

Delegated Report

Planning Reference 25/00764/CLP
Applicant(s) Mr & Mrs Tait
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site 8 Wykin Lane, Stoke Golding, Nuneaton

Proposal Certificate of Lawful Use for the proposed provision of a mobile structure in the rear garden for additional ancillary one-bedroom residential accommodation.

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning Application Description

- 2.1. This application seeks a Certificate of Lawful Proposed Development to confirm that the provision of a mobile structure for additional ancillary residential accommodation for one-person in the rear garden of, 8 Wykin Lane, Stoke Golding represents lawful development. The 2.5m high caravan externally measures 2.8m in width by 7.6m in depth and is proposed to be occupied by the Applicant's son.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the southwest of, but within the settlement boundary of Stoke Golding, on the western side of Wykin Lane. The site itself consists of a detached two-storey dwellinghouse and its associated garden space. Wykin Lane is wholly residential in character in the immediate vicinity of the application site. To the north, east, and south of the application site is the wider built form of Stoke Golding. Agricultural fields and the wider designated open countryside are to the west of the site.

4. Relevant Planning History

- 4.1 There is no relevant planning history for this proposal and this application site within the last twenty-five years.

5. Publicity and Consultation

- 5.1. There is not statutory requirement to consult third parties on an application for a lawful development certificate. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is a good reason to believe they possess relevant information about the content of a specific application.

- 5.2. In this instance, the Local Planning Authority did not consult any third parties on this lawful development certificate application.

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

7. Appraisal

- 7.1 Section 192 of the Town and Country Planning Act 1990 enables any person with the opportunity to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land would be lawful.
- 7.2 The statutory framework covering, 'lawfulness,' for lawful development certificates is set out in Section 191(2) of the Town and Country Planning Act 1990. Section 191(2) of the Town and Country Planning Act 1990 confirms that uses and operations are lawful at any time if:
- (a) No enforcement action may then be taken in respect of them (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); and
 - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- 7.3 Paragraph 55(1) of the Town and Country Planning Act 1990 defines, 'development,' as 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.
- 7.4 National Planning Practice Guidance (NPPG) confirms that there is no statutory definition of 'material change of use;' however it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.
- 7.5 Given the above, NPPG states that the applicant is responsible for providing sufficient information to support an application.
- 7.6 In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable to a local planning authority to understand exactly what is involved. Without sufficient or precise information, a local planning authority may be justified in refusing a

certificate. However, this does not preclude another application being submitted later on if more information can be produced.

- 7.7 Ultimately, NPPG highlights that a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is, or would be, lawful. Planning merits are not relevant at any stage in this particular application.
- 7.8 To support their application, the Applicant has submitted nine planning appeal decisions between 2008 and 2019 relating to the provision of caravans as additional living accommodation associated with, and in the residential curtilage of, an existing dwellinghouse.
- 7.9 Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') allows for buildings incidental to the enjoyment of a dwellinghouse to be represent permitted development.
- 7.10 However, the Applicant contends that the proposal is not for the provision of a building, but for the siting of a caravan. Therefore, Class E of the GPDO is not applicable within the determination of this application. This is a position that was accepted in the planning appeal decisions at Heathfield House in Tiptree in 2017 (cf. Paragraph of Appendix 1F) and at 80 Buckingham Road in Bletchley in 2015 (cf. Paragraph 14 of Appendix 1G).
- 7.11 Therefore, it is important to ascertain whether the proposal can be considered to represent a caravan under the definitions within national legislation, and whether the structure represents development as defined at Paragraph 55(1) of the Town and Country Planning Act 1990.

Does the proposal meet the national definitions of a 'caravan'?

- 7.12 Section 29(1) of the Caravan Sites and Control of Development Act 1960 defines 'caravan' as:

"Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether 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."

- 7.13 Section 13(1) of Part III of the Caravan Sites Act 1968 confirms that the definition of a twin-unit caravan is:

"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 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway road when assembled.”

