



Appeal Decision

Site visit made on 10 April 2025

by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI)

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/W1850/C/24/3343859

The Old Dairy, Walford, ROSS-ON-WYE, HR9 5RF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Phil Johnson against an enforcement notice issued by Herefordshire Council.
 - The notice was issued on 11 April 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, unauthorised material change of use of the land from agricultural use to a mixed use for agricultural use and to site a caravan in the approximate position marked 'x' on the attached plan, for a residential purpose.
 - The requirements of the notice are to:
 - (1) Permanently cease the residential occupation of the caravan in the approximate position marked 'x' on the attached plan, and the Land; and
 - (2) Permanently remove the caravan in the approximate position marked 'x' on the attached plan from the Land and the porch and all other domestic paraphernalia and make good.
 - The period for compliance with the requirements is: For step (1), within 6 months of the date the notice takes effect and, for step (2) within 7 months from the date the notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(c), (a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

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

The Appeal on Ground (c)

2. An appeal on ground (c) is made on the basis that the matters stated in the notice, if they occurred, do not constitute a breach of planning control. The appellant's case is that the siting and occupation of the caravan for residential purposes, on a temporary basis, amounts to permitted development, on the basis that the occupation is in connection with work on the conversion of The Old Dairy which has planning permission to be turned into a dwellinghouse¹.
3. Prior to considering the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), it is worth clarifying the nature of the alleged breach in terms of the development that has taken place. The notice refers to the alleged material change of use of land and the siting of a caravan and its occupation for residential purposes.
4. The unit in question is clearly a caravan, being a fairly typical prefabricated static unit. It is of some vintage but contains the facilities required for day to day living,

¹ LPA reference P184229/F

albeit that the heating doesn't work as I understand it. A timber shed/porch housing a woodburning stove has been erected to the side of the caravan and the appellant opens the door of the caravan to allow heat to transfer into the unit to provide some rudimentary heating in the winter months. In a letter dated 01 February 2024, one of the Council's enforcement officers suggested that the erection of the porch was such that the entirety of the unit should be considered a building as opposed to a caravan².

5. However, the enforcement notice does not refer to a building but a material change of use involving the siting of a caravan so I assume that the Council reconsidered that advice. Having viewed the situation on site I think that is the correct approach. The timber structure sits to one side of the caravan and does not appear to be physically connected, albeit that it sits very close to the external facade. However, the caravan itself has not been adapted in any way. It is not physically attached and when the door is closed it is functionally separate from the shed/ porch.
6. As such, the description in the notice is correct in my view. The shed is a separate structure which would amount to a building operation. The notice does not allege any building operations and therefore, the separate timber element is not covered by its content.
7. The appellant has referred to permitted development rights under Class A, Part 4 of Schedule 2 of the GPDO which relate to the provision of temporary buildings and moveable structures, required in connection with operations being carried out on adjoining land. A caravan could be considered a moveable structure and in certain circumstances the siting of a caravan may fall under the provisions of Part 4. For example, if the caravan was used for storage of materials or as a site hut for workers to use the facilities etc.
8. However, the siting and occupation of a caravan for residential purposes represents the use of land as a caravan site in planning terms. A material change of use to a caravan site is not covered by Part 4 of the GPDO. The relevant provisions are set out in Class A, Part 5 of Schedule 2 of the GPDO. The use of land, other than a building, as a caravan site is permitted development, in the circumstances specified in paragraph A.2. That paragraph cross references the Caravan Sites and Control of Development Act 1960 (the 1960 Act). The circumstances where use as a caravan site is permitted mirror the circumstances in paragraphs 2 to 10 of the First Schedule of the 1960 Act which specify when a Caravan Site licence is not required.
9. Paragraph 9 states that a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which permission under Part III of the Act of 1947³ has, if required, been granted) if that use is for the accommodation of a person or persons employed in connection with the said operations.
10. The key questions therefore are whether the appellant is "employed" in connection with operations being carried out on The Old Dairy and whether those operations benefit from planning permission. In terms of the latter, permission for the

² Letter as appended to the appellant's statement of case

³ Now superseded by the Town and Country Planning Act 1990

conversion of the building into a dwelling was granted on 26 October 2018. The Council does not appear to dispute that permission has been implemented. Historic correspondence provided with the appeal refers to condition 5 of that permission and the need for the appellant to submit relevant details of the drainage arrangements for approval. However, there is no reference to the matter in the present appeal statement nor any suggestion that the works being undertaken to the Old Dairy are anything other than those for which permission has been granted.

11. Whether someone is “employed” in connection with building operations will be a matter of fact and degree based upon the specific circumstances. I have not been provided with any caselaw in relation to the meaning of the words but based on an ordinary meaning one could be employed as in the case of a builder who is paid to undertake work on a project or someone could be employed in the sense of being engaged in a project or undertaking work themselves as a self-build project. Employing their time and labour to the work at hand.
12. Work on the Old Dairy is a self-build project being undertaken by the appellant. The gist of the Council’s case is that insufficient progress on the work has been made for the appellant to demonstrate that the occupation of the caravan could reasonably be said to be associated with the implementation of the permission. It seems that the caravan was first moved onto the land and occupied in 2020. The notice was issued in 2024. Thus, four years had passed and the Old Dairy was not near to completion. By any measure that represents slow progress.
13. However, the appellant appears to be carrying out the work almost entirely by himself, learning skills as he goes along. Inevitably that will take longer than if a tradesperson was employed. The early part of the work on site also coincided with the Covid pandemic. The appellant contends that led to delays in the delivery of roofing timbers, fibre board insulation and cement. I have no reason to doubt that was the case given the well-documented impact of various lock downs.
14. The appellant has provided an inventory of work carried out post August 2020 when the caravan was occupied, up to the point the enforcement notice was served. The Council does not dispute that the stated work has been carried out. That includes carrying out repairs to the Old Dairy to ensure the building framework was sound and watertight; removing old electrics and plumbing; removing large quantities of muck from the floor; digging out the old concrete base and reflooring by hand; installing new oak trusses and a new roof structure and insulating the building to passive house standards.
15. In addition, the roof was re-slatted, roof windows installed, guttering and rainwater goods installed and connected to a rainwater management system. Old windows and doors had been removed with new ones ordered. Two sides of the building had been rendered externally, with insulation installed on all four walls. Internal partitions had been erected and the appellant was chasing out for first fix electrics prior to plastering.
16. Work was ongoing at the time of my site visit and had progressed beyond that described in the appellant’s statement. Windows and doors had been fitted, electrics and plumbing had been installed and the internal walls had been plastered in the main body of the building but not the lean-to to the front.

17. Thus, it is not a case where the appellant has been idle. Work has progressed to a point where the barn now is clearly taking the shape of the dwelling that it will become. The situation is not comparable to the appeal decision appended to the Council's statement⁴. In that case the appellant was residing in a caravan within the garden of a dwelling that was in need of complete refurbishment. The occupant had stripped ivy from the walls of the cottage, repainted the exterior and laid stone on the driveway. There was no evidence of any refurbishment internally such that the Inspector concluded that the works were more of general maintenance than work that was considered renovation.
18. Having regard to the itinerary set out above, the appellant in this case has clearly been engaged or employed in work associated with the planning permission to a far greater extent. It is a finely balanced judgement but based on the fact that he is primarily working alone I am satisfied that he has been employed in the operations associated with the planning permission since the caravan was sited and occupied for residential purposes. I recognise that the build period has covered a number of years but in the specific circumstances that does not alter my view that the appellant has occupied the caravan whilst being employed primarily in converting the adjacent barn.
19. As with any individual, the requirements of life were such that he had to spend time attending to other matters including parental responsibilities, caring for his mother and undertaking general gardening and maintenance jobs. However, the requirements of Class A, Part 5 of the GPDO do not stipulate that someone has to be employed 24/7. For the most part his efforts appear to have been engaged in construction activity.
20. Similarly, the GPDO does not set a timescale or limit on the duration that someone can occupy a caravan under Part 5. The only criteria is that they are employed in connection with operations being undertaken in relation to a planning permission. I am satisfied that has been the case to date, such that the siting and occupation of the caravan falls within the scope of permitted development. It is not for me to set a time limit for completion of works but the appellant should be aware that my conclusion does not entail that continued occupation of the caravan would meet the relevant criteria to constitute permitted development moving forward, unless he remains employed in construction work associated with the planning permission.
21. However, for the reasons set out I find, on the balance of probability, that the use of land for the siting and occupation of a caravan for residential purposes was development permitted under Class A, Part 5 of Schedule 2 of the GPDO at the time the notice was served. It follows that the appeal should succeed on ground (c). Therefore, the enforcement notice will be quashed.
22. In these circumstances, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) does not fall to be considered.

Chris Preston

INSPECTOR

⁴ Appeal reference APP/W1850/C/23/3323354