

Appeal Decision

Site visit made on 15 July 2025

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

APP/R1845/X/24/3342580

Kinverdale Park, Kingsford Lane, Wolverley DY11 5SR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal by Wyre Forest District Council to grant a certificate of lawful use or development.
- The appeal was made by Mr and Mrs Stephen and Tracey Jones.
- The application, reference 23/0914/CLP, dated 12 December 2023 was made under s.192(1)(a) of the Act. It was refused by a notice dated 6 March 2024.
- The Application for a Certificate of Lawful Development was for: The siting of twelve residential mobile homes for permanent human habitation at Kinverdale Park, Kingsford Lane, Wolverley DY11 5SR.

Summary of decision: The appeal is allowed. A lawful development certificate for the use of the application land for the siting of 12 residential mobile homes is attached to this decision.

Costs application

1. The Appellants, Mr and Mrs Stephen and Tracey Jones, made applications for an award of costs against Wyre Forest District Council. They are the subject of a separate decision.

Appeal site and application

2. The Appellants said what is now the Kinverdale Park Caravan Park was originally a post-war holiday caravan park. The appeal relates to the use of land adjoining the southern edge of the park.
3. Planning permission for the use of land, (outlined in blue on the LDC application plan), as a caravan site was granted in 1964, ref: KR202/64. According to an Appellants' statement, the KR202/64 permission was superseded by planning permission KR257/64 granted later in 1964 for "*caravan site, toilet blocks and drainage arrangements*". Although condition 5 to planning permission KR202/64 said "*The use of the land hereby permitted shall be restricted to the period 1st February and the 31st December each year and no caravan shall be permanently occupied*", in a letter, Wyre Forest DC to a Council Member dated 3 July 2003, it was said: "*I can confirm that planning permission was originally granted in September 1964 without any restrictions on the period of occupancy or the number of units, (Ref: KR257/64).*".
4. Planning permission KR205/72 on the current appeal land, (outlined in red on the LDC application plan), was granted on 15 August 1972 for: "*proposed recreation area next to New House Farm, Kingsford, Wolverley*". Condition 1 to the permission states: "*The recreation area shall only be used by residents of the adjoining caravan sites in the same ownership*". The other 4 planning conditions to this permission relate to matters outwith the concerns of this appeal.

5. The Appellants, the owners of Kinverdale Park, assert that the lawful use of the KR205/72 LDC application land is that of being ancillary to the residential caravan park use granted permission in 1964. They said the siting of 12 caravans on the 1972 permission land would be lawful as that permission had extended the 1964 caravan site to include the application land. Planning Appeal Decision APP/F1230/X/18/3206065, APP/P1235/X/18/3206069 had similar facts. It demonstrated the lawfulness of the proposition. Here, there would be a change in layout, with 12 of the permitted units on the recreation area, but no increase in numbers, no intensification of use, or a material change of use.

Local Planning Authority

6. The Council said planning permission KR205/72 permitted use of the application land only as a recreation area in connection with the adjacent caravan park. No permission had been sought or granted for the use of the land for the stationing of caravans or park homes. That use would require planning permission. The current LDC application land could only be used for recreational purposes in connection with the adjacent caravan park, not for siting caravans or mobile homes.

Inspector Considerations

N.B. reference below to the “1964 caravan site” is the KR202/64 and KR257/64 caravan site planning permissions granted in 1964 – the land currently occupied by 62 residential caravans/mobile homes – outlined in blue on the LDC application plan.

7. The description of the KR205/72 planning application as: “*proposed recreation area next to New House Farm, Kingsford, Wolverley*” was somewhat vague. That is, because it appears that the intention behind the application was to use the land in association with the adjoining residential caravan site. Otherwise, the application of Condition 1 to the KR205/72 permission would have seemed inapt. The formal reason given for applying Condition 1 precluded its use for car parking or ‘other provisions’ by outside visitors; it did not restrict its use to recreation only.
8. Condition 1 effectively attaches the application land to the adjoining caravan site by requiring that it ‘*only be used by residents of the adjoining caravan site in the same ownership*’. As a result, I consider that the KR205/72 permission land became part of an extended 1964 caravan site planning unit. The effect of the implementation of the KR205/72 planning permission was to increase the size of the original 1964 caravan site. The KR205/72 permission was not a stand-alone permission that created a new planning unit for recreational use separate from the original 1964 caravan site.
9. The LDC application is for the siting of 12 residential mobile homes on the KR205/72 planning permission land. The current site licence allows for the siting of 110 mobile homes at Kinverdale Park. There are 62 mobile homes on the park. The 1964 KR202/64 and KR257/64 planning permissions did not impose a limit on the number of caravans to be placed upon the land. The case of *Cotswold Grange Country Park LLP v SSCLG & Tewkesbury DC* [2014] EWHC 1138 (Admin); [2014] JPL 981 PP showed that only a condition can impose a limitation as a matter of law. In the present instance, it appears that numbers of caravans or mobile homes was to be left to the site licence. The LDC intention to site 12 mobile homes on the application land is not proscribed.
10. I consider that, within the enlarged caravan site planning unit, the various uses within the caravan park, such as car parking areas, offices, recreation areas which would be incidental uses may fluctuate without necessarily causing a material change of use of the combined 1964 and KR205/72 caravan site planning unit. No

part of the LDC application asks that the overall number of residential units on the combined 1964 and KR205/72 caravan park site was to be increased.

Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development on the application made for a Certificate of Lawful Development for: The siting of twelve residential mobile homes for permanent human habitation at Kinverdale Park, Kingsford Lane, Wolverley DY11 5SR was not well founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended. A certificate of lawful use is attached to this decision.

John Whalley

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 12 December 2023 the development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, would be lawful within the meaning of section 192(1)(a) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use of the land for the siting of twelve residential mobile homes for permanent human habitation was permitted by virtue of planning permission KR205/72 dated 15 August 1972 that permitted use of the application land as a recreation area in connection with the adjoining Kinverdale Park caravan park.

John Whalley

INSPECTOR

Date: 28th July 2025

Reference: APP/R1845/X/24/3342580

First Schedule

Use of the land for the siting of 12 residential mobile homes

Second Schedule

Kinverdale Park, Kingsford Lane, Wolverley DY11 5SR

IMPORTANT NOTES OVERLEAF
NOTES

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development described in the First Schedule and specified in the Second Schedule was lawful on the certified date and thus would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the development described in the First Schedule and specified in the Second Schedule and identified outlined in red on the attached plan. Any development materially different from that described, or which relates to any other land, may result in a breach of planning control that is liable to enforcement action by the Local Planning Authority.
4. The effect of the Certificate is subject to the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

Lawful Development Certificate Plan

Appeal reference: APP/R1845/X/24/3342580 Date: 28th July 2025

Kinverdale Park, Kingsford Lane, Wolverley DY11 5SR

Location Plan
Site Address: Easting: 381743 Northing: 280836



Date Produced: 12-Dec-2023

Scale: 1:2500 @A4



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Plan attached to the Lawful Development Certificate – Scale as shown
LDC land outlined in red

John Whalley

INSPECTOR