

**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/93071/W

Site: Glenelg, 53, Long Lane, Honley, Holmfirth, HD9  
6EB

Description: Certificate of lawfulness for proposed siting of  
caravan

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 22-Jan-2026**

**APPLICATION** – Certificate of lawfulness for proposed siting of caravan

**REFERENCE** – 2025/93071

**SITE** – Glenelg, 53, Long Lane, Honley, Holmfirth, HD9 6EB

## **1. Summary**

1.1 The application seeks a determination from the Local Planning Authority to confirm a proposed use of land for the siting of a caravan. Section 1.0 of the submitted Planning Statement is clear in that the application does not seek to obtain approval for any form of development and do not consider that the proposed unit falls within the auspices of the Town and Country Planning (General Permitted Development) Order 2015.

## **2. The site**

2.1 Glenelg, 53 Long Lane is a semi-detached property which has previously been extended. The dwelling is set back from the roadside, separated by an area of hardstanding. To the rear of the property is a deep, elongated amenity space which hosts an outbuilding.

2.2 Residential properties are located to the north, east, south and west of the dwelling.

## **3 Development Proposal**

3.1 The applicants propose to site a caravan unit to be used as additional accommodation in association with the main house for a family member.

3.2 The submitted plans indicate that the caravan would be located within the northern section of the amenity space within the rear garden however it is noted that within Section 4.3 of the Planning Statement that the *'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.'*

3.3 In terms of the size of the caravan, Section 4.6 of the Statement indicates that the unit is 11.6m long and 6.6m wide with no overall height submitted. Whilst there is no reference to appendix B within the body of the planning statement, the content section refers to appendix B as proposed caravan unit details. The isometric plans indicates a unit containing three bedrooms, kitchen, living areas and what appears to be toilet and washing facilities. Appendix B also shows a structure lifted by a crane and an extended structure placed on supporting pads. However, paragraph 4.3 within the body of the statement suggests the unit will be built out of a shipping container with pop-out elements that

increase its overall size. This appears contrary to the wider argument that the unit is a caravan or would be the same as the unit shown in appendix B. Moreover, paragraph 6.2 of the statement confirms the drawings, plans and site location are for reference only and that the actual unit may change and at any time thereafter. Overall, it is not clear from the statement what the caravan consists of. The information is imprecise and seems to suggest that any size of caravan is proposed.

- 3.4 Section 5.0 of the Statement claims that a functional, incidental relationship between the main dwellinghouse and the proposed caravan would be maintained at all times with the unit remaining within the same ownership and control of the main dwellinghouse and shall at no point be used separately to the main dwellinghouse. There is also an indicative plan contained within the Appendix B of the Statement. There is no information, explanation or evidence how the unit would be used other than it would be inhabited by the owners son before purchasing their own property. In paragraph 1.3 of the statement, it is stated that the submission relies on section 1 of Schedule 1 of the Caravan Sites and Control of Development Act 1960 [“the 1960 Act”] in so far as the use of the land as a caravan site does not require a licence if the caravan is used for purpose incidental to the enjoyment of the dwellinghouse. However, this does not flow through to the conclusion where it is stated the caravan would be ancillary to the enjoyment of the dwellinghouse.

#### **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 within 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 2004/90811 Erection of two storey extension – 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-14422107 – received 4<sup>th</sup> November 2025

Location plan and site plan – ref: Caravan Planning – received 4<sup>th</sup> November 2025

Site plan – ref: Caravan Planning – received 4<sup>th</sup> November 2025

Planning Statement – ref: Caravan Planning – received 4<sup>th</sup> November 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. In summary, the Planning Statement provides details that the caravan is proposed to be a single unit caravan rather than a twin unit caravan and is therefore exempt from restriction in terms of size limitations as well as construction and mobility tests. Section 4 of the Statement puts some context the use, curtilage, location, construction, mobility, size and functional links of the single unit caravan although Section 6 suggests the unit could be any size or design. It appears the thrust of the Statement argues that the caravan is not constrained by the restrictions set out within the Caravan Sites Act 1968 and The Caravan Sites and Control of Development Act (1960) albeit the Statement goes into some detail of construction requirements for a twin unit caravan. Whilst not entirely clear, it appears the submissions rely on section 1 of the 1960 Act in so far as it seems to argue the unit is incidental to the enjoyment of the dwellinghouse. Moreover, it appears to be argued that a single unit caravan is not constrained by size unlike a twin unit caravan and irrespective of whether the unit is built on site, providing the unit is capable of being moved it is a caravan. The statement also seems to argue that the caravan will be sited within the curtilage of the dwellinghouse and despite having all the facilities for day to day existence, it is ancillary.
- 10.2 With respect to the applicant, the submissions appear contradictory, generalised and imprecise in terms of describing the specific operations or use of land. No clear evidence is provided to enable a thorough assessment of whether the proposed unit can as a matter of fact and degree be regarded as a caravan or other use of land whereby the operation or use does not amount to development for the purposes of the Town and Country Planning Act. However, the general arguments are in any event assessed.
- 10.3 Turning to the submission that a single unit caravan can in all circumstances be of any size or construction by virtue of no definition other than that set out in section 29 (1) of the 1960 Act it is considered this is too generalised. It is considered the size of construction of the unit should in any event need to be reasonably regarded as a caravan in terms of size and construction. Moreover, the definition requires that the structure must be capable of being moved from one place to another.
- 10.4 The submission provides no clear evidence to understand the size, nature and construction of the unit without a significant degree of ambiguity. Whilst the statement refers to a size of a shipping container with "pop-outs" and appendix B shows details of a unit, paragraph 6.2

