



Appeal Decisions

Inquiry held on 20 and 21 November 2024

Site visit made on 22 November 2024

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal A Ref: APP/C9499/C/23/3329563

Land at Low Hall Farm, Kettlewell, Skipton, North Yorkshire BD23 5QZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act"). The appeal is made by Mr John Lund against an enforcement notice issued by Yorkshire Dales National Park Authority ("the Authority").
- The notice was issued on 8 August 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, the change of use of the land to use for the siting of touring caravans (including campervans) and tents for residential holiday purposes ("a camping and caravan site").
- The requirements of the notice are to: (1) Stop using the land for the siting of touring caravans (including campervans) and tents for residential holiday purposes other than in accordance with permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and (2) Remove from the land any caravans (including campervans) and tents associated with the unauthorised use referred to in the alleged breach of planning control.
- The period for compliance with the requirements is: 28 days after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2) (d) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Appeal B Ref: APP/C9499/X/23/3323341

Low Hall Campsite, Low Hall Farm, Kettlewell, North Yorkshire BD23 5RB

- The appeal is made under section 195 of the Act against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr John Charles Lund against the decision of the Authority.
- The application ref C/46/155C/LDC, dated 1 August 2022, was refused by notice dated 31 January 2023.
- The application was made under section 191(1)(a) of the Act.
- The use for which an LDC is sought is a seasonal camping and caravan site (1 March to 31 October each year).

Summary of Decision: The appeal is dismissed.

Application for costs

1. A combined application for costs was made by Mr John Lund/John Charles Lund against the Authority. This application is the subject of a separate Decision.

Preliminary Matters

2. The Inquiry sat for 2 days. All evidence was given on affirmation.
3. Appeals that were initially made on grounds (a), (f) and (g) in Appeal A have been withdrawn.
4. The land affected by the notice in Appeal A excludes a track that runs close to the western boundary of the site, and a strip of land beyond, which are part of the land

the LDC application the subject of Appeal B relates to. Unless a distinction needs to be made, 'the site' means both sites in these Decisions. The land subject of the 2 appeals is otherwise the same, notwithstanding the different postcodes given, so references to 'the land' should similarly be construed to relate to both sites.

5. The terms 'campervan' and 'motorhome' both describe a motor vehicle adapted to provide living accommodation. While I shall use the term 'campervan' in this Decision, it should not be taken to exclude motorhomes.

Appeal A – the notice

6. The parties agree that the allegation made in the notice should be corrected to refer to a mixed use of a camping and caravan site and agriculture and that this could be done without causing injustice. That is reflected in the agreed Statement of Common Ground, in which it is recorded that the land has also been used for the grazing of sheep. It also accords with written statements made by the appellant and his wife that their livestock graze the land outside the camping and caravan season, meaning November to February.
7. In contrast, the Parish Council states that grazing has not occurred since approximately June 2018. However, photographs taken by a neighbour in April, May and June 2020¹ show animals grazing in Field 1, confirming continuation of that aspect of agricultural use.
8. Other evidence indicates that the agricultural use of the land had included growing hay in the past. Nearby residents have described this, adding that it ceased in the last 10 years. One of those residents, David Nelson, appeared at the Inquiry and affirmed that he had been engaged in making silage from hay grown on the land in the 1980s and had seen hay being grown there until 2016. The Parish Council states that hay was cropped until 2016.
9. The appellant confirms in his statutory declaration (SD) that he cuts the grass on the land weekly, which is not consistent with growing hay. The exception is the part of Field 3 closest to the nearby houses, which has been cordoned off to keep camping and caravanning away from them. It therefore appears that the recent growth of longer grass in that area is a side-effect of that mitigation measure, not for the purposes of agriculture.
10. The appellant's SD also confirms that he decides which field people can use for camping and caravanning according to the weather and whether an event is being held. He does not mention hay cropping being a determining factor, further suggesting that it is not part of his management of the land. The records of events, including rallies, held by exempted organisations in 2022 and 2023² suggest there may have been such a change, with events held early to mid-July for the first time since 2014, the only other such occurrence since 1992. I shall return to the events of 2014 later. While a hay crop may be taken at any time from May onwards, a late crop in July would fit with the general pattern of spring and late summer events by exempted organisations over the years.
11. It seems clear from the foregoing evidence that the nature of the agricultural use has changed in recent years, restricted to activity that can be carried out outside of the camping and caravan season (March to October). However, the land has

¹ Appendix 5.1 to Ms Wood's Proof of Evidence.

² Appendix 7.1 to Ms Wood's Proof of Evidence.

continued to also be used for grazing, and the notice should therefore be corrected to allege a mixed use for the siting of touring caravans (including campervans) and tents for holiday purposes (“a camping and caravan site”) and agriculture.

