



Appeal Decision

Site visit made on 18 August 2025

by Mr J Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/X3540/C/22/3312353

Land at The Pastures, The Street, North Cove, Beccles NR34 7PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Dennis Roberts against an enforcement notice issued by East Suffolk Council.
- The notice was issued on 3 November 2022.
- The breach of planning control as alleged in the notice is “*Without planning permission the unauthorised material change of use of the Land from a mixed use of agriculture and equestrian to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items not related to agriculture or equestrian uses*”.
- The requirements of the notice are to: (1) Permanently cease using the Land for the stationing of static and touring caravans for residential use, and for the storage use of vehicles, lorry backs and all other miscellaneous items not associated with agriculture or equestrian uses; (2) Permanently remove from the Land all static and touring caravans, vehicles, lorry backs and any other miscellaneous items not associated with agriculture or equestrian uses; and (3) Restore the Land to its former condition immediately prior to the unauthorised uses taking place by reseeding with grass seed or turfing the Land.
- The period for compliance with the requirements is 4 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f) and (g) 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.

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

Preliminary Matters

1. The stationing of caravans for residential use is a residential use and not a storage use, as seemingly alleged in the notice. Nonetheless, the Council has confirmed that residential use was intended to form part of the allegation. Whilst the appellant was given the opportunity to comment on this point, no response was received.
2. When read as a whole, it is clear that the notice intended to enforce against a residential use: the allegation explicitly refers to the stationing of caravans for residential use; the reasoning makes it clear that the notice intended to capture this residential use; and the steps require this residential use to cease. Planning Contravention Notices were also issued to the appellant in advance of the notice, which again made it clear that the Council was concerned with the stationing of caravans for residential use. The appellant should therefore have been aware what the Council was seeking to enforce against. Notably, the appellant has addressed the suitability of a residential use within the appeal site location within its evidence, which attests to this point.
3. I have therefore corrected the allegation to make it clear that the alleged use encompasses a mixed-use comprising storage and the stationing of caravans for residential use. I have tweaked the requirements accordingly to ensure they

accurately reflect the corrected allegation. I am satisfied that the changes will not cause undue prejudice to the appellant, as it was already clear from the notice that it sought to encompass this element of use.

Ground (b)

4. Pursuant to ground (b), the appellant says that the alleged breach has not occurred as a matter of fact. Whilst the appellant does not appear to dispute that the alleged use has taken place, they do say that the various components of use do not take place across the whole site. On this basis, they say a material change of use of the whole of the site has not occurred. As a legal ground of appeal, the burden is on the appellant to demonstrate their case, on the balance of probability.
5. The appeal site comprises a large field to the south of the A146, which is bordered by trees and hedgerow. Whilst many of the structures are concentrated around the site's perimeter, they nonetheless occupy large extents of the site. There is little physical separation between those areas of the site which are used for storage and those which are used for the stationing of caravans for residential use. Functionally, the uses are therefore closely intertwined, which is indicative of the site being a single planning unit. Visually, the site also appears as a single distinct unit of occupation, which means its physical character further attests to this.
6. Given the site appears to comprise a single planning unit, it is appropriate for the allegation of a material change of use to encompass the whole of the site. This is common practice. If the notice were to enforce against the site's perimeter alone, stored items and caravans could simply be moved elsewhere on the site, which would not prove effective enforcement.
7. The alleged breach of planning control has therefore occurred as a matter of fact, and the appeal on ground (b) fails. For completeness, the Council was well within its rights to serve an enforcement notice in respect of the breach, irrespective of any other powers available to it.

Ground (d)

8. Pursuant to ground (d), the appellant says that part of the matters alleged is immune from enforcement, and therefore lawful. Specifically, the appellant says one of the caravans stationed within the site had been in situ for more than ten years prior to the date of the enforcement notice. In accordance with s171B(3) of the 1990 Act, no enforcement action can be taken in respect of an alleged breach of planning control after ten years beginning with the date of the breach.
9. To succeed on this ground, the appellant would need to demonstrate that the alleged use had been ongoing continuously and uninterrupted for a period of ten years prior to the date of the enforcement notice, being 3 November 2012 (or before). Planning merits are not relevant and the burden is on the appellant to demonstrate their case on the balance of probability.
10. In this instance, it is important to highlight that the alleged use comprises a mixed use of storage and the stationing of caravans for residential use. Separate components of this use cannot be decoupled to gain immunity in isolation. Even if a single caravan had remained in situ throughout the ten years preceding the notice, the evidence before me does not demonstrate that the site had been used for the alleged mixed use throughout the ten-year period preceding the notice.

