

# LEGAL COMPLIANCE SUMMARY

## Certificate of Lawfulness – Twin-Unit Caravan Annexe

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### Purpose of this Statement

This statement has been prepared in support of an application for a Certificate of Lawfulness for Proposed Use or Development under Section 192 of the Town and Country Planning Act 1990.

The purpose of this document is to demonstrate that, on the balance of probabilities, the proposed siting of a twin-unit caravan within the domestic curtilage of the dwellinghouse for ancillary residential use would be lawful at the date of the application.

In determining this application, the Local Planning Authority is required to consider the matter as one of fact and degree, having regard to relevant statutory provisions and judicial authority. Planning merits and policy considerations are not relevant to the determination.

### Statutory Definition of a Caravan

The structure has been specifically designed to comply with the definition of a caravan under:

- Section 29 of the Caravan Sites and Control of Development Act 1960; and
- Section 13 of the Caravan Sites Act 1968 (as amended)

A caravan is defined as a structure designed or adapted for human habitation which is capable of being moved from one place to another, and which, in the case of a twin-unit, is composed of not more than two separately constructed sections designed to be assembled on site.

The proposed structure complies with this definition in respect of its size, construction, and mobility.

### Construction Test – Two Separately Constructed Sections

The proposed annexe is constructed as a twin-unit structure comprising no more than two sections.

Each section:

- is formed around an independent structural steel frame;
- includes its own floor, wall, and roof structure;
- is constructed as a complete and self-supporting structural unit prior to installation;
- does not rely upon the other section for structural stability.

At no stage is a single continuous structural frame or load-bearing structure constructed across both sections.

The final stage of installation consists solely of the positioning and connection of the two pre-existing sections.

This approach reflects the principles established in *Byrne v Secretary of State for the Environment*, which confirms that a structure must comprise no more than two separately constructed sections and that a building assembled from multiple components in situ does not meet the statutory definition.

The proposed development is clearly distinguishable from such cases, as it does not involve progressive construction across the site but instead the assembly of two independently constructed units.

## **Mobility Test – Capability of Being Moved**

Each section is specifically engineered to be capable of independent lifting and transportation.

The structure:

- incorporates a steel frame designed for lifting;
- can be separated into two distinct sections;
- can be lifted using appropriate lifting equipment;
- can be transported and relocated without the need for demolition.

The relevant legal test is whether the structure is capable of being moved, not whether it can be moved easily or without specialist equipment.

This principle is confirmed in *Measor v Secretary of State for the Environment*, where it was established that the requirement is one of physical capability rather than convenience.

The use of cranes or specialist lifting equipment does not prevent the structure from meeting the statutory definition.

## **Foundations and Degree of Permanence**

The annexe is supported on a non-permanent foundation system, such as ground screws or equivalent demountable supports.

There are no permanent concrete foundations, continuous footings, or slab construction.

The structure is not permanently affixed to the land and can be removed without demolition or permanent alteration to the site.

The foundation system can be removed and the land reinstated with minimal disturbance.

## **Services and Physical Attachment**

The annexe is connected to electricity, water, and drainage via standard domestic connections taken from the main dwelling.

All service connections are demountable and can be disconnected without structural alteration to the unit or the land.

It is well established that connection to services does not affect whether a structure is a caravan.

## **Capability of Removal**

The structure is capable of removal from the site through the following process:

- disconnection of all services;
- removal of junction fixings;
- separation of the two sections;
- lifting of each section independently;
- transportation from the site;
- removal of the foundation system.

Removal does not require demolition of the structure.

The relevant test is whether removal is physically possible. It is not necessary for removal to be easy, convenient, or likely.

## **Ancillary Use**

The proposed use of the annexe is ancillary to the main dwellinghouse.

The unit:

- remains within the same domestic curtilage;
- has no separate planning unit;
- has no independent access, parking, or curtilage;
- shares all services with the main dwelling;
- will not be used, let, or occupied as a separate dwelling.

The assessment of ancillary use is a matter of fact and degree and must be based on the actual use of the structure.

This approach is confirmed in appeal decision APP/A1530/X/17/3177321, which establishes that the correct test is the functional relationship with the main dwelling, rather than the theoretical capability of independent occupation.

The Ancillary use of this annexe is further detailed in the personal statement

## **Residential Facilities and Internal Layout**

The presence of facilities such as a kitchen, bathroom, and sleeping accommodation does not alter the status of the structure.

Appeal decisions, including APP/T2350/X/24/3348793, confirm that a unit may contain all facilities for day-to-day living and still be considered ancillary, provided it remains functionally and physically subordinate to the main dwelling.

The assessment must be based on how the unit is used in practice.

## **Appearance and Character**

The visual appearance of the structure, including its size, design, or resemblance to a conventional building, is not determinative of whether it is a caravan.

The legal test relates to construction, mobility, and use, rather than visual characteristics.

Appeal decisions consistently confirm that structures which resemble buildings may still fall within the statutory definition of a caravan.

It is well established through appeal decisions that the size of an annexe and the number of rooms or facilities it contains are not determinative of whether it constitutes a separate planning unit. Inspectors consistently confirm that the correct assessment is based on the functional relationship with the main dwelling, rather than the scale or internal arrangement of the accommodation.

## **Common Misinterpretations**

For clarity, the following matters do not form part of the legal test:

- whether the structure appears permanent;
- whether removal would be difficult or require specialist equipment;
- whether the unit contains full residential facilities;
- whether the unit could theoretically be used independently.

The correct assessment is limited to statutory definition, physical characteristics, and actual use.

## Conclusion

The proposed annexe/mobile home:

- complies with the statutory definition of a caravan;
- comprises no more than two separately constructed sections;
- is capable of being moved;
- is not permanently affixed to the land;
- is used solely for purposes ancillary to the main dwellinghouse.

On that basis, and on the balance of probabilities, the siting and use of the structure would be lawful.