



Appeal Decision

Site visit made on 2 January 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th January 2026

Appeal Ref: APP/A2335/C/25/3364417

Bay Vets, Baldrand House, Bowerham Road, Lancaster, Lancashire, LA1 3AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Ms Katie Kyle of Bay Vets against an enforcement notice issued by Lancaster City Council.
 - The notice was issued on 19 March 2025.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of the siting of two buildings shown within Appendix B (The Development).
 - The requirements of the notice are to i) remove the buildings shown within Appendix B, and all connections and fittings, including but not limited to the stairs and handrails.
 - The period for compliance with the requirements is 60 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Ground (c) appeal

2. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make a case on the legal grounds of appeal.
3. The appellant's claim on ground (c) is that the alleged breach of control does not amount to buildings on the land and, in any event, they are 'temporary'. Moreover, it is stated that as a material change of use of the land is not alleged in the notice, it cannot be the case that the breach of planning control amounts to development given the definition of development as outlined in section 55 of the Act.
4. In the legal judgement of *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, endorsed by the Court of Appeal in *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102, three primary factors were identified as relevant of what was a building: (a) size, (b) permanence and (c) physical attachment. None of the three factors are necessarily decisive. It is necessary that I reach a decision on a fact and degree basis and on the evidence that is before me.
5. The evidence is that the two portacabins have now been in the same position for a long time. The appellant states that they were 'installed' on 10 November 2021. Google Street-View imagery shows them in the same position on March 2022. The notice was issued on 19 March 2025, and both the appendix B photograph and my site visit show that they are still in the same position.

6. There is nothing to suggest that the portacabins have been moved around the car park, or that there was ever an intention to do so. It is noteworthy that there are now handrails and steps affixed to the portacabins. This also provides a picture of permanence from the point of view of the position of the portacabins on the land. While I shall deal with the ground (g) appeal below, I am also mindful that the appellant has requested that the portacabins are allowed to stay on the land until March 2027 (given a planned move to different premises) and with no indication that up to this point they are to be moved. In my judgement, the collective evidence indicates permanence. There is no evidence to suggest that the portacabins were ever intended to be moved in practice prior to the notice being issued.
7. The appellant's evidence is lacking in terms of whether the portacabins were brought onto the land in pieces and had to be assembled. They are nonetheless sizeable facilities. Moving them either on or off the site would not likely be an easy task without the use of large machinery and the removal of the associated steps and railings. I recognise that there is no dispute between the main parties that the portacabins rest under their own weight and hence are not physically attached to the ground. However, in this case my permanence and size findings are decisive. This leads me to conclude, as a matter of fact and degree, that the portacabins are buildings.
8. For the above reasons, I conclude that an act of development has occurred on the land by virtue of section 55 of the Act. There is no planning permission in place for such development and nor are there any national permitted development rights. Therefore, I conclude that when the notice was issued the matters alleged did constitute a breach of planning control. Therefore, the ground (c) appeal fails.

Ground (g) appeal

9. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
10. The appellant claims that a compliance period of sixty days is unreasonable in so far that the portacabins are needed as the veterinary practice has outgrown its premises and attempts have been made to enlarge the building, but an application was dismissed at appeal. The appellant requests a compliance period until 31 March 2027 as that is when it is claimed that the veterinary practice will relocate to different premises.
11. I acknowledge the points made by the appellant in terms of the need for additional space. However, in respect of an appeal on ground (g) it is necessary essentially to balance the public interest in the notice being complied with expeditiously, against the private interests bound up in the development subject to the notice. In this case, there is no ground (a) appeal and deemed planning application before me. Therefore, I must accept the planning harm that has been caused from the breach of planning control as identified in reasons for issuing the notice. This relates to harm caused to the Greaves Road Conservation Area and the setting of Barland House which is a non-designated heritage asset.
12. The appellant does not actually state that it would not be possible to physically remove the unauthorised development from the land within sixty days. The request for the compliance period to be extended to March 2027 would in effect amount to

approval of a temporary planning permission. In the absence of a deemed planning application, I cannot balance such a matter against the harm identified in the reasons for issuing the notice.

13. I do not know the reasons why the veterinary practise is unable to relocate to alternative premises sooner but, in any event, I find that the compliance period is both reasonable and proportionate when balanced against the planning harm that has been caused. Moreover, and importantly, there is nothing before me to suggest that the breach of planning control could not be removed from the land within sixty days.
14. For the above reasons, I therefore conclude that the compliance period in the notice is reasonable and hence the ground (g) appeal fails.

Conclusion

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

D Hartley

INSPECTOR