



Appeal Decision

Site visit made on 6 January 2026

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Appeal Ref: APP/Y2003/C/24/3355406

Land at Humber Lodge, Pasture Road North, Barton-upon-Humber DN18 5RB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mrs Janet Denise Gilbert against an enforcement notice issued by North Lincolnshire Council.
 - The notice was issued on 2 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of a caravan used for holidays to a caravan used for residential occupancy.
 - The requirement of the notice is to: i) cease residential use and residential occupancy of the caravan.
 - The period for compliance with the requirement is: 4 months beginning with the date that this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

Reasons

The Enforcement Notice

2. I have a duty to ensure that the enforcement notice (EN) is in order. The EN alleges a breach of planning control consisting of a material change of use of a caravan used for holidays to a caravan used for residential occupancy.
3. Section 173(1)(a) of the Act sets out that an EN must state “the matters which appear to the local planning authority to constitute the breach of planning control.” An EN complies with this requirement if it enables any person receiving a copy of the EN to know what those matters are. In deciding whether an EN satisfies the statutory requirement, a test applied is whether the EN fairly tells the recipient what they have done wrong and what they must do to remedy it. The recipient must also be able to find out from within the four corners of the EN what they are required to do as the requirements should square up with and follow the allegation.
4. Under s176(1) of the Act, as amended, it is open to me to correct any defect, error or misdescription in the EN or to vary its terms provided I am satisfied that the correction or variation will not cause any injustice. This power extends to the substitution of the plan, provided any amendments would similarly cause no injustice. The courts interpret the power to correct an EN very widely and state that the powers in s176(1) of the Act can extend to making significant changes to the terms of the EN so as to put it on a proper footing.
5. The alleged breach of planning control is a material change of use of a caravan rather than the use of the land. The basis for the allegation seems to stem from the certificate of lawful use or development (LDC) that was issued by the Council on 4 November 2009 for the “existing use of a caravan for holidays”. The LDC was

issued because, on the balance of probabilities, it had been shown that the use was lawful, having commenced more than 10 years previously. The accompanying site location plan shows the land that the LDC relates to in red. This plan is annotated to refer to a 'touring caravan', which is shown located on the land.

6. Despite the LDC issued by the Council, the application form submitted with the LDC set out the description of development applied for as "use of caravan for holidays sited on plot of land described in...S.E. corner of Pasture House Fisheries Ltd." Unlike the decision notice, this description includes reference to the land. This is what the applicant applied for, and regardless, a caravan is not a 'building'. Normally, the stationing or siting of a caravan is undertaken to facilitate a material change of use of the land.
7. I consider that it is reasonable to read the application form and decision notice together to understand what the lawful use of the planning unit was as a matter of fact and degree. Doing so leads me to consider that the planning unit was the land on which the caravan was sited and that closely associated with it as outlined in red on the LDC site location plan. This is because this was the unit of occupation, and its primary use was for the stationing of a caravan for holiday use. There were no limitations or conditions attached to the LDC issued by the Council confining how long the caravan could be occupied for, albeit the evidence before me does not explain how the caravan was used and how long for at a time.
8. The land's character comprised of a caravan sited on it used for holiday accommodation. The caravan afforded people who used it the facilities to do so. Further, even though the caravan may not have been used all the time that does not mean that the land's characteristics changed or were lost. Whether a material change of use has occurred depends on whether the change is material.
9. The second part of the allegation refers to "a caravan used for residential occupancy". That is again targeted at the caravan rather than the land. Added to that, reference to 'residential occupancy' is vague, as that could be temporary, permanent or seasonal, for example. The evidence before me indicates that a permanent residential occupancy could be the alleged breach of planning control, but the allegation is not sufficiently precise.
10. The single requirement of the EN is to cease residential use and residential occupancy of the caravan. The Council say that the appellant cannot revert to the previous lawful use without express planning permission when a further material change of use has occurred, and as such, the holiday use is lost because there has been an intervening permanent residential use.
11. The LDC confirmed a lawful holiday use, and the appellant claims a permanent residential occupancy of the caravan/land since 2018. I have not assessed the merits of the appellant's claim, but based on the allegation and the evidence, there is no suggestion of any other intervening material change of use. In any event, s57(4) of the Act confirms that when an EN has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.
12. While that text refers to 'this Part of this Act', s191(2) and (3) define lawfulness for the purposes of the Act. Furthermore, s191(6) of the Act confirms that the lawfulness of any use, operations or other matter for which a certificate is in force

under this section shall be conclusively presumed. Thus, for these reasons I disagree with the Council about the appellant reverting to the site's lawful use.

13. Consequently, the requirement is vague and imprecise as it relates to the caravan, does not state what type of residential use is involved, and occupancy of land is not 'development' under s55 of the Act. Furthermore, the requirement could be read as compelling the holiday use of the land to cease. That would mean the requirement would go too far given the LDC.
14. In this case, the allegation and the requirement cannot be considered as sufficiently precise and unambiguous; something one would reasonably expect of a legal document, and certainly one representing a charge on the land. Having regard to the *Miller Mead v MHLG [1963] 2 WLR 225* judgement, I consider the EN's construction is so ambiguous and uncertain to the point that the appellant could potentially not tell in what respect the land had been developed without planning permission or further, that they might interpret, with reasonable certainty, what steps had to be taken to remedy the alleged breach.
15. Collectively, I am concerned that when the various errors on the EN are taken together, they collectively strongly suggest its invalidity. On this basis, I doubt whether, in the form issued, the EN provides the certainty necessary for it to have a reasonable chance of success. If I were to try to make the significant corrections necessary, I am of the view that this would result in injustice. Therefore, I find that this EN, as issued, is incapable of correction.
16. For the reasons given above, I conclude that the alleged breach of planning control is not correct, and the stated requirement is vague and imprecise. The requirement also contains an excessive step that does not outline with sufficient clarity the step required for compliance. Therefore, it is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the Act as amended, since injustice would be caused were I to do so. The EN is invalid and will be quashed.

Conclusion

17. For the reasons given above, I conclude that the EN does not specify with sufficient clarity the alleged breach of planning control and the steps required for compliance. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the Act since injustice would be caused were I to do so. The EN is invalid and will be quashed. In these circumstances, the appeal on the grounds set out in section 174(2)(d) and (g) of the Act do not fall to be considered.

Andrew McGlone

INSPECTOR