



Appeal Decision

Site visit made on 3 December 2024

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/Q9495/C/23/3334495

Land at Beckstones Farm, Grizebeck, Kirkby In Furness, LA17 7XS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr M Keegan of Ashton Agricultural & General Ltd against an enforcement notice issued by the Lake District National Park Authority.
- The notice was issued on 25 October 2023.
- The breach of planning control as alleged in the notice is, without planning permission, the making of a material change of use of the land from use as agriculture to a mixed use of agriculture and the storage of a caravan (in the approximate location as marked by the blue cross on the attached plan).
- The requirements of the notice are to:
 - (i) Cease to use the land for the storage of a caravan, and
 - (ii) Remove the caravan from the land.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended).

Formal Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (b)

2. An appeal on ground (b) is that the matters or development alleged by the notice have not occurred. As with ground (c), the onus is on the appellant to make their case on the balance of probabilities.
3. The land subject to the notice (the appeal site) is part of a wider agricultural holding which extends to approximately 1,200 hectares and comprises a mix of cattle and sheep farming. There is no dispute that agriculture is the lawful and the existing primary use of the land.
4. There is also no dispute that a static caravan has been stationed on the appeal site, specifically on an area of hardstanding adjacent to a cluster of agricultural buildings. The point at issue is what use or purpose the caravan has been stationed for; the notice suggests that the caravan is being stored, meaning that the land is used for storage as well as agriculture. The appellant contends that the caravan is used for staff welfare and 'occasional' accommodation purposes related to the lawful agricultural use.
5. To elaborate, the appellant told the Local Planning Authority (LPA) that the caravan is 'used intermittently when stock requires 24 hour watch'. However, the appellant has submitted little evidence as to how often that might be, or what welfare facilities or accommodation are needed by staff at such times. Indeed, the appellant has provided very little information about the agricultural enterprise generally. It is not enough to say that the caravan would not normally be slept in during the working day. The appellant has not given any positive description of the welfare or accommodation use.
6. The LPA questions whether the caravan has been used for welfare or accommodation purposes at all, given that they saw 'minimal items' inside the caravan. Either way, what does seem likely, from the evidence as a whole, is that the caravan is not removed from

the land at such times that it is not required for welfare or accommodation purposes. Thus, the appellant has not shown that the caravan is not being stored as alleged the majority of the time.

7. I conclude that, on the balance of probabilities, there has been a change of use so that the land is being used for the purpose of storage – with the caravan being the item stored – as well as for agriculture. It follows that the matters alleged by the notice have probably occurred and the appeal must fail on ground (b).

The appeal on ground (c)

8. Ground (c) is that the matters alleged do not constitute a breach of planning control, perhaps because planning permission is already granted or not required.
9. Planning permission is required for a 'material' change of use, whereby there is some significant change to the character of the activities taking place as a matter of fact and degree. The appellant suggests that there has not been a material change in this case because the use of the land facilitated by the siting of the caravan is ancillary or incidental to agriculture. An incidental use must be different but functionally related to the primary use in a way that is normally found and not simply based on the personal choice of the user.
10. I take the appellant's point that it is not unusual to see single caravans stationed on farms, and the LPA may well have accepted that such was ancillary in other cases. In *Wealden District Council v Secretary of State for the Environment & Day* [1988] JPL 268, the high court held that the siting of a caravan for use for the storage and mixing of animal feed, for farm office purposes and as a shelter for agricultural workers was incidental to the lawful agricultural use, such that there had not been a material change of use.
11. Again, however, the appellant has failed to explain what any 'intermittent' welfare or accommodation use of the appeal caravan looks like; when and why that is required on this farm; or why the caravan is here on a permanent basis. Caravans are designed for human habitation and the appeal relates to a static caravan or 'mobile home' which has a visibly different design and purpose to that of agricultural buildings, machinery and equipment. The appellant has not shown that the storage of the caravan is incidental to farming and has not caused a significant change to the character of the activities taking place.
12. On the balance of probabilities, the caravan is not being kept here for agricultural purposes and there has been a material change of use so that the land is used for two primary uses, agriculture and storage. Planning permission is required for the change of use and the appellant has not shown that such is granted. Indeed, the appellant accepts that the material change of use is not 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015.
13. I conclude that there has probably been a breach of planning control as alleged and so the ground (c) appeal cannot succeed.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

J M Tweddle

INSPECTOR