
Appeal Decisions

Inquiry held on 4 April 2017

Unaccompanied site visit made on 3 April 2017

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2017

Appeal A: APP/Y1138/X/16/3153076

Kerrells, Down Farm Buildings, Appledore, Burlescombe, Tiverton, Devon, EX16 7LF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Miss Alicia Hill against the decision of Mid Devon District Council.
- The application Ref 15/01775/CLU, dated 5 November 2015, was refused by notice dated 18 April 2016.
- The application was made under section 191(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 described in section 8 of the application as "sui generis > use of land to site a caravan/mobile home (caravan A)"; and then section 9 of the application says: the caravan "has been sited in the location marked 'caravan A' & as coloured red on the submitted location plan No. 15/720/01 & has been occupied as a permanent residence continuously from March 2004 to the current time."

Summary of Decision: The appeal is dismissed.

Appeal B: APP/Y1138/C/16/3158894

Land at NGR 306655 224226 (Kerrells), Burlescombe, Tiverton

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Miss Alicia Hill against an enforcement notice issued by Mid Devon District Council.
- The enforcement notice, numbered ENF/15/00100/UCU, was issued on 8 September 2016.
- The breach of planning control as alleged in the notice is without planning permission change of use of the Land from agriculture to a mixed use comprising agriculture and use as a caravan site for human habitation.
- The requirements of the notice are: (i) cease the use of the site as a caravan site for human habitation; and (ii) remove from the land all residential caravans together with all domestic paraphernalia associated with the use of the land as a caravan site.
- The period for compliance with the requirements is Six (6) calendar months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation.

Procedural matters

1. The day before the inquiry, I carried out an unaccompanied inspection of the site and surroundings from the public highway. Given that the appeals concern the history of the use of the site, the parties agreed that an accompanied inspection would not be necessary.
2. Whilst the site address given in the LDC application differs in terms from the address stated on the enforcement notice, it is clear from the respective plans that the appeals relate to precisely the same site.
3. All witnesses gave evidence under oath or affirmation.

Appeal A

4. It was agreed that, taking sections 8 and 9 of the LDC application together, the application was essentially for an LDC for the use of the land for the stationing of one caravan/mobile home as a permanent residence.
5. To succeed on this appeal, the appellant must prove on the balance of probability that the use of the land for the stationing and occupation of one caravan/mobile home as a permanent residence commenced on or before 5 November 2005 and that this use then continued for at least 10 years without any significant interruption.

Reasons

6. There is no dispute that a caravan was stationed on the appeal site from before the relevant date. In the statutory declaration dated 19 October 2015 submitted by the appellant in support of her LDC application, she said that a caravan was first brought onto the site in February 1998. In any event, Mrs Ferguson said that a caravan was there in 2002.¹ Together with her husband, she occupied the adjoining property, Down Farm, from 2002 to 2014. It is clear from the evidence given at the inquiry that this first caravan was in the location marked 'Caravan A' on the LDC application plan. It is also common ground that this was replaced with a newer caravan in 2014 and then, in August of that year, a park home was also brought onto the site. This is located in the position marked 'Caravan/Mobile Home B' on the LDC application plan.²
7. The appellant says that, between February 1998 and March 2004 she stayed overnight in the caravan on the site on a regular basis to tend to her animals, as and when needed. For example, she stayed during foaling or lambing, or to look after sick animals. She said that, during this period, she probably stayed on the site for at least half of each year, though she was uncertain of this.
8. In any event, that would not amount to continuous occupation and the appellant's 2015 statutory declaration indicates that, between 1998 and 2004, she otherwise slept at No 1 Culm View, which was owned and occupied by her parents.³ In her evidence,⁴ Tina Maryan pointed out that 1 Culm View was unoccupied from 1 June 1995 – 22 March 2002, as it was undergoing major repairs. In response, the appellant explained at the inquiry that, during that period, her parents lived at no 2 Culm View, a property she had purchased, and

¹ Mrs Ferguson's proof, at paragraph 2.3.

