

Appeal Statement

Appeal under Section 195 of the Town and Country Planning Act 1990

Refusal of a Certificate of Lawfulness of Proposed Use or Development

*Croft Cottage,
98a South Street,
Tarring,
Worthing,
BN14 7NB*

Proposed Siting and use of a single-unit caravan for purposes ancillary to the use and enjoyment of the
dwellinghouse

LPA Reference: AWDM/0688/26

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1.0. Introduction

1.1. This appeal relates to the refusal of an application for a Certificate of Lawfulness for the proposed siting of a single-unit caravan at Croft Cottage, 98a South Street, Tarring, Worthing. The application was made under Section 192 of the Town and Country Planning Act 1990.

1.2. The Caravan is proposed to provide additional accommodation for family members associated with Croft Cottage. The submitted Planning Statement confirmed that the use would be “*wholly ancillary to the host dwelling*”, with occupation remaining under the control of the same household.

1.3. The application also made clear that the caravan would not be let, sold or occupied independently, and that no separate postal address or separate planning unit was proposed.

1.4. The Council accepted that the proposed structure meets the definition of a caravan and concluded that it “*would not constitute operational development under S.55(1).*” That part of the application is therefore not under dispute.

1.5. The refusal relates solely to the proposed use of the caravan. The Council concluded that the information submitted was not sufficiently precise and unambiguous to demonstrate, on the balance of probability, that the caravan would be incidental to the use and enjoyment of 98a South Street.

1.6. The Council also states, “*No information has been provided to explain how the additional accommodation provided by the caravan would be occupied in a manner wholly ancillary to 98a Croft Cottage.*”

1.7. This is the main point of disagreement. The application documents did explain how the caravan would be used, who it would be used by, how it would remain linked to Croft Cottage and how

independent occupation would be avoided. Further clarification was also provided to the Case Officer before the application was determined.

1.8. All of this information was to a degree that has been accepted in upwards of 50 separate Certificate of Lawfulness applications throughout the Country.

1.9. This appeal therefore focuses on whether the information submitted was sufficient to show that the caravan would remain ancillary to Croft Cottage and would not create a separate residential planning unit.

2.0. The Council's Assessment

2.1. The Council identified two main issues when considering the application: whether the siting of the caravan would amount to operational development, and whether its use would remain incidental to the dwelling rather than creating a separate planning unit.

2.2. As set out above, the first of these matters has been resolved. The Council accepts that the structure meets the definition of a caravan and that its siting would not constitute operational development.

2.3. In considering its use, the Council also acknowledges an important point. The Officer Report states that *"it is the actual use of a caravan that is determinative rather than its potential to be occupied as a self-contained residential unit."* This is agreed.

2.4. However, the subsequent assessment places considerable weight on the caravan having the facilities capable of independent living, its separate means of access and the physical separation between the caravan and Croft Cottage.

2.5. The Appellant does not dispute that these are relevant considerations, but they do not in themselves establish that the caravan would be occupied independently. The application was clear that occupation would remain under control of the same household and that the accommodation *"will not be let, sold, or otherwise occupied independently."* [Planning Statement, para 2.2]

2.6. A particular concern is the Council's statement that *"No information has been provided"* to explain how the caravan would be occupied in a wholly ancillary manner. This does not reflect the information that accompanied the application.

2.7. The Planning Statement explained that the caravan would provide accommodation for family members, rely upon the main house for key services and remain under the control of the same household. It also confirmed that there would be no separate curtilage, subdivision, postal address or independent occupation. [Planning Statement, paras. 2.1-2.2]

2.8. The separate Ownership and Land Use Statement provided further clarification, confirming that the caravan would be occupied *"solely by members of the extended family associated with Croft Cottage"* and that *"no separate postal address or independent residential use is proposed."* [Clarification of Ownership and Land Use, para 1.2]

2.9. Further information was also provided directly to the Case Officer before determination. It was explained that the caravan would provide ancillary accommodation for the wider family and would remain linked to 98a through its address, services, domestic facilities and overall use. The same correspondence explained why the application had not been tied to a particular named future occupant.

