



Appeal Decision

Site visit made on 12 November 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Appeal Ref: APP/E2001/C/24/3349330

North Moor Stables, North Moor Lane, Cottingham HU16 4JN

- The appeal is made by John Fox of Northmoor Stables under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 24/00084/ENFORC) issued by The East Riding of Yorkshire Council on 24 June 2024.
 - The breach of planning control alleged in the notice is "material change of use of the land to a mixed use of agricultural, livery and the stationing of caravans for residential use".
 - The requirements of the notice are as follows: -
 - "1. Cease the use of the Land for the stationing of caravans for residential use ; and
 - 2. Remove all caravans from the Land; and,
 - 3. Remove all domestic goods and paraphernalia from the Land."
 - The period for compliance with these requirements is six months.
 - The appeal was brought only on the ground set out in section 174(2)(a). An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting a breach of planning control.
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Decision

1. The appeal is allowed insofar as it relates to the stationing of one caravan on the land for residential use and planning permission is granted on the application deemed to have been made by section 177(5) of the Town and Country Planning Act 1990 for the stationing of one caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) for residential use on land at North Moor Stables, North Moor Lane, Cottingham HU16 4JN, subject to the following conditions: -
 1. No more than one such caravan shall be stationed on the land at any one time for residential use.
 2. The occupation of the caravan shall be limited to a person employed in the stables business carried on at North Moor Stables, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 3. If the stables business at North Moor Stables ceases to be carried out on the land, the use of the land for the stationing of the caravan shall cease and the caravan and all materials and equipment brought on to the land and works undertaken in connection with the caravan shall be removed and the
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land shall be restored to its condition before the stationing of the caravan took place.

2. The appeal is dismissed insofar as it relates to the stationing of more than one caravan on the land for residential use at any one time and planning permission is refused on the application deemed to have been made for this use by section 177(5) of the Town and Country Planning Act 1990.
3. It is directed that the enforcement notice be varied by the replacement of paragraph 5 by: -

"5. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the Land for the stationing on the land at any one time of more than one caravan for residential use.
2. Remove from the Land all caravans in residential use except one."
4. The enforcement notice is upheld subject to this direction.

Reasons for the decision

Introduction

5. At the time when the enforcement notice was issued there were three caravans on the land. Two of them were touring caravans that were occupied by members of the appellant's family for residential purposes. These have since been removed from the land and the appellant does not seek planning permission for them. The other caravan is the residential caravan occupied by the appellant. The decision above will prevent the land being used in the future for additional residential caravans without planning permission being obtained.
6. The East Riding Local Plan 2012-2029 Strategy Document, adopted in April 2016, contains the policies referred to in the notice and in the Council's appeal representations. This document has since been incorporated with variations into the East Riding Local Plan Update 2020 - 2039 Strategy Document Update, which was adopted by the Council in April 2025. The appeal decision has been based on the policies in the Strategy Document Update ("the SDU").
7. The notice refers to the Government's National Planning Policy Framework ("the NPPF") in force when the notice was issued. The Council updated their representations so as to refer to the current version of the NPPF published in December 2024 when they submitted their appeal statement (which was incorrectly dated in January 2024). The appeal decision has been based on this version of the NPPF.
8. In reaching my decision I have reviewed the planning history of the land, which includes two previous appeal decisions relating to residential caravans occupied on the land in connection with the stables.
9. The first appeal decision is dated 13 January 1999 when a temporary planning permission was granted for a trial period of three years on the basis of need (refs: APP/E2001/C/98/651183 & 651390 and APP/E2001/A/98/294188).
10. The second appeal decision (ref: APP/E2001/W/20/3262704) is dated 4 August 2021, when the inspector reached a different conclusion and dismissed a

section 78 appeal against the Council's refusal to grant planning permission for a "replacement static dwelling unit associated with existing livery business" on the basis that "Insufficient evidence has been provided to demonstrate that the proposal complies with the development plan, and no other considerations outweigh this finding."

11. The second appeal decision records: -

"In 1999, temporary planning permission was granted for a mobile home in association with the equestrian business, which at the time had recently been established at the appeal site. Although that permission expired in 2002, it was not followed up by an application for a permanent dwelling, and no enforcement action was taken. The original mobile home remained in place for a number of years and was subsequently replaced in a slightly different part of the site. The replacement dwelling unit is the subject of the current appeal."

This unit is still on the land and is the subject of the current appeal.

12. The second appeal decision was followed by an enforcement notice issued by the Council in 2022 which contained a requirement to "Cease the use of the Land for the siting and residential use of the caravan". There was no appeal against this notice. This was a missed opportunity to show that the use was lawful on the basis that the time allowed for taking enforcement action following the failure to remove the caravan the subject of the temporary planning permission had elapsed and the replacement of one caravan by another on the land did not constitute a material change of use of the land that required planning permission.
13. The stables business on the land has now been in operation since 1996 and it appears that there has now been a residential caravan on the land for nearly thirty years in connection with this business, notwithstanding the expiry of the temporary planning permission in 2002 and the enforcement notice requiring the removal of the current residential caravan being in force since 2022. The current enforcement action appears to have been triggered by the presence of the two touring caravans occupied by family members.
14. The main issues in the current appeal concern the extent to which the residential caravan complies with current planning policies and the weight to be given to other material considerations.