² Ibid, at paragraph 3.18 and Alicia Hill's 2015 statutory declaration, at paragraphs 11 and 12.

³ Alicia Hill's 2015 statutory declaration, at paragraph 8.

⁴ Tina Maryan's proof, at paragraph 2.2 and appendix 1.

- so she stayed with them there when not at the appeal site. She said she no longer owns No 2 Culm View. Although she does now own No 1, there is no bedroom available for her, as her father now needs a live-in carer.
9. Though it does not concern the relevant period, the appellant's statement about where she slept over a 6 year period was an unfortunate inaccuracy in the statutory declaration. Nevertheless, she says that from March 2004, she started living in a caravan on the site and has lived there continuously since then.⁵ She also says that, from August 2014 to June 2015, after she moved into the park home, the caravan in location 'A' was occupied as a residence by Jane O'Sullivan. It was then occupied by Mr and Mrs Bowles and their 2 children but, they have now left and that caravan is unoccupied.
 10. However, a number of pieces of evidence may suggest that the appellant has lived somewhere other than the appeal site. Although she said in her 2015 statutory declaration that she purchased the site in 1995, the appellant explained at the inquiry that it was purchased jointly with her former "partner", Alan Harris. In October 1998, they entered into a deed⁶ to grant a right of way over the land to Ann Barwood, the then owner of Down Farm. That deed referred to "ALICIA CAROLINE HILL and ALAN DEREK HARRIS, both of 6 Culmlea [*sic*], Cullompton, Devon..."
 11. The appellant says that 6 Culm Lea was Mr Harris' property, but she never lived there. Midland Bank PLC was also a party to the deed, as it held a mortgage over the property. The appellant says that Mr Harris dealt with all the paperwork and 6 Culm Lea was the address for the joint mortgage account. Whilst Tina Maryan⁷ also refers to an Experian Credit report advising that the appellant had been registered at 6 Culmlea [*sic*] since 1997, no detail is provided and, rather than constituting an additional piece of evidence, that Experian record probably relates to the Midland Bank mortgage.
 12. Whether the appellant is likely to have lived with Mr Harris at 6 Culm Lea at any stage depends to some degree on the nature of her relationship with him. Her evidence concerning that relationship between 1995 and 2014 was less than clear. At the inquiry, she said they were "good friends initially"; it was "a little bit personal for the first few years" and though they were "intimate on odd occasions", they were "just sort of friends towards the end". She said that they bought the appeal property together when they were "quite good friends". The appellant explained that she was looking for a property to keep animals, but Mr Harris saw it purely as an investment, though it was "not a business partnership at that point."
 13. Nevertheless, the appellant said she and Mr Harris were "mainly business partners", though she paid for everything to do with the appeal site, apart from the first caravan, which he purchased, and he did nothing with the site and did not even want her to keep animals there. On the basis of that evidence, it is hard to grasp the sense in which they were really business partners. In her statement for this appeal, the appellant refers to her "separation from Alan Harris" and similarly, in oral evidence, she said that the "break-up" with Mr Harris gave her the opportunity to tidy the site. This language is more indicative of a personal relationship than a business partnership.

⁵ Alicia Hill's 2015 statutory declaration, at paragraph 9.

⁶ Tina Maryan's proof, appendix 2.

⁷ Ibid, appendix 1.