makes it clear these are general details and “final design, dimensions and location may change before installation”. Moreover and whilst a photograph of a unit being held by a crane is provided in appendix B, the submissions do not show how in this instance the unit would be capable of being moved with evidence of structural capabilities that the unit can be lifted without additional support. There is also no evidence to demonstrate the unit is capable of being accessed and lifted from a location within the rear garden of the property. Under these circumstances and as the onus is on the applicant to demonstrate the proposed work/use if lawful, it is considered the applicant has not provided sufficiently clear and unambiguous evidence to show the specific unit is as a matter of fact and degree a caravan. The information is simply too vague to undertake a proper assessment of whether or not a structure of indeterminate size, nature, design, construction and capability of being moved.

- 10.5 The submissions include reference to several appeal decisions although these are determined on the facts of individual cases and are not considered to form any precedent or direction in very general circumstances.

#### 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. The siting of the unit would be within the defined residential curtilage of the host dwelling, 53 Long Lane. The reliance of section 1 of schedule 1 of the 1960 Act seems misguided as this simply sets out circumstances where a caravan site licence is not required and has no effect on any lawful use of land for the purposes of the Town and Country Planning Act.
- 10.17 Whilst not argued, 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 well established in Planning law 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 based on the limited information, 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.

10.18 The question of development therefore turns on whether the use of the unit is a 'material' change of use of the amenity space of the property.

10.19 The details within section 4.1 of the Statement reason that all access, utilities, services and garden etc will be shared with the main house and would not have its own separate address with the functional link between the main house and the proposed unit is that the proposed caravan would be installed and maintained by the householders.

10.20 As detailed above, based on the information submitted within the Planning Statement, the unit would contain facilities which appear to be capable of operating as a separate dwellinghouse. The submissions state that there is no intention to utilise the unit as a separate, self-contained planning unit to that of the host dwelling with the occupant(s) of the unit being a family member. However, there is no clear or precise information relating to how the occupiers of the unit would interact and share a close functional link with the main house to the degree it could be, as a matter of fact and degree ancillary to the main dwellinghouse. The details provided in appendix B show a significantly large residential unit with three bedrooms, living, cooking and washing facilities. This use of the space appears significantly disproportionate to the occupation by a single person. Moreover, and whilst the unit is sited within the rear garden, the unit has all the attributes to be capable of creating a separate planning unit to the main dwellinghouse. The land is able to be annexed to the main dwellinghouse with a shared access along the side of the dwelling and the use would be capable of functional independence. However and due to the ambiguous information submitted in relation to the size of the unit, it is not possible to form a firm view whether a separate planning unit would be created.

10.21 Notwithstanding the above, 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 ancillary activities. In this case the submitted information, particularly appendix B, indicates that the siting of sizable structure introduces a feature into the established planning unit which would not normally be generally expected to be sited at a typical dwellinghouse. However, the information is ambiguous and imprecise to fully establish whether or not a material change of use of the land would occur.

## **10 Recommendation**

10.10 The structure proposed to be sited within the land associated with the host dwelling and based upon the imprecise and vague information provided, the applicant has not clearly satisfied the Local Planning Authority that the structure would be lawful for the purposes of planning control.

**Recommendation:** Refuse Certificate

### **Decision Authorisation – Delegated Powers**

**Application Number:** 2025/93071

It is considered at the time of this application and on the balance of probability, the evidence provided is generalised, unclear and ambiguous and that the details do not specifically demonstrate that the proposed structure is as a matter of fact and degree lawful for the purposes of planning control in this instance. In addition, the lack of information is unclear as to whether a 'material' change of use of the land would occur.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	PP-14422107		4 <sup>th</sup> November 2025
Location plan and block plan	Caravan Planning		4 <sup>th</sup> November 2025
Site plan	Caravan Planning		4 <sup>th</sup> November 2025
Planning Statement	Caravan Planning		4 <sup>th</sup> November 2025

**Dated:** 7<sup>th</sup> January 2025