2.10. The issue is therefore not that no information was provided. The Council may have wanted further detail, but the nature of the proposed use and the relationship between the caravan and Croft Cottage had been clearly set out both within the application and through subsequent correspondence.

2.11. The following sections therefore consider the points relied upon by the Council in turn, beginning with the existing use of the land and its relationship with Croft Cottage.

3.0. Existing Use of the Land

3.1. A significant part of the Council's assessment relates to the physical separation between Croft Cottage and the land upon which the caravan would be sited. The Council notes the intervening footpath is outside the Applicant's ownership and questions whether the land forms part of the domestic curtilage of Croft Cottage.

3.2. However, the question of domestic curtilage should not be confused with the use of the land. The important point in this case is that the land is in domestic garden use and the evidence submitted with the application explained how that use had continued following its transfer into the ownership of Croft Cottage.

3.3. The Ownership and Land Use Statement confirmed that the land was historically owned by No.100 South Street before being transferred to the owners of Croft Cottage. It then explained that since that transfer the land *"has been maintained, occupied and used as part of the domestic garden serving Croft Cottage"* and *"has not been used for any separate purposes."* [Clarification of Ownership and Land Use, para 2.5]

3.4. This is consistent with the Council's own previous description of the site. The December 2025 pre-application response referred to it as *"garden land to the east of Croft Cottage"*. It is acknowledged that the pre-application response is not binding, but nevertheless, the description is relevant to establishing the character and use of the land.

3.5. The fact that the land is separated from Croft Cottage by a footpath does not, by itself, mean that it must have a separate planning use. Likewise, the transfer of ownership from No.100 to the owners of Croft Cottage does not itself amount to a change in the use of the land. The submitted evidence was straightforward: *"The land was garden before the transfer and has remained garden following the transfer."* [Clarification of Ownership and Land Use, para. 3.2]

3.6. This is where *Burdle v Secretary of State for the Environment* [1972] is relevant. In considering the appropriate planning unit, Bridge J referred to circumstances where physically separate areas are used for *"substantially different and unrelated purposes."* It is also stated that a smaller planning unit should only be

recognised where the activities amount in substance to a separate use *“both physically and functionally.”*
[Case Law Bundle pp.6-7]

3.7. That distinction is important. That there is a physical separation between the dwelling and the application land is not up for debate. However, the evidence does not show a separate or unrelated use. Instead, the land has been used as garden serving Croft Cottage and has not been used for any separate purpose.

3.8. For this reason, the appeal should not simply turn on whether the land falls within a strict definition of the domestic curtilage of Croft Cottage. The more relevant issue is its actual use and functional relationship with the dwelling. The evidence submitted was that it forms part of the garden used in association with Croft Cottage, and the proposed caravan would continue that domestic relationship rather than introduce a separate use.

3.9. The intervening footpath is therefore a physical feature which must be acknowledged, but it does not determine the planning status or use of the land. When the existing garden use and the functional relationship with Croft Cottage are considered alongside the approach in *Burdle*, there is no basis to conclude from the footpath alone that the application land forms, or would become, a separate planning unit.

4.0. Proposed Use of the Caravan

4.1. The next issue is how the caravan would actually be used. The Council accepts that *“it is the actual use of a caravan that is determinative rather than its potential to be occupied as a self-contained residential unit.”* This is an important starting point because the refusal places weight on the caravan containing the facilities capable of independent living.

4.2. The fact that the caravan contains a bedroom, bathroom and kitchen/living facilities does not mean that it would necessarily be occupied as an independent dwelling. Those facilities need to be considered alongside the use that was actually proposed and described within the application.

4.3. In this case, the Planning Statement was clear that the caravan would provide accommodation for family members *“in a manner wholly ancillary to the host dwelling.”* It would rely upon the main house for key services and no separate curtilage, subdivision, vehicular access or postal address would be created.
[Planning Statement, para 2.1]

4.4. The proposed occupation was also clearly explained. It would remain under the control of the same household and the caravan *“will not be let, sold, or otherwise occupied independently.”* [Planning Statement, para 2.2] The separate Ownership and Land Use Statement further confirmed that occupation would be solely by members of the extended family associated with Croft Cottage [Clarification of Ownership and Land Use, para 1.2]

4.5. The Council nevertheless considers that further information was required about the particular intended occupiers and their functional dependency upon Croft Cottage. This point was addressed

directly before determination. The Case Officer was advised, again, that the accommodation was intended for the wider family of the Applicant and would remain linked to No.98a through its address, services, domestic facilities and overall use.