14. I understand that the appellant may have been reluctant to discuss her personal life in detail in a public forum. However, she and Mr Harris were close enough to buy the appeal site jointly in 1995 and to take out a joint mortgage on it. It is probable that, over much of the period 2004 – 2014 and before, they were in a personal relationship. Emma Thurlow, whose mother is Mr Harris' cousin, said she would not have described the appellant and Mr Harris as "a couple" and she had seen no sign of the appellant living at his house. However, on her evidence, their separation coincided with Mr Harris meeting and forming a relationship with another lady. Again this suggests that the appellant and Mr Harris had been in a personal relationship.
15. The appellant also has a book keeping business and is registered with HMRC for accountancy purposes at 1 Culm View. She is also on the Register of Electors there. That address is also shown on her driver's license, which includes a clear note to the effect that failure to advise of a change of address is punishable by a fine. The Honinton and District Agricultural Association also use that address. The appellant says she adopted it for her important correspondence despite leaving that address in 2004, because of problems with post being mistakenly delivered to Down Farm and not passed on by Mr and Mrs Ferguson.⁸
16. However, the letter dated 27 January 2016 submitted by the appellant's agent in support of her LDC application⁹ indicated that, to overcome difficulties with her post, she used "her partner, Mr Alan Harris' address, at 6 Clum[sic] Lea, Cullompton for postal and delivery purposes." It was said that she did not use her parents' address because she "did not visit her elderly parents on a daily basis", whereas Mr Harris either came to the appeal site each day or she saw him elsewhere. On the other hand, less than 2 months later, the appellant said in her appeal statement¹⁰ that she could frequently collect post from her father because she sees him "often, and until recently this was daily..." This kind of inconsistency reduces credibility.
17. In any event, Mr Ferguson's representation on the LDC application noted that the list of members of the South Western Association of the Welsh Pony and Cob Society included "KERRELLS (A & B), Miss Alicia Hill and Mr Harris, 6 Culm Lea, Cullompton...". Similarly, that society listed the appellant on its "In-Hand Panel of Judges and Inspectors 2011"¹¹ and gave her address as 6 Culmlea [sic]...(KERRELLS)" though the telephone number given was that for the appeal site. No 6 Culm Lea was also given as the address for the appellant and Kerrells Stud on an undated index of entrants to a competition.¹²
18. The 'Hotfrog' online business directory also says that Kerrells Stud is located at 6 Culmlea [sic], but adds: "Is Kerrells Stud...your business? Claim your listing and attract more leads by adding more content, photos and other business details." The appellant confirmed that she had not provided details to Hotfrog and had not previously heard of it. I attach no weight to the Hotfrog listing.
19. In 2015, the appellant registered "Kerrells, Down Farm Buildings..." with the Council and Royal Mail as her official postal address. She provided clear signs at the property entrances and more obvious places for mail and deliveries. There is no reason why she could not have done this much earlier, but was

⁸ The appellant's statement for this appeal, at paragraph 4.

⁹ Tina Maryan's proof, at appendix 5.

¹⁰ At paragraph 8.

¹¹ Tina Maryan's appendix 4.

¹² Ibid.

content to state her address as either 1 Culm View or 6 Culm Lea throughout the previous 10 years plus.

