Planning Inspectorate

Appeal Decision

by Grahame J Kean BA (Hons), Solicitor (HRA), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2025

Appeal Ref: APP/U2750/C/25/3358916
Andrew Hughes Utilities, Skipton Old Airfield, Sandhutton, Thirsk YO7 4EG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by A.H.U.S Plant Hire Limited against an enforcement notice issued by North Yorkshire Council.
- The notice was issued on 16 December 2024.
- The breach of planning control as alleged in the notice is: without planning permission, the material change of use of the land for the siting of a caravan to accommodate workers associated with the business at AHUS Plant Hire Limited as indicated on blue on the attached plan.
- The requirements of the notice are:
  a) Cease permanently the use of the caravan to accommodate workers associated with the business at AHUS Plant Hire Limited.
  b) Remove the caravan indicated in blue on the attached plan and all associated materials from the land edged in red on the attached plan.
- The period for compliance with the requirements is: six months from when this notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Decision

1. It is directed that requirement (b) of the notice is deleted and replaced with:

   "b) Remove from the land the caravan indicated in blue on the attached plan together with all its attached structures and hardstanding, and restore the land to its condition prior to the breach of planning control."

2. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

3. In light of the information given by both parties including the photographic evidence, it has not been necessary to conduct a site visit to determine this appeal.

The notice

4. I have a duty to put the enforcement notice in order. As the appellant points out, "associated materials" in the requirements of the notice could be expressed more precisely. The caravan is sited on an area of hardstanding and has an elevated platform. A better expressed step would be to require all structures attached to the caravan and hardstanding to be removed and the land restored to its condition prior to the breach of planning control. As such amendment would cause no injustice to either party I will exercise corrective powers in s176 of the 1990 Act accordingly.

Ground (f)

5. An appeal on ground (f) is that the requirements of the notice are excessive and lesser steps would overcome the objections. It is essential to understand the purpose of

the notice which by s173(4) of the Act is to: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach. Reading the enforcement notice as a whole, its purpose is to remedy the breach of planning control by requiring the residential use of the caravan to cease and the caravan to be removed from the land.

6. The appellant company's main work is repair and installation of the national gas network. The caravan the subject of the notice is sited alongside the River Swale which is separated from the business area of the site by a perimeter fence. It is said that previously a different static caravan in the business area was used by employees as a rest room to relax in, socialise, eat and so forth. It is undisputed that such a use would not require planning permission as it would be incidental to the main commercial use.

7. The appellant's case is that step b) of the requirements (as corrected) would be excessive because it would prevent the caravan being moved around the site and used for a break room as and when required. An amendment to the plan is sought to enable the caravan to be used for such lawful purposes within the commercial area, accepting that it might not be used in the "green area" as shown on the plan submitted by the appellant. The so-called Mansi doctrine[1] is cited in support of its position.

8. In brief, the doctrine states that where there is a right to revert to a particular use, the requirements of an enforcement notice should not purport to restrict that right, including a right derived from carrying out uses ordinarily incidental to the primary use of the planning unit. An example would be where a notice alleging a material change of use of a farm building to use as a shop, required all sales of fruit and vegetables on the land to cease. Because selling home grown produce is incidental or ancillary to the primary agricultural use, the blanket ban on sales would be excessive unless varied to clarify that the sale of home-grown produce may continue.

9. In the same way, the notice here relates to use of land as a residential caravan site, and it is asserted that a caravan was on the land, used for purposes incidental to the lawful use, before the caravan now in situ began to be used to accommodate workers on a permanent basis. It would then suffice for the notice to require only that the residential use ceases, as no purpose would be served by requiring the van to be removed when it would likely be immediately returned to the site for a lawful purpose.

10. The Council pushes back against this thesis on the grounds that the caravan in situ has a degree of permanence with decking constructed around the unit and therefore would not be readily moved around the site. Thus, the notice would not prevent caravans which are moveable to be used as break out facilities as they could be considered temporary in nature.

11. However, it is common ground that the structure in question is a caravan and not operational development. A caravan is defined as any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted (s29(1) Caravan Sites and Control of Development Act 1960). The caravan on site may have a degree of permanence but by definition it is capable of being moved from one place to another without undue difficulty.

[1] See Mansi v Elstree RDC [1964] 16 P&CR 153.

12. On the other hand, the appellant previously, and recently, attempted to secure a planning permission for the "siting of a caravan and play area" for use by AHUS staff. The appeal decision[2] upheld the Council's refusal due to the lack of a clear functional need for a continuous on-site presence that could only be met by the new dwelling, and crucially observed that the caravan was in residential use directly associated with the operation of AHUS Ltd, not for a single full-time rural worker but for ad hoc accommodation for employees, and that the application was to retain the current use.

13. It is also noteworthy from paragraph 15 of the appeal decision that the appellant said that a caravan had previously been sited within the compound for a "similar use", although no evidence confirmed that. Given the Inspector's observations as to how the caravan was actually being used, ie for ad hoc overnight accommodation as opposed to a rest room, I have to ask myself what is the appellant's real intention here.

14. The use of the caravan was not set out in the description of development on the planning application form but clearly it was for residential accommodation. In the appeal decision arguments were put as to flexibility, saving on hotel costs and so forth, and for staff needing accommodation for small periods of time. I also note that, as detailed in the officer's delegated report, the appellant said that they would be re-applying for permission to retain the caravan for holiday use. Such a use is of course a residential use and has nothing to do with daily facilities for workers. Based on the caravan's continued use and the appellant's previously stated intentions, I am satisfied that it is more probable than not that if retained on site, whether in the business compound or in the "green area", the caravan would continue to be used for residential purposes which is not ordinarily incidental or ancillary to the primary use of the site.

15. On a ground (f) appeal less onerous steps may suffice if they achieve the aims of the notice equally well. No evidence was submitted to establish whether a previous use of another caravan was for a break or rest room, this was merely asserted to be the case. More relevantly, by the appellant's own admission, the static caravan now on site was not one that had previously been used lawfully for a purpose incidental to the main business on site. The notice requires the removal of an unlawfully sited caravan that has been there for a substantial period of time. The appellant is aware that if it is his genuine intention to site a caravan for lawful purposes incidental to the primary use of the appeal site he is at liberty to do so. However, given the lack of any prior lawful use of the caravan which is the subject of the notice, the requirements are reasonable and not excessive.

16. The appeal on this ground fails.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Grahame Kean

INSPECTOR

[2] APP/U2750/W/23/3334084, 10 June 2024.