Appeal A - the appeal on ground (d) and Appeal B

12. Following correction of the notice, the appeal on ground (d) will turn on 2 matters. The first is whether it can be demonstrated, on the balance of probabilities, that the material change of use to a mixed use comprising a camping and caravan site and agriculture was instituted on or before 8 August 2013 (“the Relevant Date”), 10 years before the date on which the notice was issued. The second is whether it can be demonstrated, again on the balance of probabilities, that the mixed use continued without significant interruption for not less than 10 years.
13. The LDC is sought in respect of how the land is used between 1 March and 31 October each year. As the use for which the LDC is sought does not include agriculture, it is materially different from the mixed use alleged in the notice following correction. The application was validly made on 1 August 2022 and Appeal B will therefore turn on whether it can be demonstrated, on the balance of probabilities, that use of the land the subject of the application as a seasonal camping and caravan site (1 March to 31 October each year) was instituted on or before the Relevant Date of 1 August 2012 and continued thereafter without significant interruption for not less than 10 years.
14. The Planning Practice Guidance confirms that, in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application. That is provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of an LDC on the balance of probabilities.
15. The agricultural element of the mixed use in Appeal A is not development requiring planning permission. For the mixed use to require planning permission, the camping and caravan site element must be demonstrated to exceed the following provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”).
16. Article 3 and Schedule 2, Part 5, Class A of the Order (“Class A”) permits the use of land, other than a building, as a caravan site in circumstances specified in Schedule 1 to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”). For the purposes of these appeals, that includes:
 - Sites occupied for purposes of recreation and supervised by ‘exempted organisations’ defined by Schedule 1, paragraph 4 of the 1960 Act. The exempted organisations include the Camping and Caravanning Club (CCC) and the Caravan and Motorhome Club (CMC), formerly the Caravan Club.
 - Meetings of members of an exempted organisation, supervised by that organisation and lasting no more than 5 days (described as “rallies” in the Inquiry).
 - Use for not more than 2 nights by a person travelling with a caravan, provided:

- (a) it is the only caravan so stationed on that land or any adjoining land in the same occupation; and
 - (b) the land will not have been so used for more than 28 days in the year leading up to and including the day the caravan is brought onto the land.
17. Article 3 and Schedule 2, Part 4, Class B of the Order ("Class B") permits temporary uses of land, including camping in tents but excluding use as a caravan site, for not more than 28 days in any calendar year.
18. Article 3 and Schedule 2, Part 4, Class BA of the Order ("Class BA") permitted an additional 28 days' temporary use, again excluding use as a caravan site, in the periods 1 July to 31 December 2020 and 1 January to 31 December 2021.

The planning unit

19. The Appeals relate to 3 connected fields. The largest of these, Field 1, lies to the east and accounts for approximately half the land. The smallest field, Field 2, occupies the south western corner, adjacent to a former agricultural building now used as a workshop under the terms of a planning permission³ granted in 1992. Field 3 lies closest to the access from the B6160.
20. The evidence indicates that the 3 fields have been managed together, with camping and caravanning taking place in each of the 3 at various times over many years. However, the evidence also indicates that some fields have not been used at certain times depending on matters such as ground conditions, hay being grown or cut, and grazing. While separate vehicular access to Field 1 is possible, it has not been used for camping and caravanning for some years, so that users of that field must pass through Field 3. Furthermore, the limited facilities provided for camping and caravanning are not found in each of the 3 fields, in particular, there is only 1 point for disposal of chemical toilet waste, in Field 3. Accordingly, there are functional connections between the use of all 3 fields for camping and caravanning. The land is therefore a single planning unit for the purposes of the appeals, including the exercise of permitted development rights.
21. However, the planning unit used to be larger. The drawings approved in 1992, when permission was granted for workshop use, show that Field 2 extended further south than Field 1 at that time, with its south east corner reaching the building. The same relationship is apparent in an aerial image taken in June 2000, which appears to show a caravan or motor home on a part of the field now outside the site. An aerial image taken in September 2011⁴ confirms that Field 2 continued to extend further south than Field 1 then.
22. The southern ends of Fields 1 and 2 are now level and the land further south that was part of Field 2 is now part of a hardstanding associated with the workshop. This change can be seen in a September 2019 aerial image, so the hardstanding must have been extended during the preceding 8 years. That change is significant in terms of the evidence of camping and caravanning in Field 2 over the years, considered below, but it did not, of itself, begin a new chapter in the site's planning history. In each of the Appeals, the claim of not less than 10 years uninterrupted use must be considered having regard to the land that is subject of the notice.

³ YD/5/46/155 granted 7 April 1992.

⁴ LDC application document 23.

Matters agreed and not agreed

23. Exempted organisations have used the land for camping and caravanning for many years, as permitted by Class A. The Authority has programmes of events organised by the CCC and the CMC and societies affiliated to them between 1992 and 2023. Some of the listed events may have changed or even not gone ahead, although the Authority's witness, Katherine Wood, acknowledged that was unlikely owing to the popularity of the location.
24. There is no evidence to suggest use of the land for camping without caravans or campervans also being present since the 1970s. Even if such use had occurred, there is no evidence that it exceeded the periods permitted by Classes B or BA.
25. The appellant claims the land has been regularly used for unauthorised camping and caravanning, including by individuals, between 1 March and 31 October every year in addition to the permitted events. That has certainly been the case since he became the owner in 2021, when camping and caravanning became more popular following the Covid-19 pandemic. It remains to be determined whether the unauthorised camping and caravanning occurred before 2021, such that enforcement action could have been taken at any time during a 10-year period.
26. There is limited precedent for determining whether any cessation caused by restrictions during the Covid-19 pandemic might constitute a significant interruption. The appellant points to the evidence of Gail Miller, which documents 3 separate stays on the land in 2020, during the pandemic. However, and more significantly, he contends that immunity had been achieved decades before the application was made and the notice was issued.
27. In this context, an absence of camping and caravanning out of season, meaning between November and February, does not constitute a significant interruption. There may also be occasional days during the normal season when no camping and caravanning took place, particularly at the beginning or end of the season or due to inclement weather, which may not be viewed as significant interruptions.

