



Appeal Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Hearing Date 13 January 2026, Site Visit 14 January 2026

Decision date: 9 February 2026

Appeal Ref: APP/E2001/X/25/3371626

Marton Grange Country House, Flamborough Road, Sewerby, Bridlington, East Riding of Yorkshire, YO15 1DU

- 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 Marton Grange Country House Ltd against the decision of East Riding of Yorkshire Council.
 - The application ref 23/01378/CLE, dated 3 May 2023, was refused by notice dated 15 March 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is use of land for siting and use of caravan as ancillary accommodation and storage of touring caravan.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Application for costs

2. The appellant has made a costs application in this appeal which is the subject of a separate decision.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant the LDC was well-founded. For the appellant to succeed they must show that the use sought was lawful on the date of the LDC application i.e. 3 May 2023.
4. The appeal turns on whether there has been a material change of use on the site. Taking into account the principles set out in relevant caselaw¹ It is therefore necessary to consider:
 - i) The planning unit;
 - ii) The lawful use of that planning unit; and
 - iii) Whether there has been a change in that use which is material.
5. The description of the use in the LDC application and appeal form refers to use of caravan as "ancillary accommodation" but the appellant put their case on the basis that the site was in a mixed use which included a residential component. Section 191(4) allows the modification of the description of an existing use, and as such I have considered the appeal on the basis of "use of land for siting and use of

¹ Burdle & Williams v SSE & New Forest DC [1972] 1 WLR 1207

caravan as accommodation and storage of touring caravan” (i.e. with the removal of the word “ancillary”). This can be done without prejudicing the way on which either party have put their case and was discussed in detail during the hearing.

Planning unit

6. The parties agree that the correct planning unit is the area of land that was identified as being in the appellant’s ownership in the LDC application. It includes the main building used as a guesthouse with outbuildings, parking areas and gardens. It was clear from the submitted information and my observations during the site visit that the appeal land is one unit of occupation. No smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes. As there is no physical or functional separation within the site, the lawful use of the appeal land as a single planning unit needs to be considered.

Lawful use

7. The site is used as a guest house (Class C1) between March and October each year. The owners run the guest house and live in a private area on the ground floor which contains two bedrooms and a bathroom. There is one kitchen in the property which is used by the owners throughout the year, and which is also used to provide breakfast and afternoon tea to the paying guests. The ground floor of the main building contains several other rooms which are used by guests for having breakfast and relaxing. These rooms are also used as a lounge and dining area by the owners during the winter months when the guesthouse is closed. The gardens are open to guests with no barriers, and the owners also use these throughout the year including for their dog. The outhouses include a laundry, use in connection to the biomass boiler and storage. These buildings are used for both residential and business purposes.
8. The lawful guesthouse use is not in dispute. The LDC was refused by the Council on the basis that it had not been shown that the land had been used for the siting and use of a caravan as ancillary accommodation and storage of a touring caravan for a continuous period in excess of 10 years. It is accepted that the caravans were brought onto the site in 2019 when the current owners acquired it and have not therefore been there for more than 10 years prior to the date of the LDC application. However, the appellant is seeking the use of the land for siting and use of the caravans (one for accommodation and one to be stored), and the question is therefore whether there has been development on the site i.e. a material change of use.

Material change of use

9. The appellant argues that the site is in a mixed use comprising a guesthouse (C1) use and a residential use. The Council’s view is that the site is in a single primary use as a guesthouse, and that the pre-existing residential element with the owners living in the house and running the business is ancillary to the lawful C1 use.
10. The issue arose because one of the owner’s parents also live on the site, and use one of the caravans. The appellant’s submissions, which were not disputed by the Council, are that their parents generally sleep in the caravan, particularly during the summer months (unless it is too cold or windy when they sleep in the house) but have their meals in the main house with the owners where they usually eat

together as a family. The caravan does include cooking facilities and a bathroom with shower but the parents also use the bathroom in the private area of the main house, particularly as it contains a bath. The parents also use the gardens throughout the year, and the ground floor areas of the main house during the winter for eating and relaxing. In addition, the owner's father helps with the running of the guesthouse by undertaking gardening, dealing with the refuse, and the service of breakfast and cream teas, as well as any other jobs as required. Two other staff members are also employed in connection with the running of the guesthouse but do not live on the site.

11. The submissions regarding the actual use, and my observations during the site visit, mean that I am satisfied that the appeal site has a mixed use with guesthouse and residential elements. The private area of the main building does not contain all of the amenities needed to be a self-contained dwellinghouse. The kitchen, internal living areas, laundry, outbuildings, parking areas and gardens are used by the owners as part of the residential use. The extent of this use throughout the year means that it is not simply an ancillary use but a separate primary use as a matter of fact and degree.
12. On the specific facts of the case, the caravan is not being used as a separate dwellinghouse but is part of the existing residential use as many of the day to day domestic activities take place as a single household.
13. Therefore, the whole of the appeal site as a single planning unit has a mixed use which includes the residential element. The use described is not physically or functionally different to the existing mixed use, and the siting and use of the caravan has not created a separate planning unit. There has not been a material change of use and the activity described in the application was lawful at that date.

Conclusion

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for siting and use of caravan as accommodation and storage of touring caravan is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Zoë Franks

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Rix, Planix UK

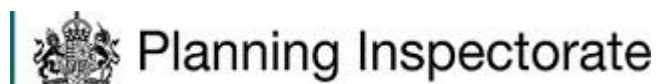
Stephen Wareham

Andrew Rostrum

Paul Goddard

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Booth-Robinson, Planning Manager, East Riding of Yorkshire Council



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 3 May 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red 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 falls within the existing mixed guesthouse and residential use of the site and does not constitute development.

Signed

Zoë Franks

Inspector

Date: **9 FEBRUARY 2026**

Reference: APP/E2001/X/25/3371626

First Schedule

Use of land for siting and use of caravan as accommodation and storage of touring caravan.

Second Schedule

Land at Marton Grange Country House, BRIDLINGTON, YO15 1DU

IMPORTANT NOTES – SEE OVER

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/operation 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.

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Plan

This is the plan referred to in the Lawful Development Certificate dated: **9 FEBRUARY 2026**

by **Zoë Franks, Solicitor**

Land at: **Marton Grange Country House, Flamborough Road, Sewerby, Bridlington, YO15 1DU**

Reference: **APP/E2001/X/25/3371626**

Scale: Not to Scale

