



Appeal Decision

Site visit made on 2 October 2024

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 18 October 2024

Appeal Ref: APP/R4408/C/23/3327642

Land on the East side of Sandybridge Lane, Shafton, Barnsley, South Yorkshire S72 8PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Dominic Croft against an enforcement notice issued by Barnsley Metropolitan Borough Council.
 - The notice was issued on 21 July 2023.
The breach of planning control as alleged in the notice is: The material change of use of the Land to the residential use of a Caravan (approximate position edged green on *Document A* of Appendix 1). Associated operational development which is part and parcel of the use described in paragraph 3.1 consisting of; the erection of two outbuildings (approximate positions shown edged pink on *Document B* of Appendix 1) the creation of hard surfaces (shown edged blue on *Document C* of Appendix 1) and the erection of fences and gates (approximate position shown edged yellow on *Document D* of Appendix 1) at the Land. The storage of domestic items which are connected with this use described in Paragraph 3.1.
 - The requirements of the notice are to:
 - (i) Cease the use of the Land described in paragraph 3.1 and 3.3 of this notice and:
 - (ii) Remove the caravan from the Land.
 - (iii) Demolish and remove from the Land the associated operational development described in paragraph 3.2.
 - (iv) Remove any associated domestic items referred to in paragraph 3.3 from the Land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Appeal on ground (b)

2. The main issue is whether as a matter of fact there has been a material change of use of the Land to the residential use of a caravan at the time when the notice was issued. The burden of proof falls on the appellant to make out their case and the test is the balance of probability.
3. It is the appellant's case that the log cabin erected on site is not a caravan but is a permanent building and not a mobile home. The other development that has taken place on the site, including the two outbuildings, are ancillary to the erection of the dwelling. On the other hand, the Council consider the log cabin to be a "twin-unit caravan" and consider that a material change of use has occurred in the use of the Land for residential use of a caravan.

4. For there to be a caravan or a building there would need to be a 'structure' and there is no dispute that there is a structure on the Land. Therefore, I shall utilise this word to describe the alleged caravan within this ground of appeal, as it is a neutral term for both a building and a caravan.
5. Pursuant to section 55 of the 1990 Act, "development" means 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. "Building operations" include operations normally undertaken by a person carrying on business as a builder. A "building" is defined within section 336(1) of the 1990 Act to include any structure or erection.
6. A caravan is defined at section 29(1) of the Caravan Sites and Control of Development Act 1960 (CSCDA) as 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. It excludes (a) any railway stock which is for the time being on rails forming part of a railway system, or (b) any tent.
7. Of particular relevance in this instance is the definition of a twin-unit caravan within S13(1) and (2) of the Caravan Sites Act 1968, as amended (CSA). That is because the Council maintains that the structure is a twin-unit caravan falling within that definition. In effect, the 1968 Act establishes a three-part test in relation to dimensions, construction and mobility. All three parts of the test must be met for the structure to be a twin-unit caravan.
8. The dimension test relates to limits on length, width and the height of the living accommodation as set out in S13(2). The construction test relates to S13(1)(a) which requires that it is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices. The mobility test derives from S13(1)(b) which requires that the structure, when assembled, is physically capable of being moved by road from one place to another, whether towed or transported on a motor vehicle or trailer.
9. The structure the subject of this appeal is 16.28m long, 6.15m wide with a maximum ceiling height of 2.7m such that it would fall well within the dimensions stipulated at S13(1)(a).
10. The construction test requires that the structure is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps and other devices. The enforcement notice refers to several Appendices attached to it. Appendix 2 includes two images dated 11 October 2018 which show two sections of the structure being delivered to the site. The appellant confirmed in his response to the Council's Planning Contravention Notice that the structure shown on those images was previously located on a holiday park and designed in two sections to make it easier to transport. This structure was relocated on a lorry back, set up and bolted back together on the appeal site.
11. However, that structure has been subsequently extended and altered. The structure that is now on the Land, and the subject of the enforcement notice, is now comprised of more than two parts. The original structure (dimensions 10.05m long and 6.15m wide) has been modified and extended to provide

additional bedroom accommodation. It is understood from the appellant that those works were undertaken during the summer of 2020 and that date is supported by aerial images provided by the Council.

12. Consequently, the structure the subject of the enforcement notice, is comprised of more than two parts and is not therefore a twin-unit caravan. Notwithstanding the structure comprises more than two parts, considering my observations when visiting the site, the addition of the rear extension has also involved modification of the original structure's rear elevation, including making a new opening, plaster boarding/finishing the adjoining internal corridors, and physically attaching the extension with additional timbers, including flashings to join the two roofs. The erection of the extension in that way would, in all likelihood, have needed to be undertaken by a builder or skilled tradesman. It is not the sort of activity that would be taken on by an average homeowner.
13. Having regard to the evidence before me, the method of construction of the structure the subject of this appeal and the number of parts comprised in it, would fail the construction test. Thus, on the balance of probability, I conclude that the structure would not amount to a twin-unit caravan, as defined by the CSA. Consequently, considering the structure is not a caravan, the alleged material change of use of the Land to the residential use of a caravan has not occurred as a matter of fact.

Conclusion

14. For the reasons given above, I conclude that the appeal should succeed on ground (b). The enforcement notice will be quashed.
15. In these circumstances, the appeals on grounds (c), (d), (f) and (g) do not fall to be considered.

Elizabeth Pleasant

INSPECTOR