- 7.14 The capability of a structure to be moved by road from one place to another is hereby described as the ‘mobility test,’ and the requirement for the structure to be able to be assembled by means of bolts, clamps, or other devices is hereby described as the ‘construction test.’
- 7.15 Section 13(2) of Part III of the Caravan Sites Act 1968 clarifies that the definition of a twin-unit caravan shall not include structures that when assembled exceeds the following limits (‘the size test’):
- (a) Length (exclusive of any drawbar): 20 metres
 - (b) Width: 6.8 metres
 - (c) Overall height of living accommodation (measured internally): 3.05 metres
- 7.16 As confirmed at Paragraph 2.1 of this Report, the proposed structure does not consist of more than two sections, and the proposal does not exceed the limitations detailed at Section 13(2) of Part III of the Caravan Sites Act 1968. Therefore, the scheme is considered to meet the size test of national legislation.
- 7.17 Paragraph 4.14 of the Statement of Evidence highlights that the structure shall be assembled on site. It was also confirmed in an email on Monday 13 October 2025 that the structure will be delivered in kit form with pre-packaged sections, fixings and components prepared and packed in the factory and ready for the same assembly as would take place inside the factory.
- 7.18 Therefore, the scheme is considered to meet the size test of national legislation.
- 7.19 In relation to the mobility of the proposal, Paragraph 4.5 of the Statement of Evidence confirms that the structure is not fixed to the ground and stands on feet. The details of this are highlighted within the Proposed Elevations of the structure. The Applicant confirmed on Monday 13 October 2025 that each foot beneath the caravan can be individually adjusted on a screw fixing to ensure the structure is

level. The scheme shall utilise the rolling feet on hard ground and the pad feet on soft ground in accordance with the 'Forms of Caravan Support' document.

- 7.20 As such, the unit's degree of physical attachment to the ground is considered to be minimal and does not have the degree of permanence associated with the creation of a building. Although the proposal will be connected to services, these can easily be disconnected in the event that the caravan needs to be moved. These views are supported by the planning appeal decisions 27 Elmfield Avenue in Teddington (2015) (cf. Paragraph 17 of Appendix 1D) and 4 Waterworks Cottage in Sawbridgeworth (2011) (cf. Paragraph 7 of Appendix 1B).
- 7.21 The application is supported by a method statement for transporting the structure from one place to another in accordance with the Caravan Sites and Control of Development Act 1960. The Applicant proposes to lift structure via a crane with an adjustable steel cradle and steel beams underneath the floor of the structure. This method has been accepted at Paragraph 15 of the planning appeal decision at 28 Lodge Lane in Romford in 2017 (cf. Appendix 1). Ultimately, the Local Planning Authority do not have any alternative information to dispute that such a method would not enable the safe transportation of the structure in accordance with the Caravan Sites and Control of Development Act 1960.
- 7.22 Although the Applicant has not suggested that the proposed structure will be moved, a lack of intention to move the structure is not relevant providing that the mobile home possesses the necessary structural qualities to permit its movement in one piece without structural damage. This is a view supported by Paragraph 13 of the planning appeal decision at 28 Lodge Lane, Romford (cf. Appendix 1).
- 7.23 In light of the above, it is considered that the structure complies with the mobility test of national legislation.
- 7.24 In summary, on the facts of the case and the relevant planning law, it is considered that the proposal represents a caravan as defined by Section 29(1) of Caravan Sites and Control of Development Act 1960 and Section 13 of Part III of the Caravan Sites Act 1968. As a result, the proposal does not represent a building for the purposes of Paragraph 55(1) of the Town and Country Planning Act 1990.

Does the proposal represent a material change of use of the site?

- 7.25 Paragraph 011 of the NPPG confirms that there is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of the case.
- 7.26 The Applicant has confirmed that the scheme shall remain ancillary to the main residence and shall not be utilised as an independent unit of residential accommodation. The structure is subordinate in size and scale to the existing dwelling, and the proposal will not have a separate postal address, and the

Application Form confirms that there shall be no division of the site. The future occupant will still need to utilise the facilities of the host dwelling and Paragraph 4.8 of the Statement of Evidence highlights that the proposed structure is not intended to be a permanent addition to the land.

