



Appeal Decision

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/T0355/X/23/3333956

5 Combermere Close, WINDSOR, SL4 3PY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Ms Katherine Shewell against the decision of Royal Borough of Windsor and Maidenhead.
 - The application ref 23/00609/CPD, dated 15 June 2023, was refused by notice dated 10 August 2023.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the proposed siting of a mobile home to be used as additional accommodation to the main dwelling.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This is subject to a separate decision.

Preliminary Matters

3. For the avoidance of doubt, the planning merits of the proposed development are not relevant and they are not therefore an issue for me to consider, in the context of an appeal under s195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority. Accordingly, a site inspection is unnecessary
4. The onus of proof rests with the appellant and the standard of proof is on the balance of probabilities.

Main Issue

5. The main issue in this appeal is whether or not the Council's decision to refuse to grant an LDC was well-founded. In particular, the question is whether the proposed development represents a mobile home for the purposes of the Caravan Sites Act 1968 (CSA) as amended and the Caravan Sites and Control of Development Act 1960 (CSCDA), or whether it represents a building operation under s55 of the Town and Country Planning Act 1990, as amended.

Reasons

6. The appeal site comprises a bungalow set in a large plot. The appellant states that the proposed mobile home located within the residential curtilage is to provide flexible additional accommodation for family use which would be functionally reliant on the main house, that no operational development or material change of use would occur, and as such planning permission is not required.
7. I note that a previous LDC application was withdrawn due to concerns by the Council on the extent of information submitted. The re-submitted application subject to this appeal consists of a wide range of technical information provided by the manufacturer including sections, plans and elevations, structural calculations, padstone layout, centre joint details, a caravan compliance information pack and other matters, all of which contributes to an understanding of what is proposed.
8. The CSA defines a caravan as a structure that is designed or adapted for human habitation and that the structure must be capable of being moved from one place to another. Section 13(1) of the CSCDA extends the definition of a caravan to include twin-unit caravans, which must be “(a) 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 being transported on a motor vehicle or trailer),...”
9. Accordingly the three tests of size, construction and mobility must be met to satisfy the definition of a twin unit caravan and therefore not to constitute a building.

Size

10. The submitted details show the length of the unit as 7.38m, the width as 6.32m and the internal height as 3.05m, which are within the permitted measurements set out in s13(2) of the CSA.

Construction

11. As a consequence of restricted access to the appeal property, the submitted details indicate that the mobile home would be assembled from pre-manufactured interlocking parts by in-house manufacturing operatives. Twin unit caravans are assembled into two independent sections and brought together by lifting or wheeling into position with the final act being the connection of the two halves in compliance with the legislation. The process of assembly is stated to be the same whether undertaken on or off-site. There is no foundation but the unit is supported on ‘EasyPAD’ adjustable base pads. Service connections are by quick release socket connectors for electricity and push fit fittings for water and foul drainage.
12. Counsel for the appellant considers that there is no statutory requirement for the two halves of a twin-unit to be constructed off-site, only that the final act is the bringing together of the two halves. In support is the case of *Byrne v SSE and Arun* (1997) P&CR 420. Although this case established that a log cabin had not been constructed as two sections and failed the construction and mobility tests, the judge does not suggest that the construction test requires the two sections to be constructed off-site.

13. The appellant refers to three appeal decisions in general support of this approach which indicate¹ that what is required is that the two sections are each constructed separately.
14. The Council accepts that the wording of s13(1) does not manifestly state that the two sections must be constructed off-site but considers that the framing of the wording has an implicit nature to them by emphasising the conjunction ‘and’ between ‘construction’ and ‘design’, such that there is an act of pre-fabrication followed by assembly on site. Two appeals are referenced in support². I note that in the Chiltern decision, the inspector was unclear about the work involved to assemble the structure and that that he had reservations about the Erewash case in which the inspector for that appeal was of the view that there was no requirement within s13(1) of the CSA for the two sections to be constructed off site. The Chiltern inspector expressed reservations about the wider applicability of those conclusions. Similarly, the Oxford inspector had reservations about a similar case in West Devon but notwithstanding the need for consistency in decision making reached different conclusions on the facts of the case.
15. The Council cites Lloyd v SSCLG [2014] EWCA Civ 839. At paragraph 39 of the judgement, Sullivan LJ states “Mobile homes are not built or constructed on a site, they are constructed off site and are designed (if in two sections) to be assembled on site by means of bolts, clamps or other devices so that when they have been assembled, they are physically capable of being moved off the site”. Whilst comments of Sullivan LJ should not be set aside lightly but in the context of that appeal, which was in distinguishing mobile homes from buildings, the comments were arguably not intended to be a statement about the proper interpretation of s13.
16. The Council makes the point that the CSA definition differentiates between a caravan which should be separately designed and constructed before being assembled on site and more complex building operations that would take place on site. It is argued that as the CSA post-dated the Planning Act 1962 it would not have been necessary for the draughtsperson to explicitly say within the wording of the CSA that the construction of the two units should take place off-site because by definition in the Planning Act 1962 any on-site construction would be caught by s12 relating to the meaning of development (s55 of the 1990 Act). Whilst this is possible, I am inclined to believe that the Council is placing too much reliance on what has not been said.
17. The Council has raised issue about whether the fixtures and fittings, the installation of windows and doors and plumbing arrangements would take place after the sections have been assembled. A signed statement by Edward Taylor of the manufacturers Norwegian Log confirms that the two separate parts of the twin unit will be finished to habitable standard prior to being joined together as the final act of assembly, including the kitchenette, bathroom, all piping and wiring and windows and doors.
18. However in their determination of the LDC, the Council considered that the twin-unit would fail both the construction and mobility tests as by virtue of its size, permanence and resultant change in the character of the land, it would constitute a building. They consider that the volume of individual component parts delivered to

¹ APP/N1025/C/1074589 (Erewash), APP/B5480/C/17/3174314 (Romford), APP/L5240/X/22/3295099 (Croydon)

² APP/X0415/X17/3174735 (Chiltern), APP/G3110/X/17/3181229 (Oxford)

the site, the skills of the tradespersons, and the construction steps involved would be representative of building operations for garden buildings and would be development as defined by s55 of the Planning Act. However, there is no limitation in statute or case law limiting the number of parts that can be brought onto site to create a twin-unit mobile home.

