



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/W1145/X/24/3352946

Bowood Farm, Roborough, Winkleigh, Devon EX19 8TE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Mark Bowen against the decision of Torridge District Council.
 - The application ref 1/0621/2024/CPE, dated 9 July 2024, was refused by notice dated 29 August 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is the siting and occupation of a mobile home for in excess of 10 years in breach of condition 1 of planning permission 1/0437/2013/FUL.
-

Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing use which is found to be lawful.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence and of the existing use against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). In these circumstances a site visit is unnecessary and has not been undertaken.

Reasons

3. The mobile home was brought onto Bowood Farm pursuant to the grant of planning permission 1/0437/2013/FUL on 15 July 2013 for 'Variation of condition 1 of planning permission 1/0361/2010/FUL'. Condition 1 states that "This permission shall be limited to a period expiring on the 30th April 2014. At or before the expiration of this period the mobile home shall be permanently removed from the site and the residential use shall be discontinued and the land restored to its former condition". Planning permission 1/0361/2010/FUL was for 'Siting of a mobile home as a temporary workers agricultural dwelling'. The Applicants were the Appellant and his then wife.
4. The Appellant and his then wife occupied the mobile home whilst they sought to establish an agricultural business based on a free-range egg unit. On 14 November 2014 planning permission 1/0930/2014/FUL was granted for 'Agricultural workers dwelling' on land adjoining the site of the mobile home. The Council does not dispute that the Appellant occupied the mobile home from before the grant of planning permission 1/0437/2013/FUL up until 1 August 2022 when Mr Ginter took up occupancy. On that date the Appellant took up occupation of the agricultural workers dwelling; the completion of which had been delayed for personal and financial reasons.
5. After 30 April 2014 occupation of the mobile home was in breach of condition 1 of planning permission 1/0437/2013/FUL. The Appellant maintains that this breach of

condition and occupation of the mobile home continued for more than the ten year period prior to the date of the application. The Council maintains that from 14 November 2014, when permission was granted for the agricultural workers dwelling, up until 1 August 2022, when Mr Grinter commenced occupation, the mobile home was development permitted under Class A of Part 4 of Schedule 2 of the GPDO. Class A of Part 4 provides for the provision on land of buildings, in this case the mobile home, required temporarily in connection with and for the duration of operations being carried out on land adjoining that land. Occupation of the mobile home for that reason is permitted under Class A of Part 5 of Schedule 2 of the GPDO.

6. The Appellant occupied the mobile home whilst he was involved full-time with the agricultural business and whilst the dwelling was under construction. Whilst he was involved full-time with the agricultural business there is no reason to doubt his claim, which is corroborated by his builder, that he was not involved with the construction of the dwelling. Nevertheless, the Council claim that "...when developing a self-build dwelling, applicants are very likely to have...input into the scheme". They mention, in this regard, input into the design and layout beyond first fix, quality control, the appointment of contractors and an Architect, and day to day management of the build.

7. The circumstances mentioned in Class A of Part 5 of Schedule 2 of the GPDO are those specified in paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (1960 Act). Paragraph 9 states that a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building operations are being carried out if that use is for the accommodation of a person employed in connection with the said operations. In this case the building operations were the construction of the agricultural workers dwelling, the person was the Appellant, and the land used as a caravan site is the site of the mobile home.

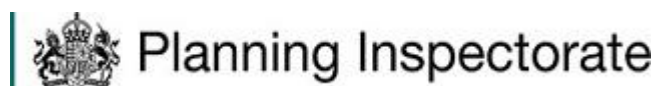
8. The critical word is 'employed'. The Appellant was not employed by his builder to assist with the construction of the dwelling and the inputs mentioned by the Council would not have been activities, if the Appellant was so involved, that were associated with being employed. The appointment of a main contractor and an Architect are singular acts and are not associated with actual building works, the Appellant will not have been involved in the day to day management of the build, he was and is involved with the day to day management of the egg unit, and showing an interest in quality and minor elements of design can be expected from any client of a house builder.

9. The Appellant has submitted sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that he occupied the mobile home in breach of condition 1 of planning permission 1/0437/2013/FUL and not as accommodation by a person employed in connection with building operations. The Council could therefore have taken enforcement action against the breach of condition at any time during the ten year period prior to the date of the Application. The siting and occupation of the mobile home is thus lawful.

10. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for the siting and occupation of a mobile home at Bowood Farm, Roborough, Winkleigh, Devon was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 9 July 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use has subsisted for in excess of ten years in breach of condition 1 to planning permission 1/0437/2013/FUL

Signed

John Braithwaite

Inspector

Date: 03 December 2025

Reference: APP/W1145/X/24/3352946

First Schedule

The siting and occupation of a mobile home

Second Schedule

Land at Bowood Farm, Roborough, Winkleigh, Devon EX19 8TE

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 03 December 2025

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

Land at Bowood Farm, Roborough, Winkleigh, Devon EX19 8TE

Reference: APP/W1145/X/24/3352946

Scale: Not to Scale

Mobile Home, Bowood Farm, Road from Natty Cross to Parkyns Cross, Roborough