Current activity on the land

15. The business has fourteen stables, a yard with a floodlit exercise arena and storage buildings for equipment, hay and tack. Fields to the rear are used to graze the horses. The business provides (i) full or assisted livery for horses and ponies, (ii) training of young stock, (iii) covering of mares with stallions on site, (iv) foaling of mares and (v) hiring out of the all-weather arena. Equipment kept on site includes four horse trailers, one open trailer, a muck trailer, four driving carriages, three driving harnesses, fourteen saddles, twelve bridles and paddock machinery.
16. The business also helps people of all ages who are autistic and young people who have difficulties with every-day social interaction. The carriages are available for carriage-driving sessions, including sessions with persons with

disabilities. At the time on my visit one of the carriages had recently returned from a community event in Cottingham.

Planning policies relevant to the current activity

17. The land is outside the built-up areas of Hull and Cottingham, but is in a locality where there is considerable development of various kinds, including residential development, interspersed with undeveloped plots. Development adjoins the north, south and north-east boundaries of the land.
18. SDU Policy S4 *Supporting development in Villages and the Countryside* indicates at Section D that the land will be regarded as Countryside. The SDU "does not seek to preserve the countryside in aspic, instead it recognises that a working, living and attractive countryside means adapting to changing needs and enhancing what is already there." (paragraph 4.40). A "'Countryside' approach will apply. This seeks to support a healthy, working and attractive countryside now and in the future." (paragraph 4.45).
19. Section D lists the forms of development that will be supported, provided they respect the intrinsic character of their surroundings. The list includes:
 5. Agricultural, forestry or other rural-based occupational dwellings subject to demonstrating an essential need. Such dwellings will be subject to an agricultural occupancy condition; and
 8. Employment uses in accordance with Policy EC1.
20. Advice as to how an essential need for a permanent dwelling should be demonstrated for people involved in rural-based enterprises is set out in paragraphs 4.50 to 4.54.
21. Policy EC1 *Supporting the growth and diversification of the East Riding economy* provides at Section D that outside of development limits employment development will be supported where it is of an appropriate scale to its location, is accessible and respects the character of the surrounding landscape. The policy adds that there should be a functional need to be in the particular location which cannot be met on a nearby allocated employment site.
22. SDU Policy C2 *Supporting community services and facilities* indicates that proposals will be supported that retain existing services and facilities.
23. The NPPF indicates at paragraph 84 that planning decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply, one of which is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraphs 85, 88 and 89 indicate that planning decisions should (i) help create the conditions in which businesses can invest, expand and adapt, (ii) enable the sustainable growth and expansion of all types of business in rural areas and the development of land-based rural businesses, and (iii) recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
24. NPPF paragraph 103 states that access to opportunities for physical activity is important for the health and well-being of communities.

Assessment

25. It is important to recognise at the outset that the appellant is not seeking a permission for a new house on the land or to put back the two touring caravans as residential units. What he is asking for is permission to keep a residential caravan on the land, which is something that has been enjoyed since 1996 and the planning authorities have to a large extent countenanced by inaction. Having a residential caravan on the land has allowed the operational needs of the stables business to be met for nearly thirty years. The business has provided the appellant with an income, albeit one he has supplemented by other work, and it has provided some part-time work activity for others. It has also provided facilities and services for the local community.
26. The Council have stated that they do not consider that there would be any harm to the character and appearance of the countryside by the retention of the stable buildings, the livery use or the use of the paddocks for the grazing of horses, as this use is well-established in the area and this type of use (and associated structures) is commonplace in the countryside. The Council consider these matters to be acceptable in terms of their visual impact and to be an appropriate use within the countryside that accords with the relevant planning policies and NPPF provisions. I consider that the residential caravan is also acceptable in terms of visual impact: it is tucked away in a corner where it is well-screened by other development and vegetation and cannot be seen from the road or the surrounding countryside.
27. The second appeal failed because "having regard to policies which seek to restrict development in the countryside, insufficient information has been provided to demonstrate that the retention of the dwelling unit is justified by the needs of the business". The inspector in the second appeal noted that the inspector in the first appeal had accepted the need for a worker to be present during the night time, but he thought that "the development of modern CCTV and other security systems over the past 20 years means that the need for livery stables to have on site accommodation is now less compelling".
28. In the current appeal, the appellant has set out in detail why there is a continuing need for a night-time presence and why security systems are inadequate without the added deterrence of an on-site presence, having regard to today's incidences of rural crime. It seems to me that, if the appellant had to live off-site (assuming nearby accommodation is in fact available and affordable), there would be inevitable consequences: for example, the cost of providing supervision and attendance would significantly increase; additional insurance charges would be incurred; theft and vandalism would be more likely; and horse owners' confidence in the safety and security of the livery facilities would be much reduced, leading to a likely loss of business. This combination of circumstances could well be pivotal to the continuation of the stables business.
29. The strict application of functional and financial tests, as if this were a proposal for a house or for accommodation for a new or a recently-established business, is not called for in this instance when appropriate account is taken of the long history of the presence of an on-site residential caravan here and of the sustained operation of the stables business for such a long period. A broad range of considerations should be taken into account, including the fact that if

the notice is upheld the appellant would lose his long-established home and there would be a consequential impact on the sustainability of the stables business and the facilities and services it provides.

Conclusions

30. For the above reasons, I have concluded that planning permission should be granted to retain the appellant's residential caravan on the land. This conclusion is not in conflict with a broad and balanced application of the policy objectives of the SDU and the NPPF to which I have referred above. I have imposed planning conditions, in line with normal agricultural occupancy planning conditions.
31. There is no business case for the touring residential caravans and none is claimed. Their presence was contrary to planning policies. The appeal has therefore been dismissed in this respect.
32. The requirements of the enforcement notice have been varied to reflect these conclusions.

D.A.Hainsworth

INSPECTOR