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## Appeal Decision

Site visit made on 24 September 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 OCTOBER 2025

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**Appeal Ref: APP/R3650/X/24/3357592**

**Heathertye, 20 Gong Hill Drive, Lower Bourne, Farnham, Surrey, GU10 3HQ**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mrs Jane Curtis against the decision of Waverley Borough Council.
  - The application ref WA/2024/01391, dated 11 July 2024, was refused by notice dated 13 September 2024.
  - 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 siting of a mobile home to provide a 'granny annex' for use by an aged and infirm relative.
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### 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.

### Preliminary Matters

2. For the avoidance of doubt, I make clear that the planning merits of the proposed siting of a mobile home to provide a 'granny annex' for use by an aged and infirm relative are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.
3. I have taken the description of development from the appellant's appeal form. This more succinctly describes the proposal when compared to the lengthier description of development which appears on the LDC application form. It differs slightly, but not materially, from the description of development which appears on the Council's refusal notice which is *'the provision of a mobile home within the existing lawful planning unit to provide accommodation for family members'*.

### Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether (i) the proposal is, by definition, a caravan and, (ii) if not, whether it is a building which would meet the limitations and conditions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and, if not, (iii) whether use of the land for the siting of a caravan would constitute a material change of use of the land requiring planning permission.

### Reasons

5. The term caravan is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 as meaning *'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’.*

6. It is proposed to position a prefabricated wooden single storey residential ‘granny annex’ within the garden area of No. 20 Gong Hill Drive. It would be used by a ‘*an aged and infirm relative*’ of the occupiers of the associated dwellinghouse. It would be positioned on top of a laminated timber sub-frame chassis which would rest on ‘EasyPad’ supports as shown on proposed drawing No. 224079-05, neither of which would be physically attached to the ground. The appellant states that prefabrication of the main components would take place off site, and that the ‘*single unit*’ mobile home would be fully assembled on-site. The submitted proposal does not show any foundations for the proposed mobile home. The evidence is that the mobile home would be positioned on EasyPad supports only.
7. It is not proposed that the residential unit would be a ‘*twin unit caravan*’. This is relevant as there are specific restrictions within the Caravan Sites Act 1968 (CSA 1968) relating to this type of caravan. As a ‘*single unit*’ caravan is proposed, it is not necessary under section 13(1) of the CSA 1968 that it 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*’. In other words, assembling a prefabricated residential unit on the appeal site does not in this case mean that it is not a caravan with reference to the CSA 1968.
8. Section 13(2) of the CSA 1968 imposes a maximum size restriction in respect of caravans. The proposal would not be a twin unit caravan, but it would measure about 10.9 metres (length) by 4.4 metres (width) and with an internal floor to ceiling height of less than 3.05 metres as shown on the submitted plans. Even accounting for the fact that a twin unit caravan is not proposed, in size terms the proposal would, in any event, be well within the maximum size restriction imposed for a caravan as stipulated in the CSA 1968.
9. I am satisfied that it would be possible to pick up the residential unit using straps and a crane and place it onto the back of a flatbed lorry so that it could be moved elsewhere. In my judgement, the possible attachment of the unit to services would not in itself mean that the proposed residential unit was not a caravan. This is not the same as a physical attachment to the ground. Disconnection from services is generally a simple matter which can be achieved within a very short amount of time if a caravan needs to be moved.
10. Any perceived difficulties in gaining access to/from the land from the point of view of transportation of the proposed residential unit in its assembled state, or craning it onto a flatbed lorry, is not the point. It is the residential unit that must possess the necessary mobility qualities and not the means of access to or from the site. In any event, and, based on my site visit, I do not consider that it would be impossible to gain access along Gong Hill Drive for the purposes of transporting the pre-assembled residential unit elsewhere. I am not certain why the local planning authority commented in its officer report that it would be necessary to take the proposed residential unit apart for it to be capable of being removed from the land. The appellant’s evidence does not support such a claim.

