



Appeal Decision

Site visit made on 22 December 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal Ref: APP/X1545/C/25/3359345

Mayfield, Park Lane, Tolleshunt Knights, Maldon, Essex CM9 8HB

- 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 Terena McCain against an enforcement notice issued by Maldon District Council.
- The notice was issued on 19 December 2024.
- The breach of planning control as alleged in the notice is the unauthorised siting of a mobile home for residential use.
- The requirements of the notice are to:
 - a. Remove from the land the unauthorised mobile home and its associated decking with white balustrade (indicated within the red hatched area of the attached Site Plan).
 - b. The removal of all vehicles, equipment, materials, paraphernalia, and waste associated with the completed compliance with requirements 'a' as detailed above.
- The period for compliance with the requirements is: Six (6) calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The enforcement notice is quashed.

Matters concerning the Notice

2. Section 173(1) of the Town and Country Planning Act 1990 (as amended)(the Act) provides that an enforcement notice shall state (a) the matters which appear to the local planning authority to constitute the breach of planning control. A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
3. Section 173(3) states that an enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes. Section 173(4) of the Act sets out the purposes, which are (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach.
4. An enforcement notice is null if it is 'defective on its face', normally by missing some vital element that an enforcement notice 'shall' include under section 173 of the Act. An enforcement notice which sets out no reasons is likely to be null because there will be a failure to comply with section 173(10) and regulation 4 of the Town and Country Planning (Enforcement Notices and Appeals)(England) Regulations 2002 (as amended).

5. In my view, the reasons should do more than simply recite policies, however, I am mindful that it is in the public interest to not set the nullity test too low, since the result is normally the issue of another enforcement notice under section 171B(4) and further appeal. While the reasons contained in the enforcement notice are limited, they do identify the policies that the Council considers the development is contrary to.
6. The enforcement notice alleges 'The unauthorised siting of a mobile home for residential use.' Within its reasons for taking enforcement action, the Council refers to four years as the immunity period and suggests that the development has been materially completed prior to 25th April 2024. The requirements require the appellant to remove the mobile home and its associated decking, and to remove vehicles, equipment, materials, paraphernalia and associated waste. There is no requirement to cease the use.
7. I raised matters concerning the notice with the parties. The Council confirms that the notice alleges operational development, namely the physical siting of a mobile home, which by virtue of its scale, degree of permanence and its physical connection to drainage, water and electricity and its manner of occupation, is not incidental or ancillary to the lawful use of the dwellinghouse. It is suggested that the structure therefore constitutes a building in planning terms and its erection amounts to operational development within the meaning of section 55(1)(a) of the Act.
8. Section 55(1) of the Act sets out the meaning of development. Development comprises two limbs: (1) The carrying out of building, engineering, mining or other operations in, on, over or under land; and (2) The making of any material change in the use of any buildings or other land. As explained by the Inspector in respect of appeal reference APP/X1545/X/22/3306192, the siting of a caravan is generally held to constitute a use of the land and not operational development.
9. The Council states, in its final comments that it is not seeking to claim the decking and balustrade has resulted in the mobile home being considered other than a mobile home. Its position, at that stage of the appeal, appears to be that the positioning of a mobile home within the curtilage of a residential dwellinghouse for use other than incidental or ancillary use to the dwellinghouse **is** operational development (my emphasis), which would require planning permission.
10. Assuming that the Council means a caravan in law when it refers to 'mobile home', this is not correct. Furthermore, in response to a query regarding the notice, the Council asserts that the mobile home on the land does not fall within the definition of a caravan under section 29(1) of the Caravan Sites and Control of Development Act 1990 by reason of its size, degree of permanence, and manner of attachment to the ground, including permanent service connections and its use which is not ancillary or incidental to the host dwelling.
11. The Council appears to be conflating operational development and a material change of use. The Council's concerns appear to relate to the independent residential use of the mobile home, however, its arguments under ground (c) appear limited, presumably because it has not properly understood why the use of a caravan would be development.
12. As set out in *Measor v SSETR* [1999] JPL 182, although it cannot be said that a structure that satisfies the definition of a mobile home under section 13(1) of the

1968 Act could never be a building for the purpose of the 1990 Act, caravans generally lack the degree of permanence and attachment to constitute buildings. Where a caravan has permanent appendages, it will be a matter of fact and degree as to whether what is on site has become a building or structure.

13. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968. The term 'caravan' is defined as meaning '*any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted...*'.
14. The appellant states that the mobile home is a twin unit caravan, which falls within the size limitations of Section 13 of the Caravan Sites Act 1968 (as amended). Twin-unit caravans are defined as a structure designed or adapted for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices¹; and is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)².
15. During my visit, I saw that the mobile home is typical of a twin unit caravan. From the evidence before me, I have no reason to doubt that the mobile home falls within the size limitations. The appellant has provided photographs, which support the suggestion that the mobile home was brought to the site in two sections and then bolted together on site, which points towards the mobile home meeting the construction test.
16. Although decking and steps have been positioned around the structure, from my inspection of the site, I consider it likely this could be removed relatively easily, thereby enabling the mobile home to be moved. Services could also be removed relatively quickly and so the mobile home is likely to meet the mobility test. While the appellant may not intend to move the mobile home, from the evidence before me and from my inspection of the site, I consider, on the balance of probabilities, that the mobile home meets the definition of a caravan in law and is not a building.
17. The Council does not appear to dispute that the mobile home is located on land which previously formed part of Mayfield, which comprises a single residential dwelling with associated amenity space. The siting of a caravan within the site, for purposes which are ancillary to or as part and parcel of the use of the dwellinghouse, would not be development, since there would be no material change of use. It seems from the evidence that the Council's concern is that the caravan has been used (it is alleged) separately to the main dwelling, thereby creating a separate planning unit.
18. However, this is not what the enforcement notice alleges, nor does the enforcement notice require that the use ceases. If the Council's concern is the material change of use of the land, comprising the siting of a caravan and its use as self-contained accommodation, independent of the dwelling known as Mayfield, then this is what the notice should allege. I have concerns that correcting the

¹ The construction test

² The mobility test

allegation would cause the Council injustice, since its case is made on the basis that the breach comprises operational development.

19. Furthermore, were I to correct the notice to refer to a material change of use, because there is no corresponding requirement to cease the use, there is a risk that planning permission would be granted by virtue of section 173(11) of the Act³, which would cause the Council injustice. Inserting a requirement to require the use to cease would make the notice more onerous to comply with, which would cause the appellant injustice.
20. The allegation and requirements are broadly stated, and so, notwithstanding my concerns regarding the reasons, in my judgement the notice is not a nullity. However, the enforcement notice does not specify with sufficient clarity what the appellant has done wrong and what they must do to remedy it. Although I have wide powers of correction, this is subject to there being no injustice to either party.
21. While I consider it would be possible to correct the immunity period referred to in the notice, because the appellant's own evidence shows that the mobile home was located at the site less than four years before the enforcement notice was issued, as set out above, correcting the allegation and requirements is likely to cause injustice. Thus, I find that the notice is invalid beyond correction.

Conclusion

22. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control or 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 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances, the appeal on the grounds set out in section 174(2)(b), (c), (f) and (g) of the 1990 Act (as amended) do not fall to be considered.

M Savage

INSPECTOR

³ Where an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and all the requirements of the notice have been complied with, then so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.