



## Appeal Decision

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> June 2025

**Appeal Ref: APP/T2350/X/24/3348793**

**Rock House Higher Road, Longridge, PRESTON, Lancashire, PR3 2TW**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Prime Oak Ltd against the decision of Ribble Valley Borough Council.
- The application ref: 3/2024/0273, dated 4 April 2024, was refused by a notice dated 30 May 2024.
- The application was made under section 192(1)(a) of the 1990 Act.
- The development for which a LDC is sought is siting of a mobile home to provide ancillary annexe accommodation.

**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 1 May 2025.**

### Decision

1. The appeal is allowed and attached to this decision is a LDC describing the proposed operation which is found to be lawful.

### Preliminary Matters

2. The Planning Practice Guidance (PPG) makes clear that an applicant is responsible for providing sufficient information to support an LDC application. It says that in the case of an application for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a Local Planning Authority to understand exactly what is involved. For the avoidance of doubt, the planning merits of the development are not relevant in this appeal which relates to an application for an LDC. My decision rests on the facts of the case, on relevant planning law and judicial authority. The test of evidence is made on the balance of probability.
3. The description of the development in the banner heading above is taken from the application form.
4. Having considered the evidence submitted, the main considerations in this case, and the particular matters in dispute, I am satisfied that no injustice would be caused to any party in determining the appeal without a site visit. The views of the main parties were, however, sought on this matter before my determination of the appeal. No objections to this were raised.

### Main Issue

5. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

## Reasons

6. The appeal property comprises a detached dwelling in spacious grounds. The proposal involves stationing a mobile home adjacent to a circular drive at the front of the dwelling. The mobile home would contain a kitchenette, sitting and dining areas, 2 bedrooms and ensuites and a home office.
7. There is no dispute that the mobile home would amount to a caravan, having regard to the definitions within the Caravan Sites and Control of Development Act (1960) (the 1960 Act) and the Caravan Sites Act 1968 (as amended) (the 1968 Act). The Council also states within its evidence that the mobile home would be sited within the residential curtilage of Rock House. I have no reason to disagree with those findings.
8. The appellant's evidence states that '*the proposed mobile home would be used and occupied by the family who occupy the main dwelling at Rock House, specifically as additional bedroom and occasional guest bedroom accommodation for family and visiting friends/relatives, an additional sitting and dining area from which to enjoy the garden to the dwelling, and for domestic storage purposes. A home office would also be provided for home working.*'
9. What is proposed here would not be for a purpose incidental to the enjoyment of the dwelling house as it would amount to additional primary living accommodation. Therefore, the proposal would not fall within section 55 (2) (d) of the 1990 Act. However, whether the proposal would entail development does not fall only on that consideration. Section 55 (1) of the 1990 Act provides that "development" includes the making of any material change in the use of any buildings or other land. Providing additional primary living accommodation does not automatically entail that a material change of use would occur. Whether that would be the case would depend on the specifics of any given case and the physical and functional relationship between the existing and proposed accommodation. Essentially, if the accommodation would be used in such a way that it formed an extension to the existing household, as opposed to the creation of a new residential unit then no material change of use would be involved.
10. The proposed block plan submitted with the application shows that the mobile home would be located within the front garden, close to the main house and not separated or fenced off from the dwelling in any way. Whilst separate access could, in theory, be gained from the circular drive that is not what is proposed here. The appeal statement also confirms that the mobile home would have no separate address, post box, utility meters, services, parking, garden area/curtilage or access. Furthermore, the floor plan indicates that there would be no internal access between the side of the mobile home that would house the bedrooms and the side that would house the sitting and dining areas.
11. In my view, all those factors point to a close association between the dwelling and the mobile home and a high degree of dependence of the occupants on the family in the main dwelling. It is the case that the mobile home would contain all the facilities required for day to day living such that it could, in theory, be occupied independently of the main house. Nevertheless, the appellant has clearly stated that would not be the case and, on the balance of probability, the circumstances before me indicate that the occupation of the mobile home would be ancillary to Rock House such that no material change of use would occur.

12. On that basis, I find that the siting of a mobile home to provide ancillary annexe accommodation would not result in a material change of use. Clearly, if an LDC was granted on the basis of a specific set of circumstances and the mobile home was occupied at a future point in a different manner it would be open to the Council to consider whether a material change of use had occurred at that point in time.

### **Conclusion**

13. For the reasons given above I conclude, on the evidence now available, that the Council's deemed refusal to grant an LDC in respect of the proposed siting of a mobile home to provide ancillary annexe accommodation was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act.

*D Boffin*

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

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**IT IS HEREBY CERTIFIED** that on 4 April 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed use of the mobile home would be ancillary to Rock House such that no material change of use would occur.

Signed

*D Boffin*

Inspector

Date:

Reference: APP/T2350/X/24/3348793

### ***First Schedule***

The siting of a mobile home to provide ancillary annexe accommodation as described with the supporting statement and shown on drawing numbers 92493/02, 92493/03 and 92493/04.

### ***Second Schedule***

Land at Rock House Higher Road, PRESTON, PR3 2TW

**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 described in the First Schedule taking place on the land specified in the Second Schedule would be lawful, on the certified date and, thus, would not be liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use 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.



## Plan

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

**by D Boffin**

**Land at: Rock House Higher Road, PRESTON, PR3 2TW**

**Reference: APP/T2350/X/24/3348793**

Scale: Not to Scale