11. In addition to the above, I emphasise that a lack of any suggested intention to move the proposed residential unit around the site would not mean that what is proposed is not a caravan. Indeed, it is often the case that static caravans remain in the same place for long periods of time.
12. For the above reasons, I conclude that the proposal would, by definition, comprise a caravan. As it meets the definition of a caravan, it cannot therefore be a building. The mobility, construction and size tests as laid out in the CSA 1968 are met. Assembling the caravan on site by the manufacturing company does not mean that what is proposed is not a caravan and hence is a building. The claim made by the local planning authority that assembly on site automatically means that what is proposed is a building is not reasonably substantiated when the CSA 1968 is considered.
13. Moreover, the evidence is that the proposed residential unit would be used for human habitation. In this regard, and notwithstanding the Council's contention that a building is proposed, it is not necessary for me to assess the proposal against Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because a caravan and not a building is proposed.
14. In concluding that a caravan is proposed, and that it would be positioned within the curtilage of No. 20 Gong Hill Drive, it is necessary that I also consider whether what is proposed would amount to a material change of use of the land. The existing primary use of the land is a single dwellinghouse (use class C3) falling within one planning unit. While the proposed caravan would likely include all the facilities needed for independent living (I have based my assessment on such a scenario even though the plans do not show what the specific rooms would be used for), the appellant has made it clear that it would be occupied only by a *'an aged and infirm relative'*.
15. The proposal does not include separating the caravan off from the rest of the existing curtilage for No. 20 Gong Hill Drive. In this regard, there proposal would have a physical relationship with No. 20 Gong Hill Road. Moreover, there is no suggestion that separate car parking areas would be formed, that there would be a separate postal address, or that the caravan would be occupied by anyone who is unconnected with the family occupying No. 20 Gong Hill Drive.
16. On the evidence that is before me, I am satisfied that the proposal would not result in a material change in the character of activities on the land from what has gone on previously. I do not find that the likely relative increase in vehicular and pedestrian comings and goings on the land from use of the caravan by a *'an aged and infirm relative'* would be material. Furthermore, there would be a functional relationship with the occupiers of No. 20 Gong Hill Drive from the point of view of the occupant of the caravan being a *"an aged and infirm relative"*.
17. I therefore find that a material change of use of the land would not occur. In this regard, the proposal would not amount to an act of development given section 55(2)(d) of the Act which states that development does not include *'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'*.
18. Overall, I consider that the proposal would amount to the siting of a caravan on the land. Moreover, it would not constitute a material change of use of the land

requiring planning permission. The evidence is that it would be incidental to the primary use of No. 20 Gong Hill Drive as a dwellinghouse.

19. In reaching the above conclusion, I have also considered the appeal decision referred to by the local planning authority at No. 28 Ringwood Road, Oxford<sup>1</sup>. However, the type of mobile home relating to such an appeal was not the same as that which is the subject of this appeal. In particular, it concerned a twin-unit caravan and the prefabrication of two separate sections, as opposed to this appeal which is concerned with a single unit caravan.

### **Conclusion**

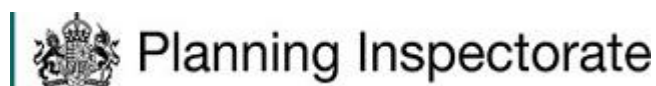
20. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for a mobile home to provide a 'granny annex' for use by an aged and infirm relative is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

*D Hartley*

INSPECTOR

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<sup>1</sup> LDC appeal reference APP/G3110/X/17/3181229 dated 8 June 2018



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## 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

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**IT IS HEREBY CERTIFIED** that on 11 July 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown on the plans 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 proposal would be caravan as defined in the Caravan Sites Act 1968. Moreover, it would fall within the curtilage of Heathertye, 20 Gong Hill Drive, Lower Bourne, Farnham, GU10 3HQ and its use would be incidental to the enjoyment of Heathertye, 20 Gong Hill Drive, Lower Bourne, Farnham, GU10 3HQ as a dwellinghouse. Therefore, the proposal would not amount to development and hence planning permission is not required for it.

Signed

*D Hartley*

Inspector

Date: **1 OCTOBER 2025**

Reference: APP/R3650/X/24/3357592

### ***First Schedule***

The siting of a mobile home to provide an incidental 'granny annex' for use by an aged and infirm relative.

### ***Second Schedule***

Land at Heathertye, 20 Gong Hill Drive, Lower Bourne, Farnham, GU10 3HQ

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.

## Plans

These are the plans referred to in this decision dated: **1 OCTOBER 2025**

by **D Hartley BA (Hons) MTP MBA MRTPI**

**Land at: Heathertye, 20 Gong Hill Drive, Lower Bourne, Farnham, GU10 3HQ**

**Reference: APP/R3650/X/24/3357592**

Scale: Not to Scale