The appellant's evidence

28. The SD of the previous owner of the land, Robert Close, states that unauthorised camping and caravanning took place on all 3 fields until he sold the land in 2021, with no more than 25 pitches in use at any time. His knowledge of the land goes back to 1983, but his father and grandfather told him that unauthorised camping and caravanning had begun in the 1960s. Mr Close also declared that the unauthorised use had come about because people attending events asked if they could stay at other times or in a private capacity while another event was taking place. Mr Close did not appear at the Inquiry, so his evidence was not tested.
29. No records of bookings were provided with Mr Close's SD but others who appeared at the Inquiry described how the site operated when he and his family owned it. David Wilson's SD records that he began visiting the site in 1961, staying in a tent for a few days each year. This continued until after 1974, when he bought a caravan and began visiting less frequently. The arrangements in the 1960s were informal; Mr Wilson affirmed that pitch fees were not paid, although people staying at the site would buy provisions from a shop run by Mr Close's family.

30. While Mr Wilson's stays in the 1960s and early 1970s appear to be within what Class B permits, he records seeing other people staying, usually in around 3 to 4 "vans or tents" during the 1960s. In his oral evidence, he clarified that this included campervans. Mr Wilson gave no further details of this but Barbara Lambert, who also appeared at the Inquiry, but not in support of the appellant, had known Mr Close's family for many years. She affirmed the family had said the site was limited to 5 caravans under a CCC permit, a Class A use. Taking this evidence into account, it has not been demonstrated that use in the 1960s and early 1970s was unauthorised.
31. However, Mrs Lambert also affirmed that she never knew exactly what was true and that Mr Close's father would 'sneak caravans in.' When asked what this meant, she explained that he had allowed unauthorised stays in caravans when events were taking place, expecting that people would not notice.
32. Richard Whittaker also knew the Close family and would visit the site in the 1990s. He provided a SD but was unable to attend the Inquiry for his evidence to be tested. However, his SD records that he saw larger numbers of caravans on the land in addition to events. It is evident from his description that Mr Whittaker could distinguish between event and non-event use, suggesting unauthorised caravan stays had grown beyond what Mrs Lambert had been told.
33. An aerial image produced by the appellant, with a confirmed date of 19 June 2000, shows caravans and/or campervans in Fields 2 and 3. The Authority's records do not confirm any events on that date, so an unauthorised camping and caravan site may have been operating then.
34. Mr Wilson began staying on the land again, in a caravan, in the early 2000s, when helping to run the Alan Jeffries Motorcycle Trial (AJMT). Paraphernalia associated with the AJMT would be stored in an annexe to the workshop next to Field 2, so these stays were close by. He would stay for a week while setting up for the event, which ran over a weekend, and for a while afterwards. In his oral evidence, Mr Wilson affirmed that this was not supervised by an exempted organisation. He further affirmed that some 6 caravans or campervans would be on the land for the AJMT and that he would also typically see 5 to 10 caravans or campervans belonging to people not associated with the AJMT.
35. His friend, Steve Fairbrother, also stayed on the land while helping to run the AJMT. Mr Wilson identified Mr Fairbrother's car and tent among other vehicles and caravans near the workshop in photographs taken by the Authority in July 2012. Those photographs were taken as part of an enforcement investigation by the Authority, which concluded the caravans and tents were "on the land outside the farm machinery workshop." Mr Wilson confirmed in cross examination that Mr Fairbrother's car and tent were beyond Field 2 as it now exists and within the grounds of the workshop in the photographs. He also confirmed that he and Mr Fairbrother would stay in Field 2 or, if it was wet, on the workshop's hardstanding. He did not specify whether he meant the hardstanding as originally laid out or as extended. Mr Wilson was, however, aware that the hardstanding had been changed, although he described this as an improvement rather than an extension.
36. While Mr Fairbrother did not appear at the Inquiry, he supplied undated photographs of Fields 2 and 3. He also provided a plan indicating that the photographs were all taken within Field 2 as it currently exists. However,

examination of the photographs suggests that is incorrect. His photograph SF3 is a view looking northward over Fields 2 and 3. His plan indicates it was taken near the northern boundary of Field 2 but a small hedgerow separating Fields 2 and 3 can be seen further away. I saw the remnants of this hedgerow when on site and it therefore seems more likely that SF3 was taken from outside the site, on land now part of the workshop's extended hardstanding.

