



Appeal Decision

Site visit made on 12 January 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/P1615/C/24/3350832

Hulks Farm, Allaston Road, Lydney, Gloucestershire GL15 4EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr M. and Mrs T. James against an enforcement notice issued by Forest of Dean District Council.
 - The notice was issued on 18 July 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land for the siting of a static caravan, being used as a separate residential unit.
 - The requirements of the notice are to:
 1. Permanently disconnect all services from the static caravan in the area shaded blue within the red lined area of the Enforcement Notice Plan attached in Appendix 1 and seen within the photos attached in Appendix 2.
 2. Permanently remove the static caravan any associated connecting structures from the area shaded in blue, within the red lined area of the Enforcement Notice Plan, attached in Appendix 1, and seen within the photos attached in Appendix 2.
 3. Permanently remove from the land all resultant materials generated through compliance with steps 1 and 2 above, within the red line of the Enforcement Notice Plan attached in Appendix 1.
 - The period for compliance with the requirements is 4 (four) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended) (the Act).
 - Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decision

1. It is directed that the enforcement notice is varied in Part 5 by:

The deletion of requirement 1. and its substitution with the words “Cease the residential use and permanently disconnect all services attached to the static caravan in the area shaded blue within the red lined area of the Enforcement Notice Plan attached in Appendix 1 and seen within the photos attached in Appendix 2.”

2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Matters Concerning the Enforcement Notice

3. The notice attacks the use of the land for the siting of a caravan for residential purposes. The requirements of the notice should follow on from the allegation. Thus, for completeness the requirements should be varied to require the cessation of the use as alleged. I am satisfied that varying “Step 1” will not cause injustice to either party.

Relevant Planning History

4. Planning permission ref. P0414/21/FUL for the retention of a mobile home for occupation by an equestrian worker was refused in December 2021. The Council considered that it would result in the creation of a new unit of residential accommodation within the open countryside and that there was no essential need for further groom's accommodation.
5. Subsequently, an application for a lawful development certificate (LDC) was the subject of an appeal (ref. APP/P1615/X/22/3313719) which was allowed in November 2023. The reason being: The proposed siting of a mobile home, which meets the definition of a caravan¹, to provide additional residential accommodation associated with the main dwellinghouse at Hulks Cottage² for the applicant and her family would be part and parcel of the residential use within the same planning unit. Being functionally connected to Hulks Cottage, it would not give rise to a material change of use of the land. Thus, the use as proposed, would not constitute development requiring planning permission as defined by s55 of the Town and Country Planning Act 1990 (as amended).

Ground (c)

6. In an appeal on this legal ground the burden of proof rests with the appellants to demonstrate, on the balance of probabilities, that the matters alleged in the enforcement notice do not constitute a breach of planning control. The allegation in this case is the material change of use of land for the siting of a static caravan used as a separate residential unit.
7. There is no dispute between the parties that the unit in question meets the statutory definition of a caravan, nor that it contains all the facilities necessary for day-to-day living. The central issue for determination is therefore whether the siting and use of the caravan result in a material change of use of the land which requires planning permission.
8. Irrespective of whether or not the caravan lies within the residential curtilage of the dwellinghouse, the mere act of stationing a caravan on land does not, of itself, amount to development as defined by s.55(1)³ of the Act. Whether a material change of use has occurred is a matter of fact and degree, to be assessed by reference to the purpose for which the caravan is being used and whether its occupation creates a new planning and separate planning unit through independent residential use.
9. The caravan is stationed on a hard-surfaced area which also serves as the driveway and parking area for both the caravan and the main dwellinghouse. It is positioned close to the outdoor riding arena which lies to the side of the house between it and the road access. This land lies at a higher level than the dwellinghouse. The main entrance to the caravan faces away from the dwellinghouse, with its opposite long elevation facing directly towards the rear of an old block of outbuildings and broadly mirroring its length. At the time of my site

¹ As set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended.

² Hulks Farm and Hulks Cottage are the same property, as such the names are interchangeable.

³ Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

visit, two cars were parked immediately in front of the caravan, and a small domestic shed was positioned close to its entrance.

10. Only limited information has been provided regarding the nature of the occupation of the caravan, and I note that the appellants are not professionally represented. During my accompanied site visit, I was informed that the caravan is occupied by a groom employed by the appellants to care for the livery horses at the appeal site, together with one of the appellants' sons. The appellants' other son, his wife and their children occupy the annexe attached to the main dwellinghouse, while the principal dwellinghouse is occupied by the appellants, Mr and Mrs James.
11. It was stated that the groom and the appellants' son have occupied the caravan since the "Covid years", which I understand to mean from around 2020. However, an email to the Council dated 13 September 2022 from the appellants' former agent records that, at that time, the dwellinghouse was occupied by the appellants, their son and his partner, with their other son, his wife and their two children occupying the attached annexe. This information casts some doubt on the consistency and clarity of the evidence regarding occupation.
12. No further substantive evidence has been provided to explain how the caravan is used on a day-to-day basis, or to demonstrate that its occupation is incidental or ancillary to the residential use of Hulks Farm. There is no evidence to show that the caravan is not the sole or primary residence of its occupiers, nor any indication of reliance on facilities within the main dwellinghouse. For the avoidance of doubt, the mere presence of full bathroom/kitchen facilities within a caravan is not determinative; what matters is whether, in practice, essential living activities are shared with the main dwelling as part of a single household.
13. While it is likely that some interaction may occur between the occupiers of the caravan and those of the main dwelling, given the family and employment relationships, this in itself is insufficient to demonstrate an incidental or ancillary relationship in planning terms.
14. For residential occupation of the caravan to be incidental to the primary residential use of the main dwellinghouse there must be a clear functional link, typically evidenced through the sharing of essential facilities such as the preparation and consumption of some or all meals, laundry, and other routine domestic activities, including social and recreational living as a single household. No evidence of shared living arrangements has been provided as part of the appeal submissions.
15. As noted above, the question of whether or not the caravan is stationed within the residential/domestic curtilage of the dwellinghouse is of no consequence if the caravan is not used in association with the main dwelling in the manner described above. The LDC relied upon by the appellants in support of their ground (c) appeal, would have been considered on the basis of the provision of additional living accommodation used *in association with the residential use of the main house*, and as described in the application. The use alleged in the enforcement notice is materially different and bears no meaningful resemblance to the development described in the LDC.
16. The burden of proof remains with the appellants. They must demonstrate, on the balance of probabilities, that the matters alleged in the enforcement notice do not constitute a breach of planning control. In the absence of clear, detailed or convincing evidence to the contrary, and having regard to the circumstances as a

matter of fact and degree, I find it more likely than not that, at the time the notice was issued, the use of the caravan was not incidental or ancillary to the use of the main dwellinghouse.

17. Accordingly, the caravan is independent of Hulks Farm, used as a single unit of occupation, a physically separate and distinct area that is occupied for a substantially different and unrelated purpose. The caravan constitutes a separate planning unit with its own primary residential use. This has resulted in a material change of use of the land as alleged by the notice.
18. I therefore conclude that the stationing of the caravan at Hulks Farm as described constitutes development within the meaning of section 55(1) of the Act, for which planning permission is required.
19. The appeal on ground (c) therefore cannot succeed.

S A Hanson

INSPECTOR