeal decision 3177321 found that while the council concluded that the caravan was capable of independent occupation (because it contained all the required facilities for independent day-to-day living) the application “*must be assessed on the basis of the stated purpose and not what might potentially occur*”. This is further supported in Appeal APP/W3005/X/22/3302578 where the inspector found that;

11. However, if an LDC was granted on the basis of a specific set of circumstances and a structure was occupied at a future date in a different manner, it would be open to the Council to consider whether a material change of use had occurred at that point in time.

6.2 This application describes a specific unit to be located within the curtilage of the dwellinghouse. This description, along with any drawings, plans and site location are for reference only and to assist in the decision making process. The final design, dimensions and location of the proposed unit may change before installation, and indeed, in time the unit itself may be removed and replaced with another different unit. The key point is that once the lawful use of the land to site a caravan has been established, the unit itself needs only to comply with the requirements of the 1960 / 1968 Act’s, and the use of said caravan remains as incidental to the enjoyment of the main dwellinghouse.

S10,11 and 12 of Appeal AAP/X0360/X/15/3129575 Prior V Wokingham Borough Council, support this premise;

10. The Council argues that it cannot identify on the information provided whether the caravan would be of a specification to meet the definition of a twin-unit caravan within section 13 of the Caravan Sites Act 1968 (as amended). Nor can it tell if such a structure would be within the specified size limits to be a “caravan” for the purposes of the 1960 Act.

11. Aside from scaled floor plans, the Council suggests that further details are needed including its assembly, transportation and fixation means along with water/sewage connection. The appellant has provided photographs of a couple of timber mobile homes as an example of the type of caravan in mind. They have not been presented as definitive models and might change. None of this matters as an LDC can only certify the use applied for. In this case it is the use of land for the siting of a caravan. The appellant states that it would be a caravan within the size limits and it would be “parked” on the land in much the same way as a car. So long as it is a caravan within the statutory definition that is stationed on the land then that is what matters.

12. By the same token, the application has been made for the ‘use’ of land for the siting of a caravan and not for operational development. This is clear from the description and the boxes selected in the application form. Any certificate granted would be for a use of the land only. If the appellant sought to do anything amounting to operational development then the LDC would be of no benefit.

Further, the inspector found that;

15. The Council points out that the proposed caravan has not been marked on the site plan. The application has been made on the basis that it would be positioned within the red line shown on that plan which is the application site. Any lawful development certificate could only authorise development within the application site. The parties agree that the existing use of the site is as a dwellinghouse. Furthermore, the Council states that there is no evidence to suggest that the residential curtilage is anything other than the area outlined in red. Thus, there is no dispute that the area identified around the dwelling is residential curtilage. Accordingly, as long as the caravan is

positioned within that red line site, which the appellant says is his intention, it would be within the agreed curtilage. There is no need for the appellant to pinpoint whereabouts the caravan would be within that curtilage.

The extension of the findings of the appeal case are that not only can the size (within the limits of the caravan Act) design and siting within the curtilage change from those suggested in this document, but the seeming lack of information within this document of any elements relating to the above are not reason enough to reject the application.

6.3 While this application describes the siting and use of a single caravan, it does not necessarily limit the siting of further units within the curtilage of the dwellinghouse. A 2009 Appeal (2109940) looked at if the siting of 2 caravans constituted a material change of use because they represented separate units of accommodation. It was found that because the main dwellinghouse would remain as the main dwelling, so the use of the caravans for ancillary accommodation was simply an extension of the lawful use of the main dwelling and as such they simply represented a different strategy; as opposed to having to extend the main house, to achieve multi-generational accommodation on the same site. The extent to which this can happen within the description of ‘incidental to the enjoyment of the main dwelling’ will be a matter of fact and degree, but the crux is that there is no specific limit to the use of land for the siting of a caravan; or indeed multiple caravans, as long as the proposed unit(s) is indeed a caravan and its use is incidental to the enjoyment of the main dwelling.

6.4 There is no known definition of ‘human habitation’ as required under Section 29(1) of The Act. As such, for the purposes of this application, the following description shall be relied upon.