4.6. It was also explained that the application had deliberately not been tied to a particular named individual or their personal circumstances. The proposed use is for ancillary family accommodation. The fact that different members of the wider family may occupy the caravan from time to time does not, in the Appellant's view, change the nature of the proposed use.

4.7. This is also consistent with the approach taken in appeal decisions submitted with the application. In *8 Forge Close, Farnham (APP/R3650/X/25/3359353)*, the Inspector considered whether the proposed caravan would be incidental to the dwelling and whether it would form a separate planning unit. The relevance of that decision is the distinction between the physical ability of accommodation to support day-to-day living and the way in which that accommodation would actually function in relation to the host dwelling.

4.8. The same basic point applies here. The presence of domestic facilities within the caravan is clearly relevant, but it cannot be looked at in isolation. The Council's own assessment accepts that actual use is determinative. The evidence of the proposed use is that the caravan would remain under the control of the Croft Cottage household, would be occupied by members of the wider family and would not be let, sold or occupied independently.

4.9. On that basis, the ability of the caravan to provide comfortable and relatively self-contained accommodation does not demonstrate that a separate dwelling or planning unit would be created. What matters is how the accommodation would be used, and the proposed use has consistently been described as ancillary family accommodation associated with Croft Cottage.

5.0. Access and Physical Separation

5.1. The Council places weight on the fact that the caravan can conceivably be accessed without passing through Croft Cottage or over land within the Applicant's ownership. It considers that this physical arrangement adds to the potential for the caravan to operate independently.

5.2. The physical arrangement is not disputed. However, the ability to reach the caravan independently does not mean that it would be used independently. As already set out, *Burdle* makes clear that the planning unit is not determined by physical separation alone. The relevant question includes whether a separate use exists "*both physically and functionally.*"

5.3. In this case, there is no proposal to create a separate vehicular access specifically serving the caravan. The Planning Statement expressly confirmed that "*no separate vehicular access or postal address will arise.*" [para. 2.1]

5.4. More importantly, the means by which an occupant physically reaches the caravan does not alter the arrangements for its use. The caravan would remain under the control of the same household, would not

be let, sold or otherwise occupied independently, and would be used by members of the extended family associated with Croft Cottage.

5.5. The same applies to the intervening footpath. It creates a degree of physical separation, but it does not change the use of the land on either side of it. The evidence submitted with the application was that the application land had continued to be used as part of the garden serving Croft Cottage and had “*not been used for any separate purpose.*” [Clarification of Ownership and Land Use, para 2.5]

5.6. There is therefore a distinction between independent access and independent occupation. The former is a physical characteristic of the site; the latter concerns how the caravan would actually be used. The application expressly rules out independent occupation.

5.7. For these reasons, the separate pedestrian access and intervening footpath should not be given greater weight than the proposed use itself. They do not demonstrate that the caravan would function as a separate dwelling or that a separate planning unit would be created.

5.8. The Appellant would also respectfully point out that a Certificate of Lawfulness Application is to be judged on the information provided. The information regarding use is clearly stated and this basis is what the Case Officer should have reviewed the application on. If in the future the caravan was used as an independent dwelling, then it would not be lawful. But in any eventuality, the case must be reviewed on the merits of the information provided. Future hypotheticals are not for the Case Officer to create.

6.0. Services and Functional Relationship

6.1. The Council raised concerns during the application regarding the services to the proposed caravan and how these would demonstrate a functional relationship with Croft Cottage. This was addressed directly in the submitted Planning Statement and again through correspondence with the Case Officer.

6.2. The Planning Statement confirmed that the Caravan would “*rely upon the main house for key services including electricity, water supply and waste.*” [Planning Statement, para. 2.1] The intention was therefore clear that the caravan would be serviced in association with Croft Cottage rather than a separately serviced residential property.