37. Mr Fairbrother's plan indicates that photograph SF4, showing a campervan with awning, was taken just inside the current southern boundary of Field 2. However, there is a large tree in the background, identified as a sycamore by Ms Wood. That tree would not be in view if the photograph had been taken where Mr Fairbrother indicated, unless he had been facing east, which is clearly not the case. It therefore seems this photograph was also taken where the hardstanding now is, meaning the campervan was outside of the site. The hedgerow seen in SF3 is also visible in SF4 and comparison of the 2 suggests they were taken from positions equally close to the workshop, albeit at different angles. This casts significant doubt on whether Mr Fairbrother and Mr Wilson stayed within the site in connection with the AJMT. However, photograph SF3 shows a caravan further from the workshop, presumably not associated with the AJMT, and probably on what is now Field 2.
38. Mr Wilson affirmed that he also stayed at the site in his caravan when carrying out vermin control from 2009 onwards. Sometimes this would be combined with his AJMT duties and at other times it was the sole reason for his visit. However, he states that he would go "right down by the workshop", a location he describes as "out of the way." For the reasons set out in respect of the AJMT visits, this casts doubt on whether land forming part of the appeal sites was involved.
39. Nevertheless, Mr Wilson also states that he would regularly see, on average, between 5 and 10 non-event caravans elsewhere on the land, and thus more likely on the appeal sites. His visits in connection with vermin control were frequent and regular, occurring every 3 or 4 weeks between mid-March and mid-October, generally during the quieter midweek period, and for 3 or 4 nights. In his oral evidence, he affirmed that he would regularly see "half a dozen maybe" caravans and campervans on the land at those times.
40. In respect of this evidence and that relating to stays connected with the AJMT, Mr Wilson is confident he can distinguish between event and non-event use. He affirmed that the former is distinguished by flags and the presence of marshals. In his experience, events were held in Fields 1 or 3, not in Field 2, so any caravan or campervan in that field was not attending an event.
41. Nicola White and Gail Miller both provided SDs and appeared at the Inquiry, giving evidence of how the site was used from 2002 onward. Ms White has owned a house overlooking the land since then, staying monthly at first and permanently since 2013. She bought another property close to the land and opened it as a delicatessen in 2020. Ms Miller began camping on the site in 2002 and, from 2010, in a campervan. Since 2016 she has stayed on the land on 5 separate occasions as a part of groups of 3, 5 or 6 vans. These stays were generally in Field 2, especially if an event was taking place in another field, and on the hardstanding associated with the workshop in wetter weather. Payment would only be made

when a group stayed. Ms Miller provided photographs showing caravans in Fields 1, 2 and 3 at various times between September 2016⁵ and June 2022.

42. Returning to Richard Whittaker's SD, he took over the garage opposite the site entrance in 2013, from where he would sell gas to people staying on the site. In 2020 he began running a launderette business that served people staying at the site, amongst others. He states that people would be directed to the site and, if they called, Mr Close would let them stay. The site appeared to him to be used much as it had been when he had known it in the 1990s, with camping and caravanning taking place in all 3 fields.
43. Frank Boardman and Simon Johnston also provided SDs but did not attend the Inquiry for their evidence to be tested. While Mr Boardman used to stay on other campsites in or near the village, he bought a campervan in 2010 and found it was too large for them. He began staying at the site after a chance meeting with Mr Close. While the 2 became good friends, Mr Boardman paid for his stays. Mr Johnston has lived in Kettlewell and owned the village store since 2015. In his SD he states that he has spoken with people staying at the site over the years and learnt whether they were attending events or staying in an individual capacity. He has seen all 3 fields in use, with events in Field 1 and individuals in Fields 2 and 3.
44. The appellant provided copies of booking entries from between April and August 2021, March and October 2022 and February and August 2023. These record bookings by organisations and stays by individuals. Individuals are all recorded as 'campers' in the records for 2021, so it is not clear whether they involved caravans or campervans. Furthermore, individual stays are aggregated on a weekly basis from the end of May, so it is unclear whether camping in tents, if that is recorded, exceeded the 56-day limit then operative under Classes B and BA.
45. The 2022 and 2023 entries also list bookings by organisations and stays by individuals. The latter are recorded by vehicle registration numbers, a small number with 'tent' written alongside, suggesting that most vehicles were either campervans or towing caravans. Contemporary photographs of the site bear this out. While the entries are also aggregated on a weekly basis, this is of lesser significance than in 2021 given the dominance of non-tent camping recorded.
46. Facilities for campers and caravanners are limited, comprising cold water taps, a point for disposing toilet waste, and a separately metered electricity supply in the workshop. These have not changed greatly since Mr Close's time, although it appears the electricity supply is no longer used by campers and caravanners.