20. A failure to register for Council Tax purposes does not prove that a person was not living at a particular address. However, the fact remains that no dwelling had been registered for Council Tax at the appeal site until recently¹³. The Council has now obtained a Council Tax Liability Order¹⁴ against the appellant in respect of the appeal site from 1 March 2004 and she suggested in her Statement of Case that this is "perverse", if the Council does not accept she was living there. In its own Statement of Case, the Council explained that a different level of proof is required in relation to Council Tax; they will take at face value a person's statement that they have been living at an address for a certain period and bill them accordingly. However, the Revenues Department will await the outcome of this appeal before taking further recovery action.
21. Other documents included in the appellant's appendices and the evidence submitted with the LDC application give her address as the appeal site. These include: two invoices for Tamlyn Flax Shive in 2000; EDF business electricity supply contracts for 2007 and 2013 and business bills for 2012 and 2013; Ministry of Agriculture Fisheries and Food correspondence from 1999 and undated DEFRA correspondence concerning the Poultry Register; letters/invoices from Tele2 UK Communications Ltd and BT dated 2004 and 2005 addressed to the appellant/Kerrells Stud; BT bills for Kernels Stud for 1996, 2012, 2013 and 2014; a 2008 invoice for a battery; a 2004 Veterinary laboratories report concerning birds; a couple of statements from Orange for May and June 2009; pet food and medication invoices/order confirmations from 2004, 2009, 2010, 2012 and 2013; a 2013 invoice for a fluorescent light; a 2014 receipt for repairs to electric fences; water and sewerage bills from August 2002 – January 2014; a 2012 Argos order confirmation for an unspecified item; a 2011 ASDA order for food and other items; a Marks & Spencer email concerning the delivery of a skirt in December 2010; an email from The Orvis Company confirming the appellant's order of an unspecified item in October 2010; a letter from Homeweb dated January 2014.
22. Some of these documents relate to the period before the appellant says she was living at the site anyway. The majority of them relate more obviously to her agricultural/business use of the site. There are substantial gaps; for example no documents for 2006 or 2011. Whilst a few documents relate to domestic deliveries, there is no dispute that the appellant has spent a lot of time at the site and will have eaten there during the day. It would have been convenient to have some items delivered there. The third paragraph of the Homeweb letter does say "Should you decide to use Homeweb to sell your home our fees would be calculated at 0.5%..." However, the first paragraph sets out the valuation which relates to the "entire site including both fields and outbuildings including the main barn." In these circumstances I attach no significance to the use of the words "your home" in the third paragraph, which is likely to be an un-amended standard provision.
23. In answer to my questions, the appellant said that she had a television on site in the caravan all the time that she has lived there. When I asked if she could produce television licences back to 2004 she said that her parents paid for them, but that is irrelevant, as they would still show the site address. Overall,

¹³ See the officer's delegated decision report concerning the LDC application.

¹⁴ The appellant's appendices, page 36.

notwithstanding its volume, the documentary evidence does not provide significant support for the appellant's claim to have lived on the site continuously since 2004.

24. However, a number of witnesses support that claim. Kenneth Middleton has lived close to the appeal site at Worthill Cottage since mid-2001 and said that he regularly helped the appellant with the animals.¹⁵ He became good friends with her and she helps him with form filling and so on. He said he sees the appellant nearly every day and often observes her with the horses in the field on the other side of Broad Path. He said she prepared a hot meal for him each day in the caravan and gave it to him at about 5.00 pm. However, he ate this in the office, which fronts onto Broad Path. Indeed, although he has been in the new caravan acquired in 2014, Mr Middleton said he never went inside the old caravan prior to that date.
25. Nevertheless, Mr Middleton said he knew the appellant was living on the site because he could see her car parked on the Broad Path frontage at weekends and lights on in the caravan in the evening. At first he could see those lights from his kitchen window, but then Mr and Mrs Ferguson replaced their chicken shed with a larger one and this blocked the view. Nevertheless, he could still see the caravan from his back garden or when he took the dog for a walk at about 10:00 pm. Mrs Ferguson later explained that the larger chicken shed was built shortly after October 2002. On the appellant's evidence, she was not living on site at this point. Accordingly, whatever Mr Middleton could see at that time, it was not the appellant living permanently at the appeal site and, as indicated, he never went inside the caravan before 2014.
26. Mr Sivlal says the appellant has carried out accountancy work for him since 2003 and that she has lived in a caravan on the site throughout that time¹⁶, though she of course says she did not move in until 2004. Mr Sivlal said that, although he never had an appointment, he visited the appellant on average 12 times per year for business, but also because he was interested in the chickens. However, he said he would usually meet her in the office or in the farm buildings, though this would not normally be during office hours, and only occasionally in the caravan. Mr Sivlal said he believed the appellant lived at the site because that is the address she gave him and she was always there when he went. Ultimately, Mr Sivlal's evidence included little direct proof that the appellant lived constantly in the caravan.
27. Emma Thurlow also said that the appellant lived continuously at the site since 2004¹⁷. As explained, the appellant's former partner, Alan Harris, is Mrs Thurlow's mother's cousin. In oral evidence, she said she had frequently stayed with Mr Harris' parents when she was growing up. She said that she made contact with the appellant through Mr Harris and specifically when a friend of hers bought a show pony from the appellant. Mrs Thurlow and the appellant became friends, as they had similar hobbies and she felt relaxed with her. She said she had visited and stayed at the site plenty of times since 1998.
28. Mrs Thurlow said she helped the appellant move some of her things into the caravan in 2004. In fact she would stay in the caravan most weekends and often through Easter and summer holidays with her son and foster children.