6.3. This was clarified further prior to determination. The Case Officer was advised that the intention was to connect the caravan to the existing services associated with No. 98a for convenience. It was also explained that the Applicant was unaware of any statutory provision or binding case law which prescribed a particular method of service connection as a requirement for accommodation to remain incidental to a dwelling.

6.4. It is noted that no such statutory provision or authority was subsequently identified by the Council. The Appellant therefore considers that the service arrangements are relevant as part of the overall factual relationship between the caravan and Croft Cottage, but they are not a separate legal test which determines whether the proposed use is ancillary.

6.5. The same applies to the wider question of functional relationship. The application did not rely upon one single feature to establish that relationship. Rather, the proposed arrangement was considered as a whole: family occupation, common household control, reliance upon the host dwelling, no separate postal address, no separate planning unit and no letting, sale or independent occupation.

6.6. This is important because, as already alluded to, the Council's assessment appears to place particular emphasis on demonstrating a personal dependency between a specific future occupant and the occupants of Croft Cottage. The Officer Report refers to the need for information concerning the intended occupiers to demonstrate *"an ancillary functional dependency between its proposed occupation and 98a South Street."*

6.7. The proposed use is not, however, tied to one named individual. It is proposed as ancillary family accommodation associated with Croft Cottage. As explained to the Council, the relevant issue is the nature of that use and its relationship with the host dwelling rather than the identity or personal circumstances of whichever family member may occupy the accommodation at a particular time. In simpler terms, there are not certain family members that make the caravan more lawful than others.

6.8. The Appellant therefore considers that the functional relationship was sufficiently explained. The caravan would remain available as ancillary family accommodation under the control of the Croft Cottage household and would not be capable of being separately let, sold or occupied as an independent residential planning unit under the use for which the Certificate was sought.

7.0. Sufficiency of Evidence

7.1. It is clear that the reason for refusal ultimately comes down to do the Council not being satisfied that the evidence was sufficiently precise for the thresholds they had put in place. It is therefore important to consider the evidence that actually was before the Council as a whole.

7.2. As outlined, the application was supported by a Planning Statement which explained the proposed use, the relationship with Croft Cottage, the intended family occupation, household control, service arrangements and measures which would prevent the caravan operating independently.

7.3. A separate Ownership and Land Use Statement was also provided. This addressed both the existing use of the land and the proposed use of the caravan. It confirmed that the land had continued to be used as garden serving Croft Cottage and that the caravan would be occupied solely by members of the extended family, with no separate planning unit or independent residential use proposed.

7.4. The Council then sought further clarification during the application. This was not ignored by the Appellant. A detailed response was provided before determination explaining the proposed family use, the relationship with No. 98a, the intended service arrangements and why the proposed use had not been tied to the personal circumstances of one name future occupant.

7.5. The Appellant also expressly invited the Council to identify any remaining matters requiring clarification.

7.6. It is therefore difficult to reconcile with the Officer Report's subsequent statement that "*No information has been provided*" to explain how the accommodation would be occupied in a wholly ancillary manner and that the requested information "*has not been received.*"

7.7. The Appellant accepts that it is their responsibility to demonstrate the lawfulness of the proposal on the balance of probability. However, this does not mean that every conceivable detail of the future occupation has to be known before a Certificate can be issued. The proposed use must be sufficiently clear to allow its lawfulness to be assessed. The sheer quantity of Certificates granted to the Appellant over an extended period based on the same level of information attests to that.

7.8. The Council is entitled to consider the weight to be given to the evidence provided, but it is not correct to suggest that the proposed ancillary relationship had not been explained. The information was provided in the original application documents, reinforced through the separate land-use statement and clarified again through correspondence before determination.

7.9. On this footing, the Appellant maintains that ample information was sufficiently demonstrated to show a clear lawful use on the balance of probability. It is further argued that Council has incorrectly conflated their desire for a far higher threshold of information than reasonable, for no information being provided at all. There is a distinct difference between pushing back on unnecessary – and impractical – levels of detail required and not providing any information.

8.0. Relevant Appeal Decisions

8.1. A number of relevant appeal decisions were referred to within the original application, with further decisions having been identified during the preparation of future applications post submission of this one. None are relied upon as being binding on the Inspector, and each case necessarily turns on its own facts. They are, however, useful examples of how the same issues of ancillary occupation, planning units and caravan use have been considered elsewhere.

