



New Forest Log Cabins

A Legal Definition of a Mobile Home



The basic facts:

The definition of a mobile home gives a maximum size of 20m x 6.7m (66ft x 22ft) external and 3.48m internal ceiling height. There is no external roof height. This was overlooked in the original Caravan Act of 1968.

The unit can be constructed on site, but must have the ability to be moved in two halves. For full details see Caravan Sites Act 1968 Statutory Instruments Amendment 1st October 2006 No. 2374.

Appeal Decision by JG Roberts BSc(Hons) Dip TP MRTPI, Inspector appointed for the Secretary of State for Transport, Local Government and the Regions. Ref: APP/N1025/C/01/1074589.

Construction Test

Attention is drawn to the analysis of the meaning of the words “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” which was given in *Byrne v SSE and Arun DC*, QED 1997. “Though the Park Home was delivered by lorry in many pieces, I see no requirement in section 13(1)(a) that the process of creating two separate sections must take place away from the site on which they are then joined together. It is necessary only that the act of joining the two sections together should be the final act of assembly.”

Long Definition

Appeal Decision by JG Roberts BSc(Hons) Dip TP MRTPI, Inspector appointed for the Secretary of State for Transport, Local Government and the Regions. Ref: APP/N1025/C/01/1074589. (Extracts below. Full decision notification available upon request).

The notice alleges the erection of a building. The appellant contends that the Park Home is not a building and has not involved operational development of land, but falls within the definition of a caravan. This is found in section 29(1) of the Caravan Sites and Control of Development Act 1960.

A caravan means 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 railway rolling stock in certain circumstances or tents.

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Its application to twin-unit caravans is elaborated in Section 13 of the Caravan Sites Act 1968.

Such a structure, designed or adapted for human habitation and which is (a) composed of not more than 2 sections separately constructed and designed to be assembled on a site by means of bolts, clamps, or other devices; and (b) when assembled, physically capable of being moved by road from one place to another (whether by being towed or by being transported on a motor vehicle or trailer), shall not be treated as not being a caravan for the purposes of part 1 of the 1960 Act by reason only that it cannot lawfully be so moved on a highway when assembled.

However, such a unit which when assembled exceeds 18.288M in length, 6.096M in width or 3.048M in overall height of the living accommodation (measured internally from the floor at the lowest point to the ceiling at the height level) are specifically excluded from the expression "caravan" by section 13(2) of the 1968 Act. Thus there are 3 tests to be applied to the Park Home before me: a construction test, a mobility test and a size test.

Construction Test

Attention is drawn to the analysis of the meaning of the words "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" which was given in *Byrne v SSE and Arun DC*, QED 1997.

Though the Park Home was delivered by lorry in many pieces I see no requirement in section 13(1)(a) that the process of creating 2 separate sections must take place away from the site on which they are then joined together. It is necessary only that the act of joining the 2 sections together should be the final act of assembly.

Mobility Test

Section 13(1)(b) of the Caravan Sites Act 1968 must be satisfied also. To fall within the definition the structure must be capable of being moved by road from one place to another in its assembled state. The fact that the private drive to No 159 Victoria Avenue is too narrow to allow the passage of the Park Home in its assembled state along it is not the point. It seems to me that it is the structure that must possess the necessary qualities, not the means of access. It is not necessary for it to be capable of being towed, only that it is capable of being moved by road.

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The terrace and porch canopy are bolted to the unit and could be removed quickly and easily. The decking appears to have been attached to the remains of the caravan chassis and does not form an integral part of the structure. In my opinion neither affect the transportability of the assembled Park Home. In my opinion it meets the mobility criterion of the 1968 Act.

Size Test

...Mr Thorps measurement of internal height gives a maximum of 3.060M, 12mm in excess of the internal height from floor to ceiling of 10 feet (3.048M) specified in that section. The local authority's view is that it either falls within the size limits or it does not, there is no scope for the appellant's de minimis argument here.

...it had been designed so that the maximum internal height would be no greater than 3.048M. The reason for the difference is not known, but it seems to me that 12mm discrepancy may be within the range of variation that might be expected from natural movement of timber. Further, the same structure could probably be brought within the strict definition of a twin-unit caravan very easily by the addition, for example, of strips of material 12mm thick added to the ceiling by the central ridge, or by plywood laid upon the floor. Its external dimension would remain unchanged.

In these circumstances I agree with the appellant that the excess height is de minimis. To exclude the Park Home from the definition of a twin-unit caravan for this reason alone, or because the alterations necessary to bring it within the strict terms of the definition would now offend the construction test, would be verging on the unreasonable.

Conclusion

It is clearly designed for and capable of use for human habitation. The addition of decking and porch canopy has not affected the integrity of the Park Home such a twin unit. It may look like a building at first sight. It may be a structure in the sense of something that has been constructed, but so are all caravans. It has not become a building through permanence or its degree of physical attachment to the ground.

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