



Appeal Decision

by John Braithwaite BSc(Arch) BACh(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/K0940/C/25/3360415

Light Trees Barn, North Stainmore, Kirkby Stephen CA17 4EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James Hanson against an enforcement notice issued by Westmorland and Furness Council.
- The notice was issued on 9 January 2025.
- The breach of planning control as alleged in the notice is the domestic use of the lean-to to the east elevation of the barn at Light Trees and the change of use of agricultural land for the siting of two static caravans for residential use within the curtilage of Light Trees Barn.
- The requirements of the notice are: (1) Cease all residential/domestic use of the site; and (2) Permanently remove the caravans and any materials off the site.
- The period for compliance with the requirements is 12 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The ground (f) and (g) appeals are allowed and the enforcement notice is varied by:
 - a. The deletion of requirement (2) in section 5 and the substitution instead of '(2) Permanently remove from the land the caravans and any materials associated with the unauthorised residential use of the land'.
 - b. The deletion of '12 weeks' in section 6 and the substitution instead of '24 weeks'.
2. Subject to the variations the enforcement notice is upheld.

Preliminary Matters

3. The appeal has been made on grounds (f) and (g) only. In these circumstances a site visit is unnecessary. The appeal has been determined without a site visit.

Reasons

The appeal on ground (f)

4. Light Trees Barn and agricultural land were purchased by the Appellant in late 2023. At that time the barn benefitted from planning permission granted under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for 'Change of use of agricultural building to dwellinghouse'. Condition 1 of the permission requires the development to be completed within three years but the Appellant was unable to comply with this condition and the permission lapsed. The two static caravans had been lawfully brought onto the site, under the provisions of the GPDO, in connection with the conversion works, but once the permission lapsed on 21 September 2024 they became unlawful for that purpose.

5. The lawful use of the enforcement land and associated land owned by the Appellant is agriculture. The siting of a caravan on the land is not unlawful if it is associated with agricultural use of the land. But it is understood that there is no current active agricultural use of the land so there is no need for the siting of caravans. The Appellant accepts that residential use of the two static caravans must cease and it is reasonable, given that there is no active agricultural use of the land, for the Council to require the removal of the caravans. If the Appellant does resume active agricultural use of his land in the future then circumstances would change and he could lawfully site a caravan on the land if it genuinely serves agricultural activities.

6. Requirement (2) requires the removal of 'any materials off the site'. The Council can legitimately require the removal of materials associated with the unauthorised use of the land but not 'any materials'. In this regard the requirement is excessive and has been varied to require only the removal of any materials associated with the unauthorised residential use of the land.

7. The ground (f) appeal succeeds in part and requirement (2) has been varied.

The ground (g) appeal

8. Awaiting the outcome of a planning application for conversion of the barn is not a reason to extend the compliance period. 12 weeks is a wholly inadequate period to seek out and secure alternative accommodation in a countryside area where rental properties are scarce. As requested a compliance period of 24 weeks is an appropriate compliance period. The ground (g) appeal thus succeeds and the compliance period has been varied.

John Braithwaite

Inspector