8.2. Of particular relevance is the previously referenced appeal at *8, Forge Close*. This particular appeal relates to one of our Caravans and included broadly the same level of detail.

8.3. Forge Close was particularly relevant to the Council's request for further information concerning the proposed occupants. Prior to determination, the Applicant explained that Forge Close was one of its own previous applications and had been supported by a Planning Statement materially similar to that submitted at Croft Cottage.

8.4. The point raised is not that the decision at Forge Close determines the outcome of this appeal. Rather, it demonstrates that the presence of facilities capable of supporting day-to-day living does not, by itself, establish independent use. The way in which the caravan would actually be occupied and its relationship with the host dwelling remain important considerations.

8.5. Further appeal decisions have also been identified during the preparation of this appeal and are included within the appeal evidence. These provide additional examples of how Inspectors have approached similar questions and are referred to where relevant within this Statement.

8.6. One such decision is *Albert House, Poole (APP/V1260/X/23/3316929)*. In considering the Section 192 appeal, the Inspector applied the balance of probability when determining whether the proposal would be lawful if carried out in accordance with the application.

8.7. These decisions need to be considered alongside the established planning-unit principles in *Burdle*. As set out earlier, *Burdle* requires consideration of whether there is genuinely both a physical and functional separation, rather than treating physical separation alone as decisive.

8.8. The appeal decisions are therefore relied upon as supporting examples rather than substitutes for the facts of this case. At Croft Cottage, the proposed use has consistently been described as ancillary family accommodation, remaining under the control of the same household and without separate letting, sale or independent occupation.

9.0. Conclusion

9.1. It is the Appellant's view that the matters in dispute in this appeal are relatively narrow. The Council has accepted that the proposed structure meets the definition of a caravan and that its siting would not constitute operational development. The remaining issue is whether its proposed use would be incidental to Croft Cottage or would result in a separate residential planning unit.

9.2. The Appellant considers that the evidence submitted was sufficient to demonstrate the former. The caravan is proposed as ancillary accommodation for members of the wider family associated with Croft Cottage. Occupation would remain under the control of the same household and the accommodation would not be let, sold or otherwise occupied independently.

9.3. The physical separation between the application land and Croft Cottage does not change that proposed use. The evidence submitted was that the land has been maintained and used as part of the garden serving Croft Cottage and "*has not been used for any separate purpose.*" [Clarification of Ownership and Land Use, para 2.5]

9.4. The Appellant accepts that the intervening footpath and potential separate means of access are relevant factual considerations. However, neither demonstrates that the land or caravan would function independently from Croft Cottage. This is consistent with *Burdle*, where the Court's working rule refers to separate use arising "*both functionally and physically.*"

9.5. Similarly, the presence of facilities capable of supporting day-to-day living does not establish that the caravan would be occupied as an independent dwelling. The Council itself accepts that "*it is the actual use of a caravan that is determinative rather than its potential to be occupied as a self-contained residential unit.*" And yet, throughout the Officer Report it appears that the decision has been made almost exclusively based on potential use.

9.6. The Appellant has outlined why they disagree with the Council’s statement that “no information has been provided” to explain how the caravan would be occupied in a wholly ancillary manner. The proposed occupation and relationship between Croft Cottage and the Caravan were addressed throughout two supporting documents and through subsequent correspondence with the Case Officer.

9.7. Importantly, the appeal does not depend upon establishing that the application land falls within a strict definition of domestic curtilage. The relevant considerations are its existing use, its relationship with Croft Cottage and whether the proposed caravan would create a separate planning unit or materially change the use of the land. The evidence is that the land remains in garden use associated with Croft Cottage and that the caravan would remain wholly ancillary to the same residential use.

9.8. Taking the evidence as a whole, the Appellant considers that the proposed use has been sufficiently demonstrated on the balance of probability. The caravan would not operate as an independent dwelling, no separate residential planning unit would be created, and no material change of use would occur.

9.9. The Inspector is therefore respectfully requested to allow the appeal and issue the Certificate of Lawfulness as applied for.