The evidence of the Authority and others

47. The Authority accepts that the use of the site as a camping and caravan site has exceeded what the Order permits since the appellant became the owner in April 2021. However, it contends that this is a significant increase over and above what had previously occurred, and which was permitted by the Order or *de minimis*.
48. In her oral evidence, the Authority's witness, Katherine Wood, referred to the electricity meter installed in the workshop for use by people staying on the land. While Mr Wilson never used it, he confirmed that others staying in connection with the AJMT had. Ms Wood noted that the current distance between Field 2 and the

⁵ The date stamps, 2016-09-04 11.37.18 and 2016-09-04 11.41.52 indicate 4 September, not 9 April 2016.

workshop is approximately 20m and that European Union regulations limit cables supplying electricity to caravans to 25m, with most being 15m. It is likely these regulations had effect over much of the period of Mr Wilson and Mr Fairbrother's evidence. This makes it more likely than not that people in caravans in connection with the AJMT were not on the site. It adds weight to the view that Mr Fairbrother's photographs were taken on land no longer within Field 2 and casts more doubt on whether the AJMT-related stays were on the land subject of these appeals.

49. The Authority made 6 investigations into alleged breaches of planning control on or close to the site. The first of these, opened in February 2011, was into the siting of a static caravan close to the workshop and apparently outside the site. The static caravan could only be reached by means of the track that runs through Fields 2 and 3, so the investigating officer would have seen at least part of the site during the 2 visits that were undertaken. The day of the initial visit is not recorded but the second was on Wednesday 6 April 2011. While it is difficult to draw any firm conclusions from this evidence, the second visit was at the quieter time of the week and early in the season, while the first may have been before it began.
50. The second investigation opened in July 2012. On the initial visit the investigating officer saw 2 caravans and 2 tents on "land outside the farm machinery workshop." The date is not recorded, but 2 photographs showing this are dated Tuesday 3 July 2012. It is unclear from the description and those photographs whether the caravans and tents were within the site or on the workshop's hardstanding. Mr Wilson identified Mr Fairbrother's car and tent in these photographs, so they appear to show an AJMT-related stay.
51. A visit 4 weeks later recorded a caravan on the land. In a photograph taken that day the caravan is close to the sycamore also seen in Mr Fairbrother's photograph SF4 and may therefore have been on land now outside of Field 2. This adds to the doubt that the stays in connection with the AJMT were on the appeal site. The investigation report does not mention any other camping or caravanning activity, and none can be seen in the parts of Fields 1 and 2 visible in the photographs. A final inspection in January 2013, outside the season, revealed no caravans or tents.
52. The third investigation related to "land to the rear of The Old Sheep Dip." Photographs taken on Thursday 28 April and Thursday 15 September 2016 suggest this meant Field 1. They do not show any caravans, and sheep are grazing in Field 1 in those taken in April. It was concluded that the caravans had been attending events and that the use was therefore permitted development. The closure report does not record when the complainant had seen the caravans, so it is unclear how it was determined that they had been attending events.
53. The fourth and fifth investigations, opened in 2022 and 2023, were during the period in which it is agreed the appellant was using the land for general camping and caravanning in breach of planning control. The Authority's closure reports do not confirm whether an officer had seen caravans on the land as part of the fourth investigation, which was closed following receipt of the application the subject of Appeal B. The closure report for the fifth investigation confirms that the officer had driven past the site a few times, on unspecified dates, and not seen any caravans. However, given the period of the investigation, between 8 March and 6 April 2023, that might not be surprising.

54. The sixth investigation, opened in May 2023, led to the issue of the notice. Photographs supplied to the Authority show caravans and campervans on one or more fields on 6 days between April and September that year, all taken at weekends, including Fridays and Mondays of Bank Holiday weekends. Some of these photographs coincide with events organised by the CCC and show caravans and campervans in Fields 1 and 3 at the same time. This suggests simultaneous authorised and unauthorised use.
55. Ms Wood gave evidence of her visits to Kettlewell in connection with planning applications relating to other land in the village. In 2003, she went to land in use as a car park next to the site entrance and abutting the site of Appeal B. She took a photograph on an unspecified date in August with part of the site in the background. While this does not show any camping or caravanning, none of the fields are fully in shot. Nevertheless, the report to Authority's Planning Committee records that the Committee had also visited the site at some point between 12 August and 9 September, so it seems probable that any unauthorised use of the appeal site would have been noticed. The Authority was aware of the CCC's event programme, which included a temporary holiday site at Low Hall Farm between 8 and 21 August.
56. The same committee report mentions a 1996 application relating to part of the small section of the site of Appeal B west of the track. The application pre-dated Ms Wood's time with the Authority, so she was not involved in it. The application form had described the then current use of the land as agriculture but that cannot be assumed to refer to any other part of the site.
57. Ms Wood visited Kettlewell in connection with a 2011 proposal for a permanent camp site with up to 75 pitches on land 3 fields away from the appeal site. Her report to the Planning Committee made no reference to any other camp site in the parish other than 2 that the proposal would replace. She considers that, if the appeal site had been in camping and caravanning use then, and on the scale claimed by the appellant, she would have been aware. While I have no reason to doubt Ms Wood's recollection or question her reasoning, I must exercise some caution. That is because all the visits described were more than 10 years before the LDC application was made and the notice was issued. Her evidence relating to those visits therefore cannot demonstrate that use of the nature and scale claimed did not begin later, but still on or before either Relevant Date.
58. Ms Wood did, however, return to Kettlewell after both Relevant Dates, in connection with proposals for a different camp site, slightly further away from the appeal site, in 2014 and to introduce campervans to it in 2016. She was the case officer for both applications and visited that site several times over the period. Perhaps more significantly, she recalls negotiation with the applicant and considers that, if there had been an existing camping and caravan site in the village operating beyond permitted development levels, that would have been evident to her. I went to that site as part of my site visit for the appeals and could not discern a direct line of sight to the appeal site. Nevertheless, it seems likely that there would have been opportunities for the applicant, or any interested party, to refer to activity on the appeal site if it was considered relevant. However, in the absence of further detail, that is uncertain.
59. General caution should be exercised when considering the occasions when caravans and campervans were not observed at the site by officers of the Authority.