¹⁵ The appellant's appendices, page 4.

¹⁶ Ibid, at page 76.

¹⁷ Ibid, at page 77.

However, she said that she stayed at the caravan less frequently when she started full time work in 2005, but still spent every other weekend there and school holidays. She has also stayed there with her husband, who she married in 2007.

29. The appellant's niece, Hayley Horsburgh, says that she has visited the appeal site to help with the animals on numerous occasions since 1999 and she confirms the appellant has lived there since 2004.¹⁸ Ms Horsburgh, who is 35, said she used to visit the appeal site every day from about 4.00 pm to 8.00 pm when she was at school. Indeed, even when she left school and went to college she would go every day and every weekend. She said that, up to 2004, she stayed overnight in the caravan at weekends and often for 2 – 3 weeks during foaling. In fact she said that she might spend up to a third of the year there until 2004, when her child started school. Even after that she says she went to the appeal site every day from about 7.00 am to 7.00 pm and probably stayed 1 or 2 times per month. Even when she got a full time job as a care assistant in 2011 she said she would still visit every day.
30. Though he did not attend the inquiry, the appellant's nephew, Gavin Horsburgh, said in his statutory declaration that he resided at the appeal site from August 2004 to 1 September 2012 "continuously along with the applicant."¹⁹ This is contradicted by the appellant, who says he lived on the site on the occasions she was absent, for site security and animal welfare reasons.²⁰ In oral evidence, she said that she often had to go to her parents to help them, but there was no satisfactory explanation for why Mr Horsburgh said what he did in his declaration. The appellant does not rely on Mr Horsburgh's evidence, but she did submit it and it adds a layer of confusion.
31. Letters from Elizabeth Horsburgh, Penny Hoare, David Persey, Tim Ledbury and Marcelle Connor and statutory declarations from Kathleen Bowles and David Bowles also indicate that the appellant lived at the site. However, none of them attended the inquiry and so their evidence was untested, particularly with regard to continuity.²¹
32. Against the evidence of the appellant and her witnesses, I have the written evidence of Mr Ferguson and the written and oral testimony of Mrs Ferguson. Of the various witnesses who said that they stayed at the appeal site Mrs Ferguson said: "All these people I have never seen before say that they spent a lot of time at the site." On the totality of the evidence from the appellant and her witnesses, quite a few people have slept in a caravan on the site regularly throughout the 10 year period. These include the appellant herself; her nephew Gavin Horsburgh; her niece Hayley Horsburgh; Emma Thurlow; Mrs Thurlow's son, foster children and husband.
33. Throughout 2002 to 2012, Mr and Mrs Ferguson lived next to the appeal site and indeed Mr Ferguson worked from home. Whilst they planted evergreen trees on their south-eastern boundary, which eventually restricted views²², to begin with they could see the appellant's caravan, as well as her buildings and manure heap. Four windows overlooked the appeal site and they could easily see who was coming and going. Mrs Ferguson said they saw the appellant and

¹⁸ The appellant's appendices, at page 2.

¹⁹ Ibid, at page 1.

²⁰ The appellant's statement for the appeal, at paragraph 14.

²¹ I acknowledge that Mr Bowles has sadly passed away.