A unit which has been designed or adapted to provide for the comfortable enjoyment of its occupants. Including; as a minimum (but not exclusively), to be warm (including a reasonable level of insulation and a heat source if necessary for the proposed use) dry and secure. Any internal fitments; kitchen, bathroom, beds, seating area, will depend on the use, but none of which will be necessary to determine if the unit is deemed as habitable. One does not need to be able to live independently in the unit, or be there for any significant length of time, save only that the unit has been designed or adapted so that those uses could take place at some point in the future. The use of the space should be seen as a reasonable alternative to any individual space within a typical residential dwelling; or indeed all of them.

This is helped by section 8 of Appeal APP/V1260/X/23/3316929 where the inspector comments;

“The unit has been designed so that it could be lived in, even if there is no intended use as primary living accommodation. Moreover, having regard to the proposed use it is likely that the unit would, in a meaningful sense, be in a form of human habitation at times. There is nothing which prevents a structure lacking the facilities required for day-to-day private domestic existence, as in this instance, from being defined as a caravan”.

6.5 In appeals which raise legal issues where the onus of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is the “balance of probability”. As this test will accordingly be applied in any appeal against their decisions, planning authorities should therefore not refuse a Certificate of Lawful use because the applicant has failed to discharge the stricter, criminal burden of proof beyond reasonable doubt. Moreover, the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the planning authority has no evidence to contradict or otherwise make the applicant's version of events less than probable, this is not in itself a valid reason to refuse the application.

6.6 In *Brightlingsea Haven Ltd and another v. Morris and others* 2008 the inspector found;

I have concluded that the first construction is the correct one. My main reason is that it is consistent with the purpose of the Act that, if a structure is once a caravan, it should remain a caravan if it is itself unaltered, regardless of where it is. If a lodge meeting the requirements of the section and so a caravan is assembled on a site, it should not cease to be a caravan if it becomes boxed in by other lodges and cannot be got out because lifting

apparatus cannot sufficiently approach. Likewise, with the growth of trees. Likewise, with the change of season making ground alternatively passable or impassable to equipment or the lodge. It is also very possible that the kind of caravan that is towed behind a car might be placed in a position from which for one reason or another it could not be moved, either temporarily, or permanently. It is surely unthinkable that it would then cease to be a caravan as defined in section 29 because 'it was not capable of being moved from one place to another'. I therefore decline to follow the view tentatively expressed by HHJ Rich in the Byrne case. In my judgement, the test which the structure has to pass is as follows. It must either be physically capable of being towed on a road, or of being carried on a road, not momentarily but enough to say that it is taken from one place to another. It is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road."

