



Appeal Decision

Site visit made on 19 June 2025

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025

Appeal Ref: APP/X3540/X/23/3332720

**Hare Meadow Farm, Edwards Lane, Bramfield, Halesworth,
Suffolk IP19 9AA**

- 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 to grant a certificate of lawful use or development ('LDC').
 - The appeal is made by Mr Spencer Grundy against the decision of East Suffolk Council.
 - The application Ref DC/23/0257/CLE, dated 20 January 2023, was refused by notice dated 12 June 2023.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is described as *'existing use of land for the siting of welfare cabin to provide suitable welfare facilities and accommodation to meet the needs of agricultural workers (meeting the requirements of section 29, 1968 Caravan Sites Act).'*
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Decision

1. The appeal is dismissed.

Background

2. When the application was originally submitted the form referred to a claim that the mobile home – referred to by the appellant as 'the cabin' had been used since 1 July 2010 for holiday use; originally by Joe Solomon (a gypsy/traveller) up until 31 October 2015, and then subsequently by the appellant who took control of the land from 1 November 2015. He has remained there since and was present at the time of my site visit.
3. Following receipt of the application it appears from correspondence that the case officer had entered into discussions with the appellant, as he indicated that he was actually living in the cabin for approximately 90% of the calendar year. This was seemingly an attempt to help the appellant's plight, and it was agreed that the description should change from the term 'residential' on the application form to that worded in the banner heading above ie that the cabin – which, it was agreed met the requirements of section 29 of the Caravan Sites Act, 1968 - was being used as a facility to provide welfare facilities and accommodation for the needs of agricultural purposes.
4. From aerial photographic evidence available the Council accepts that the cabin/caravan had been in situ for more than ten years prior to the date of the application, so the outstanding issue was whether its use as claimed, which did not benefit from a grant of planning permission, had continued on an

uninterrupted basis for a period in excess of ten years – the relevant bar - so as to have acquired immunity from planning control.

Preliminary Matters

5. In an appeal under s195 of the Act against the refusal of a LDC the onus of proof is upon the appellant. The test of the evidence in this instance, on the above basis, is that it must be demonstrated that the caravan had been used, as claimed, since at least 20 January 2013; ten years prior to the date of the application made.
6. The burden of proof is on the balance of probability, and the key is that the evidence should be precise and unambiguous to this end.
7. Where LDCs are involved the planning merits of the development applied for do not fall to be considered. Instead, the decision will be based strictly on evidential fact, planning legislation and, where relevant, case law.

Main Issue

8. Accordingly, the main issue in this appeal is whether, on the balance of probability, the use was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990.

Reasons

9. S191(2) says that uses and operations are lawful at any time if no enforcement action may be taken in respect of them because the time for enforcement action has expired, and they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
10. The use of a caravan for habitable purposes is not, in planning terms, a dwellinghouse. Instead, it represents a use of the land for residential purposes.
11. I note that it is the appellant's intention to move the caravan to a different part of the site and, given that it is accepted that the caravan has been on the land for a sufficient period of time as to have itself acquired immunity, it means that it can be re-sited anywhere on the application site ie within the red-ringed area shown on the site plan submitted alongside the LDC application. That said, it is the actual use of the caravan which is at issue here.
12. The appellant says that Hare Meadow Farm is a 'multi-faceted' farming enterprise which involves, amongst other things, the production of both arable and animal feed crops, the farming of both hard and soft fruits, and also timber production. It is said that, in 2010, the then owner of the farm, Ms Pudney, had the caravan placed on the land so that Mr Soloman, in return for working the land, would have free accommodation. The appellant says that Mr Soloman lived there full-time, and this arrangement remained until Ms Pudney sold the land to the appellant in 2015.
13. In addition to the farmland and the caravan the purchase also included a neighbouring residential house which, although statutorily listed, the appellant describes as being in a 'derelict state'. Although he uses this as his postal address, the appellant says it is more comfortable, economic and practical for

him to live in the caravan. That said, I have no clear details as to whether the house is still capable of being lived in. The appellant's involvement takes in the period between 1 November 2015 until 20 January 2023 but, as mentioned, to show continuous use, the appellant must also account for the period from 20 January 2013 until 31 October 2015. I acknowledge his explanation as to the practical difficulties of persuading either Mr Soloman or Ms Pudney to provide evidence to this end but, whilst the appellant's account might have some credibility, there is nothing compelling before me to corroborate his claim on this point.

14. At my site visit, when inspecting the standard of accommodation provided by the caravan, it appeared extremely basic – indeed, I was discouraged from using the toilet – almost to the point that it was not capable of providing for a normal habitable use. Further, there was seemingly little space available for the appellant to store his possessions etc, and I imagine that such items are accommodated elsewhere.
15. The appellant does say that both water and electricity connections supply the farm, and indicates that the caravan benefits from this, but I have seen no firm details to show the extent of such and what exactly this provides for the caravan's occupier. Notwithstanding the accommodation element I would consider the claim that the caravan serves to provide welfare facilities for agricultural workers suggests that other persons working on the land afford themselves of the shelter etc that the caravan might provide. However, this would seem somewhat inconsistent with the appellant's claim that it provides habitable accommodation for him alone.
16. In light of the above I have inferred that the appellant is indicating that the caravan performs an ancillary function to persons working the land, and any additional facility such as providing overnight accommodation is indicative of there being a functional need for such due to the agricultural use of the surrounding land.
17. I acknowledge the 'Gabbittas' principle whereby it was held that if a local planning authority has no evidence itself to contradict the applicant's version of events then there is no good reason to refuse the application. Nonetheless, the evidence adduced by the appellant has to be precise and unambiguous to support the claim. In this particular instance I find the evidence put forward is somewhat incomplete, not only for the period of time prior to the appellant taking control of the land in 2015, but also with a lack of detail as to the degree and manner of accommodation that the caravan provides.
18. Having, therefore, interpreted and weighed up all the evidence available I must conclude that the appellant has not discharged the burden of proof.
19. Notwithstanding the above, due to the likely functional need I have some sympathy for the appellant but, as mentioned, this appeal cannot take into account planning merits and impacts, unlike a normal planning application. However, if by November 2025, the planning position has not changed, it would remain open to the appellant to make a resubmission with a more detailed LDC application in an attempt to demonstrate that he himself has occupied the caravan continuously, and in a consistent manner, for the past ten years. Of course, it would then fall to the Council to reassess the claim.

20. Accordingly, for the reasons given above I conclude, on the evidence available, that the use was not lawful on 20 January 2023, within the meaning of section 191(2) of the Town and Country Planning Act 1990.

21. I will, therefore, exercise my powers under section 195(3) of the Act.

Timothy C King

INSPECTOR