MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	144010/LP/2025
Date registered valid:	25 November 2025
Proposal:	Siting of a single-unit mobile home.
Address:	46 Didsbury Park, Manchester, M20 5LJ
Ward(s):	Didsbury East Ward
Applicant:	Mr & Mrs Noel Fisher
Agent (if any):	Mr Oliver Wright NAPC
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Grant
Date of recommendation:	16 January 2026

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Not Required

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a large two storey semi-detached dwellinghouse, located in a predominantly residential area, close to Didsbury St James Conservation Area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the siting of a single unit mobile home.

Consultations & Notification Responses

No Consultation Required - There is no statutory requirement to consult third parties, including neighbours. Any views expressed by third parties regarding the planning merits of the case or concerning the applicant's private rights to carry out the proposed operation, use, or activity, are irrelevant when determining the application.

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - *"If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"* In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use of buildings or other land (s192(1)(a) or operations proposed to be carried out in, on, over or under land, (s192(1)(b) would be lawful for planning purposes.

The application form includes a section titled “Grounds for Application,” which asks the applicant to explain why they consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful. The applicant responded with:

“The application description is 'Siting of mobile home for use ancillary to the main dwelling, meeting the definition of a caravan as set out in the Caravan Sites Act 1968, and as amended in October 2006 (CSA).' Please see the Planning Statement for further information”.

The applicant responded to the question, “Why do you consider that a Lawful Development Certificate should be granted for this proposal?” as follows:

“*Stationing of a mobile home within the residential curtilage of a dwellinghouse, for purposes ancillary to the main use of the host dwellinghouse, does not constitute development nor result in a material change of use within the meaning of Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore does not require planning permission. Please see planning statement for for more details.”*

In the case of applications 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.

Section 192(2), makes it clear that for an application submitted under section 192, “the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application

The applicant is seeking to confirm that the siting of a single unit mobile home at 46 Didsbury Park falls within the definitions outlined in the 1960 and 1968 Acts, as amended in 2006, and is considered a mobile home, therefore not resulting in operational development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).

Section 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.”*

The relevant considerations are whether the siting of a caravan in the garden constitutes a building or building operations, or whether it constitutes a material change of use.

Whilst the term “building” has been found to be wide enough to include structures and erections which might not ordinarily be regarding as a building (self-build chalets and sheds, marquee), the courts have held that if something falls within the definition of a caravan, it cannot also be a building.

The case of *Measor v Secretary of State* was concerned with six mobile caravans and 12 touring caravans within the grounds of a motel. 15 of the caravans were occupied. One of the issues to decide in the case was whether the caravans were “structures”. It was held that the definition of building should be considered as a matter of fact and degree and that generally a mobile caravan would not satisfy that definition having regard to factors of permanence and attachment. The Judge stated that it would conflict with the purpose of the Act and common sense to treat mobile caravans as buildings as of right. He went on to state that “While I would be wary of holding that, as a matter of law, a “structure” that satisfied the definition of, for example, a mobile home… could never be a building for the purpose of the 1990 Act, it seems to me that the conclusion of the inspector … makes it clear that he considered that in the present case the caravans lacked that degree of permanence and attachment to constitute buildings”.

Is the proposal a caravan?

Section 29(1) of the Caravan Sites and Control of Development Act 1960, and Section 13(1) and (2) of the Caravan Sites Act 1968, as amended by the Social Landlords (Permissible Additional

Purposes) (England) Order 2006, together set out the full legal definition of a “caravan” for planning purposes.

In short, the definition of a caravan is 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. The structure can comprise not more than two sections designed to be assembled on site, which is physically capable when assembled of being moved by road from one place to another, provided the structure does not exceed specified dimensions.

The tests to be applied in determining whether a proposed structure is a caravan are commonly referred to as the size test, construction test, and mobility test.

Size Test

The submitted planning statement in support of the application states that the proposed caravan would have a length of 7.2 metres, a width of 3.5 metres, and an internal height of 2.45 metres. These dimensions do not exceed the maximum limits for length, width, and height as set out in Section 13 of the Caravan Sites Act 1968 (as amended in 2006).

It is therefore considered that the proposal meets the requirements of the size test.

Construction Test

In terms of the construction test, the supporting statement indicates that the mobile home will be constructed on site from multiple pieces, and the submitted drawing shows a single unit. Furthermore, the statement confirms that the unit will be placed on a screw pile foundation system which will not be fixed down and is designed to ensure a minimum ground clearance of 150mm, allowing for lifting straps or rigging to be positioned underneath.

Based on this information, the Council, as Local Planning Authority (LPA), has no reason to believe that the proposal would fail to satisfy the construction test.

Mobility Test

With regard to the mobility test, as discussed, the proposal would be placed on a screw pile foundation and not affixed to it, and the ground clearance would allow the unit to be lifted by a crane. The applicant also confirms that, once assembled, the mobile home can be transported by a trailer or lorry as a complete unit and highlights that the maximum permitted width on UK roads is 4.5 metres, whereas the unit would only have a maximum width of 3.5 metres.

As such, there is no reason to doubt that the unit could be transported to and from the site as a single unit.

Material change of use?

The second limb of the definition of development is material change of use.

The supporting statement refers to the rationale for the siting of the single-unit mobile home as being for ancillary purposes. The submitted floor plan shows a lounge, bedroom and a room labelled as a “bathroom” containing a shower, toilet and wash basin, together with a store area.

The supporting planning statement explains that the mobile home would be used to provide additional accommodation for the applicant and would be dependent upon the main dwelling for its overall functionality and operation.

The statement further confirms that the mobile home would not have a separate address, post box, utility meter, or independent services (such as internet, telephone line or television), nor would it have its own parking, garden area, curtilage or private access. It is also confirmed that the unit would not be registered as a separate unit of occupation for Council Tax purposes.

Whilst generally a caravan would contain all of the facilities necessary for independent day-to-day living, in the *Uttlesford District Council v Secretary of State for the Environment and White* [1991], it was concluded that a building located within the garden of a dwelling could be used as an integral part of the main residential use without constituting a material change of use or a breach of planning control.

The application has demonstrated that the mobile home would not be used as a separate, self-contained dwelling and, as such, it's siting on the land would not result in a material change of use requiring planning permission.

Conclusion

In light of the evidence provided, it is concluded that the proposed siting of a single-unit mobile home at 46 Didsbury Park satisfies the statutory definition of a "caravan" under Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) and (2) of the Caravan Sites Act 1968 (as amended). The dimensions and mobility of the structure confirm its compliance with the legal criteria for a caravan.

Furthermore, the absence of independent services, access, or curtilage reinforces that the mobile unit will remain dependent on the main dwellinghouse.

Accordingly, the proposal does not constitute operational development under Section 55 of the Town and Country Planning Act 1990.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of

nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Grant

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed siting of a mobile home for use ancillary to the main dwelling would not constitute development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA