

Appeal Decision

Site visit made on 25 June 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 14th July 2025

Appeal Ref: APP/Y2620/X/23/3332332

Static caravan at Wood View, Thorpe Market Road, Roughton NR11 8TB

- The appeal is made by Alex Brackley under section 195 of the Town and Country Planning Act 1990 against a refusal by North Norfolk District Council to grant a lawful development certificate.
 - The application Ref: CL/23/1650 dated 31 July 2023 was refused by notice dated 4 October 2023.
 - The application was made under section 191(1)(a).
 - The development for which the certificate is sought is "Use of land for siting of static caravan, and use of static caravan as a dwelling".
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Application for costs

1. The appellant's application for costs against the Council is dealt with by a separate decision.

Appeal decision

2. The appeal is allowed and attached to this decision is a certificate of lawful use relating to the use described in the application, which I consider would be lawful if instituted at the time of the application.

Reasons for the appeal decision

3. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the use at the time of the application on 31 July 2023. The planning merits of the proposed use are not relevant to the appeal and there is no planning application before me.
 4. The Council refused the application for the following reason: -
"The Council is not satisfied that sufficient evidence has been submitted to show, on the balance of probabilities, that the use of the caravan as an independent residential dwelling was lawful and therefore immune from enforcement action."
 5. The Council accept that the caravan was sited in its present position on the land around the year 2000 and that it has been occupied continuously since then, but state that it is unclear whether its occupation has been wholly
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independent of the dwelling, Wood View, as a separate residential unit. They maintain that the evidence is not sufficiently clear and precise as to the use of services, the sharing of maintenance costs and bills and the documentation of separate utility and Council Tax accounts. They consider that the caravan's use and occupation is more in line with an annexe use.

6. The question the Council pose is whether the caravan, although providing all the facilities required for day-to-day private domestic existence for over twenty years and having been lived in throughout this period, has been occupied as an annexe to Wood View. The circumstances are as follows: -
 - In 1981, the appellant's parents moved into Wood View as their home, with the appellant who was then aged five.
 - In 2000, the appellant's widowed grandmother, who had previously lived elsewhere, bought the caravan and installed it on land several metres to the rear of Wood View, where it remains today. It had, and retains, all the facilities required for day-to-day private domestic existence, including water and electricity supplies, bottled gas and a septic tank. She lived alone in the caravan until her death in 2007. She was assisted by family members in matters such as shopping and the payment of bills and she socialised with them, but she otherwise lived independently from Wood View.
 - Shortly after his grandmother's death in 2007, the appellant then in his thirties moved home out of Wood View and into the caravan, leaving his father to continue living in the house (his mother having died in 2003). The appellant was joined in the caravan in 2018 by his partner and they lived there with their daughter until 2020.
 - In 2020, the appellant's father moved home out of Wood View and into the caravan and the appellant and his family moved home out of the caravan and into Wood View. His father lived in the caravan until 2022. A family friend then moved in and he was living in the caravan at the time of the application in 2023.
7. The caravan and Wood View never functioned as a single household. The appellant's grandmother lived in the caravan independently, as she intended to do when buying it and installing it on the site; she had never lived at Wood View and she received only limited support from Wood View. The appellant moved out of Wood View and occupied the caravan specifically so that he could maintain an independent lifestyle. There has been some sharing of facilities and of tax and utility bills between Wood View and the caravan, and the access from the road is joint, although the pedestrian routes from the parking area are separate; none of this is particularly unusual in such circumstances.
8. An annexe would be something that provided additional accommodation for Wood View such that the residential use of the annexe was to be regarded for planning purposes as being part and parcel of the residential use of Wood View. As a matter of fact and degree, I do not consider that the caravan ever fell to be considered as such.
9. The period in which the Council could have taken enforcement action in respect of the caravan is ten years from the date of the breach of planning control. The

breach took place in 2000 and the time allowed for enforcement action has therefore expired. The appellant is entitled to a certificate of lawful use under section 191(1)(a).

10. The appeal has therefore been allowed and a certificate has been granted in the terms set out in the attached Certificate of Lawful Use.

D.A.Hainsworth

INSPECTOR



Certificate of Lawful Use

APPEAL REFERENCE APP/Y2620/X/23/3332332
TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39 & SCHEDULE 8

IT IS CERTIFIED that on 31 July 2023 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged and hatched in black on the plan attached to this certificate was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990, for the following reason:

No enforcement action could then have been taken in respect of the use because the time for enforcement action had expired.

D.A.Hainsworth

INSPECTOR

Dated: 14th July 2025

First Schedule

Use of land for the stationing of one static caravan for residential use.

Second Schedule

Land at Wood View, Thorpe Market Road, Roughton NR11 8TB

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990.
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful on the specified date and, therefore, was not liable to enforcement action under Part VII of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use that is materially different from that described or which relates to any other land may render the owner or occupier liable to enforcement action.



Plan attached to Certificate of Lawful Use

Static caravan at Wood View, Thorpe Market Road, Roughton NR11 8TB

Appeal reference: APP/Y2620/X/23/3332332

This is the plan attached to the Certificate of Lawful Use
dated: 14th Ju1y 2025

D.A.Hainsworth
INSPECTOR