11. In any event, whilst photos do appear to show a caravan within the appeal site as far back as 2011, aerial photos of the site in 2015 (which are relatively clear), do not appear to show any caravans. This suggests the caravan was removed at some point during the ten-year period preceding the notice. Even if the caravan was only removed temporarily, this is indicative of an interruption to the ten-year period of use. In turn, and notwithstanding the appellant's sworn affidavit, the evidence before me is not sufficiently precise and unambiguous to demonstrate ten years continuous and uninterrupted use of any component of the alleged mixed use.
12. Overall, this means the appellant has not demonstrated, on the balance of probability, that the alleged use of the site for storage and for the stationing of caravans for residential use had been ongoing continuously and uninterrupted for a period of at least ten years, prior to the date of the notice. In turn, the use was not immune from enforcement on the date of the notice.
13. The appeal on ground (d) therefore fails.

Ground (a)

14. The main issues relevant to the ground (a) appeal, being the deemed planning application for the matters alleged in the notice, are:
 - whether the development is acceptable in principle with regard to development plan policy; and
 - the effect of the development on the character and appearance of the area.

Principle of Development

15. The appeal site is located outside of the settlement boundary of Barnby and North Cove, and is therefore classified as countryside. Policy WLP1.2 of the Waveney Local Plan 2019 (Local Plan) is clear that new residential and employment development will not be permitted within the countryside except where specific policies in the Local Plan indicate otherwise.
16. Policy WLP8.7 does permit new small-scale residential development within the countryside, subject to strict parameters: the site must constitute an identifiable gap within a built up area of a settlement in the countryside; there must be existing residential properties on two sides of the site; and the development should not extend further into the undeveloped countryside than the existing extent of built up area surrounding the site. None of these parameters are met, which means the residential element of use is not supported by policy in this location.
17. In terms of storage, Policy WLP8.13 permits new employment development outside of settlement boundaries, which is potentially relevant to this element of use. However, once again, any such development will only be acceptable in the countryside where certain conditions are met. An additional need for employment development must have been demonstrated and there must be no land available within existing employment areas, existing employment allocations or within settlement boundaries, to accommodate the proposal. There is little evidence before me to demonstrate that either of these conditions would be met in this instance, which means the storage element of use is also not supported by policy.

18. Whilst planning permission has been granted for a storage building within the site, this building occupies a relatively small footprint within the context of the site as a whole. The alleged mixed-use encompasses much more of the site and its impact is therefore much more acute. In turn, the consented storage building does not justify the expansion of any storage use, as the corresponding impact is materially different.
19. Overall, the principle of the alleged mixed-use is not acceptable in this location when assessed against development plan policy. As set out, the development conflicts with policies WLP1.2, WLP8.7 and WLP8.13 of the Local Plan. It also conflicts with the provisions of the National Planning Policy Framework (2024) (Framework) insofar as they seek to protect the countryside from unsuitable development.

Character and Appearance

20. As mentioned, the appeal site comprises a large field to the south of the A146. The settlement of Barnby and North Cove is situated on the opposite side of the road to the north. Along its southern, eastern and western sides, the appeal site is mostly surrounded by fields. In turn, the land to the south of the main road, which includes the appeal site, is distinctly rural in character which contributes positively to the character of the area.
21. Along its eastern side, the appeal site is occupied by a collection of small buildings, which include an old stable block and a storage building. These are understood to be consented and form no part of the alleged mixed-use. Elsewhere, the site is occupied by several static and touring caravans as well as various vehicles, lorry containers and trailers. There are also other miscellaneous items stored across the site, including bins, water butts, solar panels, gas canisters and wood pallets.
22. Many of the stored items are domestic in nature and appear unrelated to any agricultural or equestrian use. Visually, this means the storage use sits uncomfortably within the surrounding landscape, which is largely rural in character. Moreover, the use is scattered around a large proportion of the appeal site, which results in it appearing very cluttered and untidy. This further undermines the site's rural credentials.
23. Whilst much of the site is screened from public view, glimpsed views are still possible through the boundary treatments. This means the impact is still experienced keenly within the wider landscape, and likely more so during winter months when tree cover is less pronounced.
24. In turn, the development harms the character and appearance of the area and conflicts with policies WLP8.29 and WLP8.35 of the Local Plan. Together, these policies seek to ensure new development achieves a high-quality design, which responds positively to its local context and setting. The development also conflicts with the overarching design objectives of the Framework.