Firstly, their visits were only occasional, and thus snapshots. Secondly, those with recorded dates were not at or around weekends but on a Tuesday, Wednesday, or Thursday, when the site might be expected to be quiet.

60. David Nelson affirmed in oral evidence that the site had not been used for the full season until after the appellant acquired it. He had managed sileage on the land in the mid-1980s and had seen hay being grown there since then. He affirmed this had restricted camping and caravanning to events held by exempted organisations in spring and late summer. The programmes of events organised by the CCC and CMC up to 2021 bear this out. However, he conceded that unauthorised private camping and caravanning may have taken place alongside those events, and he recalled one or two caravans and campervans using Field 2 on occasions.
61. As noted earlier, Mr Nelson gave oral evidence that he had seen a summer hay crop being taken, an agricultural use of the land, during the camping and caravanning season until 2016. While Mr Nelson's evidence was tested, the veracity of his recollection on this matter was not questioned. Two of the appellant's witnesses were asked if they had seen hay being taken off the land; Ms White affirmed that she had but could not recall in which years, while Ms Miller affirmed that she had seen it "maybe 20 years ago." Accordingly, and in the absence of more precise evidence on the appellant's part as to when hay cropping ended, I afford Mr Nelson's factual evidence significant weight.
62. Barabara Lambert appeared at the Inquiry and spoke of "considerable noise [that] is offensive for those residents living in the surrounding homes" associated with the increased camping and caravanning activity during the appellant's time as owner. Paul and Tessa Dyer also appeared. They have lived adjacent to the site since 2019 and had regularly stayed at the same house, when it was a family-owned holiday home, since 1981. Mr Dyer affirmed that the site has "changed dramatically" since 2019 and that noise "has increased massively" and that he would not have bought his home if the site had operated as it now does. Mrs Dyer affirmed that the site had "changed for the worse with karaoke, flashing disco lights and overrun by a huge invasion where all the fields were jammed with caravans and campers." They affirmed that they had erected a car port to the rear of their home to provide screening from the site and regain some privacy. None of the foregoing statements were questioned.
63. Mrs Dyer had provided photographs of the site, mostly taken between May and July 2019 and March and July 2020, the last 2 years before the appellant became the owner. These mainly show Field 1, sometimes being grazed by sheep but it is difficult to be certain about Fields 2 and 3, which are only partly in view at best. Nevertheless, these photographs appear to bear out what she and other local people said; that the site had been less active before the appellant took it over. However, they are, by their nature, only snapshots and cannot demonstrate how the site was used at other times of the season.
64. Susan Cullen affirmed that the site used to be "well run with no untoward noise or other problems" but that in the last 4 years "the noise factor had changed and at times become a nuisance." However, she did not agree to be questioned on her evidence and that must limit the weight I afford to it, despite its consistency with that of Mrs Lambert and Mr and Mrs Dyer.

65. Jaynie Smith also appeared at the Inquiry and recalled there had been no camping or caravanning on the site in 2017, following the death of Mr Close's father. While I am sure Ms Smith is genuine in her view, it is difficult to accept that a full year of inactivity occurred when it was apparently not noticed, and certainly not mentioned by anybody else. Furthermore, other evidence⁶ indicates that the CMC held 3 events at the site during that year.
66. Several local people have referred to a 28-day exemption but generally in the misapprehension that the permission granted for temporary uses of land by Class B can apply to caravans and campervans as well as tents. There does not appear to be any evidence of tents being on the land while no caravans or campervans were also present for many years.