²² See the December 2016 photographs at the appellant's appendices pages 13 – 15.

Mr Hill arrive at the appeal site on most days at around 0700 and depart at around 1800 and they would park their cars on the concreted yard on the Broad Path frontage. Parked cars are shown in that area on Google photographs from 2009²³ and aerial photographs from 2002, 2006 and 2010.²⁴

34. Mrs Ferguson said that the appellant started living in a caravan on the site in the spring of 2014 and from then the number of items of mail mistakenly delivered for the appellant at their property increased markedly. The appellant also moved poultry houses from the site, the old caravan was replaced with a new one and then the park home was installed. Furthermore, the site was landscaped, quick growing laurels were planted to shield the view from their property and other plants, fencing and decking were installed. A new kennel was placed beside the decking for a recently acquired German shepherd dog. Mrs Ferguson also started to see washing being hung out beside the caravan, where there had been none prior to 2014 and the appellant started parking her car beside the caravan on newly laid hard standing.
35. Both the appellant and Mr Middleton commented on how frequently Mrs Ferguson used to take photographs and Mr Middleton said this annoyed some of the local lorry drivers. Mrs Ferguson explained that she had given evidence to the Inspector at the Devon Minerals Plan Inquiry regarding the operation of a quarry and a planning application had been submitted with implications for lorry routing and road safety. This is why she had been gathering evidence, but it demonstrates that Mrs Ferguson is a vigilant individual and it is highly unlikely that the appellant could have lived in a caravan on the appeal site continuously for 10 years, with frequent overnight guests, without her noticing.
36. The Fergusons were in dispute with the appellant for some time over drainage matters and Elizabeth Horsburgh suggested in her letter that this animosity is a reason for the Ferguson's giving false evidence.²⁵ However, to me it indicates that, whilst Mrs Ferguson said they had no objection to occasional overnight stays during foaling and lambing, if the appellant had been living on the site permanently since 2004, Mr and Mrs Ferguson would have complained about that much sooner. Instead, although it no longer affects them because they have moved away, the Fergusons state quite simply that no one lived permanently at the site until 2014.
37. The appellant confirmed that structures visible close to the caravan on aerial photographs from 2002 to 2010 were poultry houses. There were 7 or 8 of these as close as 5 feet from the caravan. Whilst she said that this did not trouble her, it would not have been particularly conducive to permanent residential occupation over a 10 year period. By contrast, from the time the Fergusons say she lived on the site, the poultry houses were moved and the appellant created a much more convenient domestic layout and arrangement.
38. It is also striking that the appellant was unable to produce a single photograph suggestive of her living at the appeal site. This is surprising over a 10 year period. I do not doubt that the appellant has spent a great deal of time at the appeal site and has stayed overnight from time to time, sometimes with others. However, whilst I attach due weight to the sworn testimony for the

²³ Mrs Ferguson's appendix 4.

²⁴ Inquiry document 3.

²⁵ Appellant's appendices, page 7.

appellant, I must consider all the evidence together. This includes the fact that, though she was equivocal about this, I have concluded that, until 2014 the appellant had a close personal relationship with Alan Harris who owned a house at 6 Culm Lea. The appellant has given this address as hers at times, as well as 1 Culm View, which she has also owned. For a time she also owned 2 Culm View. Despite the number of friends and family members supporting the appellant on oath, some claiming that they also regularly stayed at her caravan, when all the surrounding circumstances are taken into account, I find the simplicity of Mrs Ferguson's sworn testimony more compelling.

39. In conclusion, I find that the appellant has not proved on the balance of probability that the use of the land for the stationing and occupation of one caravan/mobile home as a permanent residence commenced on or before 5 November 2005 and that this use then continued for at least 10 years without any significant interruption. I consider it probable that the appellant lived elsewhere, at least for significant periods of time. Appeal A therefore fails.