Ground (a) Conclusion

25. The development conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal on ground (a) therefore fails.

Other Matters

26. There is a nearby site allocation for new housing which also occupies undeveloped land. However, this allocated site would encompass development which would be materially different in character to the mixed-use in this instance, and the likely benefits arising from any such scheme would also be very different. The allocation therefore carries little weight in my decision.
27. Whilst many of the stored items within the appeal site are moveable and transient in nature, this does not negate the associated harm, which would subsist for as long as the use is permitted. A temporary permission is therefore not warranted.

Ground (f)

28. Pursuant to ground (f), the appellant says that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections. Specifically, the appellant contends that the structures could be concentrated to the rear of the site, to reduce the visual impact of the use.
29. As per s173(4) of the Town and Country Planning Act 1990, the purpose of the notice is to remedy the breach of planning control and the requirements must achieve this purpose. In this instance, the steps require the mixed-use to cease. This is an entirely proportionate step which goes no further than remedying the breach. Concentrating the use to a particular part of the site would not overcome the harm identified, nor the conflicts with the development plan.
30. The steps also require the removal of caravans, vehicles, lorry backs and other miscellaneous items unrelated to the pre-existing agricultural and equestrian use. All of these items are integral components of the alleged mixed-use, and it is entirely reasonable for them to be removed. Without their removal, much of the use would essentially subsist.
31. Finally, the steps require the land to be restored to its condition prior to the alleged mixed-use taking place. Given the mixed use has likely degraded the quality of the land over time, this is again a proportionate and reasonable step.
32. The requirements are therefore reasonable and proportionate and go no further than remedying the breach of planning control. However, as I have made a minor variation to the requirements to ensure they accurately reflect the alleged breach of planning control, technically the appeal on ground (f) succeeds (but to this extent alone).

Ground (g)

33. Pursuant to ground (g), the appellant says that the time given to comply with the requirements is too short, and suggests a period of 12 months would be more appropriate.
34. Occupiers of the caravans will need sufficient time to secure an alternative site, which may well take longer than four months. In these circumstances, I consider a period of six months is more appropriate.
35. The appeal on ground (g) therefore succeeds, but only to the extent outlined.

Human Rights Considerations

36. Failure to succeed on grounds (b), (d), (a) and (f) will in all likelihood, require any current occupiers of the caravans to vacate their homes. This represents an interference with their property (Article 1) and their home and family life (Article 8), which are afforded protection under the European Convention on Human Rights, as incorporated by the Human Rights Act 1998.
37. Nonetheless, there is little evidence before me to suggest any current occupiers would be unable to secure alternative residential accommodation elsewhere. Given the success on ground (g), the notice now allows six months to comply with the requirements to cease residential use of the appeal site, which is a reasonable period to achieve this.
38. Compliance with the notice will ensure that the spatial strategy of the district is protected, whilst also ensuring development protects the countryside and achieves good design quality. It has not been shown that these legitimate aims can be achieved by means which would interfere any less with the appellant's rights. In turn, the requirements of the notice are proportionate and necessary in the circumstances, and do not result in a violation of the appellant's rights under Articles 1 and 8.

Conclusion

39. I have made a minor variation to the requirements of the notice, and the appeal on ground (f) succeeds to that extent alone. I have also extended the time for compliance with the notice, and ground (g) therefore also succeeds. However, for the reasons outlined, I conclude that the appeal should otherwise not succeed. I shall therefore uphold the enforcement notice with a correction and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

40. It is directed that the enforcement notice is corrected by:

- (a) The deletion of paragraph (3) and its substitution with the following new paragraph (3):

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the unauthorised material change of use of the Land from a mixed use of agriculture and equestrian use to a mixed use comprising the storage of vehicles, lorry backs and other items not related to agriculture or equestrian uses and the stationing of static and touring caravans for residential use.

- (b) The deletion of requirement (1) from paragraph (5) and its substitution with the following new requirement (1):

1. Permanently cease using the Land for a mixed use comprising the storage of vehicles, lorry backs and other items not related to agriculture or equestrian uses and the stationing of static and touring caravans for residential use.

- (c) The deletion of paragraph (6) and its substitution with the following new paragraph (6):

6. TIME FOR COMPLIANCE

6 months after this notice takes effect

41. Subject to the correction and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Mr J Blackwell

INSPECTOR