Assessment

67. The camping and caravan use of the land before 2021 can be described as mostly events run and stewarded by exempted organisations with a small number of unrelated individual stays, primarily by people known to Mr Close. The latter grew incrementally, as people learnt about the site by word of mouth or because they came to know Mr Close. There is no evidence of a site booking system for those stays and a text or a phone call to Mr Close might be sufficient or, as Ms Miller confirmed, sometimes people would arrive unannounced. It appears, as one resident put it, to have been not so much a business but a way of making some extra cash. The relatively uncommercial nature of camping and caravanning prior to 2021 is also evident in Mr Close's variable approach to taking payment, with people often staying for free. This way of operating appears to have made little difference, if any, to how the mixed use was perceived, or how it affected neighbours or the character of the village, prior to 2021.
68. The camping and caravan site use was carried out alongside the Close family's long-standing agricultural use of the land. The only evidence of their promoting the camping and caravan site to the public is a photograph of a sign at the site entrance in July 2014, when the Tour de France went through the village. This unique event attracted an unusually high number of visitors to the village and would explain why that was the only year before 2022 in which events were held at the site in early and mid-July. In contrast, since the appellant acquired the site, it has been promoted commercially on a camping and caravanning website and in other ways⁷ as 'Low Hall Farm Pop Up Campsite.'
69. The appellant's acquisition of the site coincided with greater interest in camping and caravanning during and after the Covid-19 pandemic and the site is now more popular than it used to be. Nevertheless, there had been unauthorised stays in caravans and campervans alongside and separate from events run by exempted organisations before then. While this had been relatively ad-hoc, low-key and uncommercial, those who were aware of it mistakenly thought it was permitted for up to 28 days each year. It was, however, in breach of planning control.
70. The Authority acknowledges this but argues the breach was *de minimis* prior to 2021, such that it would not have been expedient to take enforcement action over a small number of additional caravans or campervans. However, the Authority's closure reports indicate that it had not concluded there had been any breach in

⁶ Appendix 7.27 to Ms Wood's Proof of Evidence.

⁷ A business card for the pop-up campsite is included in appendix 5.5 of Ms Wood's Proof of Evidence.

terms of the use of the site until 2022, when a new investigation prompted the LDC application and, subsequently, the issue of the notice.

71. The seasonal nature of the elements must be borne in mind when considering whether there has been an unauthorised mixed use of a camping and caravan site and agriculture for not less than 10 years without significant interruption. For some time before 2021, this not only meant there was little camping and caravan site use, if any, before March and after October. It also meant that parts of the site were in active agricultural use, and thus unavailable for camping and caravan use, when a summer hay crop was grown and cut. There is, however, no evidence that the 3 fields were all in agricultural use at the same time during any camping and caravanning season. Consequently, when growing and cutting hay prevented camping and caravan use of a field, it would not have necessarily prevented the mixed use of the planning unit from acquiring immunity from enforcement action.
72. Prior to 2021, Mr Close had a regular programme of events, but additional unauthorised camping and caravanning grew by acquaintance and word of mouth. As affirmed by someone who knew him, those additional stays were covert and thus limited in scale. While the LDC application claims up to 25 pitches across all 3 fields at any one time, in addition to events, the evidence suggests that such numbers only became the norm since around 2021. Critically, Mr Wilson referred to “half a dozen maybe” or 5 to 10 caravans or campervans at various times in the past and, in his SD, stated that the site had become “at least 2 or 3 times busier since Covid”, with over 50 vans on occasion.
73. That rapid and substantial growth in non-event activity and the end of summer hay cropping appear to be 2 sides of the same coin. The post-Covid increase in private camping and caravanning described by Mr Wilson would be hard to achieve, in addition to events, if a field was unavailable because of hay being grown or cut. One indicator of this change in the pattern of land use is the holding of events in early to mid-July in 2022 and 2023, when hay might otherwise be growing or being cut. As noted earlier, events had only previously been held at that time of the year in 2014, coinciding with the Tour de France passing through the village. Furthermore, as noted earlier, the appellant stated in his SD that he cuts the grass weekly. This was confirmed at the Inquiry by Mr Nelson, who affirmed that the grass on the site is now “mowed like a lawn very frequently.”
74. There was a mixed use of a camping and caravan site, including unauthorised stays, and agriculture between 1 March and 31 October for some years prior to the appellant’s acquisition of the land. The available evidence indicates that summer hay cropping ended at some point between 2017 and 2022. It was only then that the land could be used solely as a camping and caravan site between 1 March and 31 October, as described in the application for the LDC. The exclusive use between 1 March and 31 October claimed in Appeal B therefore did not occur for a continuous 10-year period before the application was made.
75. It must be determined whether any increase in the nature and scale of the camping and caravan site use through unrestricted season-long activity has resulted in materially different planning circumstances amounting to a new chapter in the planning history of the site.
76. Nearby residents noticed a rapid and significant increase in private stays in caravans and campervans, which is not managed by stewards, after 2021. Their

descriptions of how this has affected them, particularly in terms of noise and light, suggest there has been a further material change which may not be entirely explained numerically. Public comment and the oral evidence of local people who attended the Inquiry indicate that the current use of the site is also materially different in terms of its effect on the otherwise tranquil character of the village.