Appeal B

Ground (d)

40. To succeed on this ground, the appellant must prove on the balance of probability that the use of the land changed from agriculture to a mixed use comprising agriculture and use as a caravan site for human habitation on or before 8 September 2006 and that the mixed use then continued for at least 10 years without any significant interruption.
41. The allegation concerns use as a "caravan site for human habitation". The appellant points out that section 1(4) of the Caravan Sites and Control of Development 1960 (the 1960 Act) defines a "caravan site" as "land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed."²⁶ The appellant submitted in closing that, even if the caravan has not been occupied continuously for the relevant 10 year period, a caravan has been on site for the purposes of human habitation throughout the relevant period and ground (d) should therefore succeed.
42. This argument was skilfully put and I have given it serious consideration. I have no doubt that a caravan was available on the site for human habitation throughout the 10 year period. Indeed, under section 29(1) of the 1960 Act, a caravan is only a caravan so long as it is "designed or adapted for human habitation." However, in order to acquire immunity under ground (d) for use as a caravan site for human habitation, actual use is required; a caravan needs to have been continuously inhabited on the site for 10 years without any significant interruption. Whilst, for some purposes, a person may be deemed to remain in occupation of a dwelling if they still have their personal effects in it, in this context, actual occupation is necessary. My conclusions on appeal A apply equally to this appeal, notwithstanding the slightly different 10 year period against which the assessment must be made. The appeal must therefore fail on ground (d).
43. As an aside, I note that there is no appeal on ground (f). Whilst the notice includes a requirement to remove all "residential caravans", the parties will be

²⁶ Inquiry document 1.

aware that this would not prevent the subsequent stationing of a caravan for purposes ancillary to the lawful agricultural use.

Ground (g)

44. The issue on this ground is whether 6 months is a reasonable period for compliance, having regard to the appellant's personal circumstances and her human rights.
45. When the appeal was made, one caravan was occupied by the appellant and the other by Mr and Mrs Bowles and their 2 children. However, the Bowles family left at the end of January. As far as the appellant is concerned, she said that she would have nowhere else to go and may have to sell her animals and the property. Whilst she owns her parent's home, she cannot live there now as a bedroom is required for her father's full time carer.
46. It was not clear why the appellant would necessarily have to sell her animals or the property and the park home and caravan could presumably be sold or relocated to a lawful site. However, I accept that it may take some time to put suitable arrangements in place whilst the appellant continues to manage her business and tend to the needs of her elderly and infirm parents. As enshrined in the Human Rights act 1998, Article 8 of the European Convention on Human Rights states that everyone has a right to respect for their private and family life and Article 1 of the First Protocol entitles every person to peaceful enjoyment of their property. Subject to increasing the period for compliance from 6 to 9 months, I am satisfied that the notice will represent a reasonable, proportionate and lawful interference with the appellant's human rights. To this extent, the appeal succeeds on ground (g).

Decisions

Appeal A: APP/Y1138/X/16/3153076

47. The appeal is dismissed.

Appeal B: APP/Y1138/C/16/3158894

48. The enforcement notice is varied in section 6 by deleting "Six (6) calendar months" and substituting "Nine (9) calendar months". Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

J A Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT: Graham Gover solicitor

He called:

Alicia Hill
Kenneth Middleton
Roshan Sivlan
Emma Thurlow
Hayley Horsburgh

FOR THE LOCAL PLANNING AUTHORITY: Philip Langdon solicitor

He called:

Tina Maryan BSc(Hons),
MA T&CP, MRTPI, Area
Planning Officer

Joanne Ferguson

DOCUMENTS SUBMITTED AT THE INQUIRY

1	Appellant's opening submissions
2	Letter from Mrs Cornelia Gill to Mrs Maryan 29 March 2016
3	Aerial photographs from 2002, 2006 and 2010
4	Electricity bill dated 9 September 2008
5	Letter from Joanne Ferguson to Planning Inspectorate dated 12 December 2016