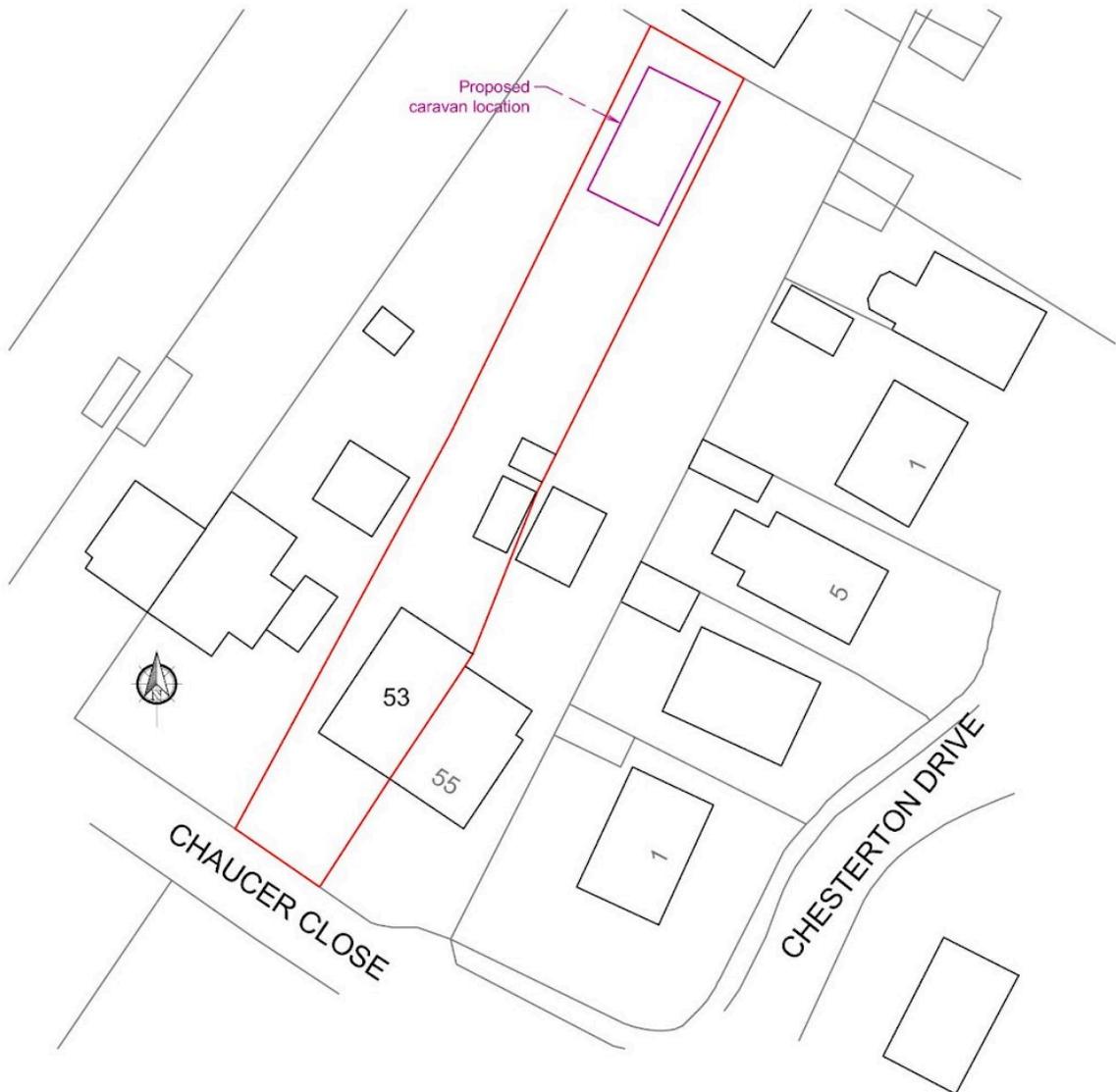
As such it has been found that a Certificate of Lawfulness for the use of a caravan within the curtilage of a dwellinghouse cannot be refused simply because no information has been provided, or because the council cannot imagine how the unit may be accessed / moved / lifted.

7.0 Expected outcome

7.1 The proposed use is ancillary to the enjoyment of the dwelling house and we have shown how the unit 'passes' the Construction, Mobility and Size tests. As such, we see no reason why a Certificate of Lawfulness for Proposed Use or Development should not be issued for the siting of a caravan on the land as identified.

Appendix A

Site Plan



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Caravan Planning

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Client: *Mrs D Newton*
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Drawing: Site Plan
Date: 05/10/25

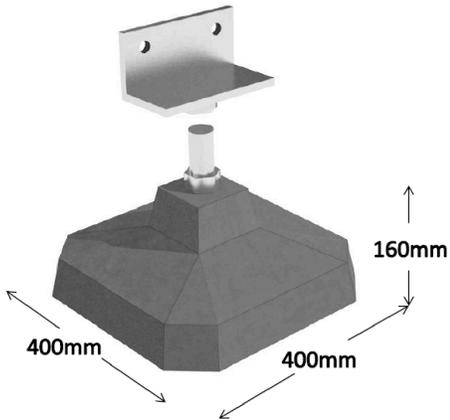
Appendix B

Caravan Details





Example of a similar unit being lifted into place



EasyPAD or similar support used below the unit to help level it out on site. No other foundations or fixings to be used.