77. While these effects on living conditions and the character of the village are not issues on which either Appeal can turn, they do indicate a change in the definable character of the use of the land since 2021. It appears the appellant acknowledged this to some extent when he cordoned off the northern part of Field 3 to keep camping and caravanning away from the nearest houses.
78. At the Inquiry, the Authority portrayed the change in the definable planning character as going from “a farmer’s field with some tents/caravans” to “a commercial caravan and campsite business.”
79. The picture of change during the Close family’s management is of incremental growth in the number and frequency of unauthorised camping and caravanning stays in addition to events but remaining low-key and discreet. While the appellant states that Mr Close had made an income from camping and caravanning, no evidence of the amounts, or what proportions came from unauthorised non-event use has been presented. As such, it has not been shown to be any more than might be expected of “a farmer’s field with some tents/caravans” with some private stays being paid for and others not. Nothing before me indicates that non-event camping and caravanning was an active business venture for the Close family, rather than a way of making some extra cash, except possibly during the one-off incidence of the Tour de France.
80. The incremental change described above may be hard to see, so it does not seem surprising that it went largely unnoticed. However, the growth in unauthorised camping and caravanning, both numerically and in terms of continuity, accelerated greatly from 2021, aided in part by active promotion to the public. A major aspect of that accelerated change has been the significant growth of high season camping and caravanning, particularly in July. Greater activity during that month is also evident in the 2022 and 2023 event programmes.
81. Agriculture is now restricted to winter grazing, outside the camping and caravanning season which therefore has free rein from March to October. This is in marked contrast to the previous pattern of peaks in late spring and late summer with an intervening high summer lull. That distinctive pattern had been the direct result of hay cropping. The difference may be perceived as a move from a mixed use in which there was an ebb and flow between the 2 elements, with periods when they were carried out simultaneously, to one where the camping and caravan site use is dominant. Agricultural activity is limited in the present mixed use, being restricted to what can be done while the camping and caravan use is dormant.
82. The end of hay cropping has enabled all parts of the camping and caravan site to be marketed and occupied fully throughout the season, with no quieter mid-summer period. It would be at this point that the unauthorised and unmanaged private camping and caravanning element could stop being a low-key, or *de minimis*, element and become a dominant element. There is ample evidence of much greater activity following that change in pattern, with the significant off-site impacts noted above.

83. The appellant contends a material change of use has not occurred because the temporal and land use extent has not changed. However, there has been a temporal change through the end of hay cropping and the changed pattern and greater incidence of camping and caravan site use in high summer, with agriculture reduced to winter grazing, so I cannot agree. The remaining agricultural activity is so limited that I doubt there would be any difference in how the site is perceived, or how it affects neighbours or the character of the village if it were to end. Viewed in that light, the current situation is little short of a full cessation of agriculture. I agree there has been no change in the extent of land involved and the planning unit has remained constant (at least since part of Field 2 was lost) but that does not alter my finding on the temporal aspect.
84. As set out above, the temporal change has enabled an alteration in the way the site operates over the season. The difference in the effects on nearby residents and on the tranquillity of the village arising from this indicate that, as a matter of fact and degree, a fundamental change has occurred in the definable character of the use. That is despite some payments being taken by the previous owner, there being no significant change in the facilities provided on site, and even though the use of the site before 2021 was also in breach of planning control. This increased use of the site for the camping and caravan site element of the mixed use resulted in a further material change that occurred within the last 10 years. It resulted in a substantial change in the definable character of the mixed use and marks a new chapter in the site's planning history.

Conclusion on ground (d) and Appeal A

85. A material change of use arose through both the increased numbers of caravans and campervans, and the pattern and period that it was consistently occurring during the year, and a corresponding decline in agricultural use through the end of hay cropping. It was not instituted on or before 8 August 2013, 10 years before the date on which the notice was issued. Accordingly, and for the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction to recognise the mixed use of the land.

Conclusion on Appeal B

86. There has been a material change of use during the period 1 March to 31 October as claimed. However, this could not have occurred until after hay cropping ceased and the most reliable evidence indicates that was between 2017 and 2022. This makes the appellants' version of events, that it occurred on or before 1 August 2012, less than probable.
87. Accordingly, and for the reasons given above I conclude that the Authority's refusal to grant a certificate of lawful use or development in respect of a seasonal camping and caravan site (1 March to 31 October each year) was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

Appeal A – Formal Decision

88. It is directed that the notice is corrected in section 3.1 by the deletion of the words "use for the siting of touring caravans (including campervans) and tents for residential holiday purposes ("a camping and caravan site")" and the substitution of

the words “a mixed use for the siting of touring caravans (including campervans) and tents for holiday purposes (“a camping and caravan site”) and agriculture.”

89. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld.

Appeal B – Formal Decision

90. The appeal is dismissed.

Mark Harbottle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Barrett

He called

David Wilson

Nicola Jane White

Gail Miller

Andrew Windress MA MRTPI

Director, ID Planning

FOR THE LOCAL PLANNING AUTHORITY:

Constanze Bell

She called

Katherine Wood MTCP MRTPI

Principal Planning Officer, Yorkshire Dales
National Park Authority

INTERESTED PARTIES:

Barbara Lambert

Local resident

David Nelson

Local resident

Jaynie Smith

Local resident

Paul Dyer

Local resident

Tessa Dyer

Local resident

Susan Cullen

Local resident

Documents submitted at the Inquiry

- 1 2016 Ordnance Survey map extract with the Kettlewell Conservation Area boundary
- 2 1991 planning applications plotting sheet for Kettlewell
- 3 Legend from 2016 Ordnance Survey map OL2, Yorkshire Dales Southern & Western Areas
- 4 Statement read by Barbara Lambert
- 5 Statement read by David Nelson
- 6 Statement read by Paul Dyer
- 7 Statement read by Tessa Dyer
- 8 Statement read by Susan Cullen