- 7.27 Under Section 55(2)(d) of the Town and Country Planning Act 1990, the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose 'incidental' to the enjoyment of the dwellinghouse does not amount to an act of development.
- 7.28 The primary function of a dwellinghouse is to provide residential accommodation and an incidental use is one which is related to that function. For example, a typical garden shed to store items related to the upkeep of the building and garden. However, if a caravan is used to provide additional living accommodation, bedrooms, kitchen and a living room it would represent an extension of the primary living space as opposed to a use which is incidental in nature.
- 7.29 As such, the use of the mobile home would not be excluded from the definition of development by virtue of Section 55(2)(d) of the Town and Country Planning Act 1990. However, the proposal can be considered to be 'ancillary' to the existing dwellinghouse rather than 'incidental' because the proposed living accommodation is functionally and physically related to, and subordinate to, the dwellinghouse which remains the primary use of the land.
- 7.30 It is appreciated that the structure is highly likely to be capable of independent occupation. However, it does not follow automatically that once occupied there must be a material change of use simply because primary living accommodation is involved.
- 7.31 For example, the judge in the case of Uttlesford DC v SSE & White [1992] JPL 171 found 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 instead be a matter of fact and degree. This is also confirmed at Paragraph 12 of the planning appeal decision at Heathfield House in Tiptree (cf. Appendix 1F).
- 7.32 Importantly, a lawful development certificate can only certify the use applied for and therefore the application must be assessed on the basis of the stated purpose and not what might potentially occur. As such, if the structure was utilised as a independent and self-contained dwelling, this use would be contrary to the description of, and therefore not benefit from, the lawful development certificate.
- 7.33 In summary, the proposal is for additional residential accommodation within a structure that does not meet the definition of 'development' as defined in Paragraph 55(1) of the Town and Country Planning Act 1990. The proposal is for an additional one-bedroom residential accommodation space that is considered to be ancillary to the existing dwelling, which does not result in any functional separation of the site as one residential property or, importantly, as one planning unit. In light of the

above, it is considered that, on balance, the proposal does not result in a material change of use of the application in these site-specific circumstances.

Summary

- 7.34 To summarise, on the facts of the case and the relevant planning law, it is considered that the proposal represents a caravan as defined by Section 29(1) of Caravan Sites and Control of Development Act 1960 and Section 13 of Part III of the Caravan Sites Act 1968. As a result, the proposal does not represent a building for the purposes of Paragraph 55(1) of the Town and Country Planning Act 1990.
- 7.35 The proposal is for an additional one-bedroom residential accommodation space that is considered to be ancillary to the existing dwelling, which does not result in any functional separation of the site as one residential property or, importantly, as one planning unit. In light of the above, it is considered that, on balance, the proposal does not result in a material change of use of the application in these site-specific circumstances. Therefore, the application is considered lawful, and a certificate for the Proposed Lawful Development is granted.

8. Equality Implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 8.3 There are no known equality implications arising directly from this development.

- 8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

9.1 In conclusion, the provision of a mobile structure for additional ancillary residential accommodation for one-person in the rear garden of, 8 Wykin Lane, Stoke Golding is considered to on balance represent lawful development. Therefore, a certificate for the Proposed Lawful Development is granted.

9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority on 11 August 2025:

- Application Form
- Appendix 1 – Appeal Decision (Land at 28 Lodge Lane, Romford)
- Appendix 1A – Appeal Decision (7 Burnshall Cottages, Chillaton)
- Appendix 1B – Appeal Decision (4 Waterworks Cottage, Sawbridgeworth)
- Appendix 1C – Appeal Decision (Sandy Holt, Esher)
- Appendix 1D – Appeal Decision (27 Elmfield Avenue, Teddington)
- Appendix 1E – Appeal Decision (Howe Wood Farm, Bayford)
- Appendix 1F – Appeal Decision (Heathfield House, Tiptree)
- Appendix 1G – Appeal Decision (80 Buckingham Road, Bletchley)
- Appendix 1H – Appeal Decision (35 Mayfield Street, Stirling)
- Block Plan
- East Side Elevation, Drg No. P02
- Floor Plan – Dwg P5
- Forms of Caravan Support
- House of Commons Hansard Debate
- Method Statement for Lifting Structure
- North Elevation, Dwg P4
- Site Location Plan
- Statement of Evidence
- South Elevation, Dwg P01
- West Side Elevation, Dwg P3

10. Recommendation

10.1 **Grant Certificate of Proposed Lawful Development**