Mobility

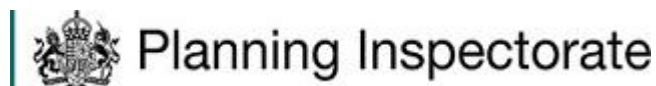
19. The third test requires the completed unit when assembled being physically capable of being moved from one place to the other. The applicant has submitted detailed lifting calculations and it is shown that the structure can be moved without structural damage as one unit or as two halves. The Council has not submitted any evidence to contradict this claim but refers to cases in which “when assembled” requires mobility to be tested by reference to the circumstances of where and how a structure was assembled and how the structure was fixed to the ground.
20. I am satisfied that the appellant has adequately demonstrated that the structure meets the mobility test.

Conclusion

21. Interpreting legislation that was designed for a time when the concept of a caravan was that of a more simple and mobile structure inevitably makes it somewhat difficult to apply at a time when design and technological changes have considerably altered what actually appears on a site. This has led to different views by inspectors on the interpretation of the construction test when considering the particular circumstances of those cases.
22. I consider that the appellant has shown on the balance of probability that the proposed mobile home/twin-unit would satisfy the definition of a caravan in the CSA. In so doing, it follows that it would not constitute a building under s55 of the 1990 Act.
23. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the proposed siting of a mobile home to be used as additional accommodation to the main dwelling is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

P N Jarratt

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 15 June 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed twin-unit mobile home is a caravan that satisfies the definition of a twin-unit caravan in section 13(1) of the Caravan Sites and Control of Development Act 1960 and can lawfully be stationed on the land for purposes incidental and ancillary to the residential use of the site.

Signed

P N Jarratt

Inspector

Date: 22 October 2025

Reference: APP/T0355/X/23/3333956

First Schedule

The proposed siting of a mobile home to be used as additional accommodation to the main dwelling.

Second Schedule

Land at 5 Combermere Close, WINDSOR, SL4 3PY

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 22 October 2025

by P N Jarratt

Land at: 5 Combermere Close, WINDSOR, SL4 3PY

Reference: APP/T0355/X/23/3333956

Scale: Not to Scale





Costs Decision

Site visit made on 30 September 2025

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Costs application in relation to Appeal Ref: APP/T0355/X/23/3333956

5 Combermere Close, WINDSOR, SL4 3PY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Katherine Shewell for a full award of costs against the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) sought for the proposed siting of a mobile home to be used as additional accommodation to the main dwelling.
-

Decision

1. The application for an award of costs is refused

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Council has behaved unreasonably as firstly, they have not followed well-established case law; secondly, they have not determined similar cases in a consistent manner; and thirdly, they refused to enter into discussions.
4. In respect of established caselaw, the Council did not reference the *Byrne*¹ case in the section for the construction test but the appellant placed reliance upon it. The Council considered the development as likely to represent building operations and not a caravan, which was an option open to them based on the facts of the case. In the *Lloyd*² case, it was perfectly reasonable to place reliance on the obiter comments of Sullivan LJ and to conclude that the Court of Appeal had in mind not only what the difference between a building and a caravan was, but also what occurs on-site to distinguish the two.
5. The applicant refers to the Council's alleged inconsistency concerning twin unit mobile homes made by the same manufacturer. Some six similar applications were made to the Council by the agent between 2016 to 2022 for which LDCs were issued in each case on the basis of a Certificate of Compliance from the manufacturer, but no structural calculations were requested. In the 'Tall Trees' application, the Council took the view that works had been underway to lay foundations for what appeared to be to facilitate the erection of a building. The

¹ *Byrne v SSE and Arun* (1997) P&CR 420

² *Lloyd v SSCLG* [2014] EWCA Civ 839.

agent maintained the position that the works involved were the construction of two sections of a mobile home but the works were subsequently dismantled. Again, it is not unreasonable for a local planning authority to review its information requirements from time to time if there is a sound reason to do so.

6. The applicant considers that the Council has not been sufficiently helpful to provide the opportunity to overcome any perceived lack of information that could have led to the LDC being issued. The first LDC application was withdrawn in the light of a possible refusal without the submission of additional information. The second application (subject to this appeal) was submitted with the additional information but the case officer indicated that the application would also be refused as the structure was considered to be a building. Unlike a s78 application, an application for an LDC places the onus of proof clearly on the applicant although it is a matter for individual Councils to determine how much support can be given to an applicant to get an application in order to provide a positive outcome. Whether the Council could have been more helpful is not apparent from the emails and other information submitted by the parties.
7. Although I have found in favour of the appellant in respect of the appeal, it does not mean that the Council has behaved unreasonably, it is more a question of the different weight that different parties place on the same facts and decisions that pull in different directions. It also seems from the applicant's submissions that legislation and case law is eminently clear and having only one interpretation. This appeal demonstrates that this is not the case.
8. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P N Jarratt

INSPECTOR