



Appeal Decision

Site visit made on 30 January 2026

by **Jean Russell MA FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Appeal Ref: APP/K0940/C/24/3356259

Audlands View, Gatebeck, Kendal, LA8 0HU

- The appeal is made by Mr Daniel Waterhouse under section 174 of the Town and Country Planning Act 1990 (as amended) against an enforcement notice issued by Westmorland and Furness Council on 23 October 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of operational development consisting of the erection of two self-contained log cabins to the rear of the property shown in the approximate position marked with a blue line on the attached plan.
- The requirements of the notice are to:
 - (A) Permanently remove from the land, the two log cabins marked in blue on the enclosed plan.
 - (B) Remove the materials resulting from step (A) from the land.
- The period for compliance with the requirements is 13 weeks.
- The appeal is proceeding on the ground[s] set out in section 174(2)(a), (b), (c) and (d) of the Town and Country Planning Act 1990. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under s177(5) of the Act.

FORMAL DECISION

1. It is directed that the enforcement notice be corrected by the deletion of “(ie. 22nd January 2025)” from paragraph 6. Subject to the correction, the appeal is allowed and the enforcement notice is quashed.

The Enforcement Notice

2. Under sections 173(8) and 175(4) of the Town and Country Planning Act 1990 (TCPA90), every enforcement notice must specify the date on which it is to take effect, and it shall take effect on that date unless it is appealed, in which case it shall be of no effect pending the final determination or withdrawal of the appeal.
3. Paragraph 7 of the appealed enforcement notice properly states that “this notice takes effect on 27th November 2024 unless an appeal is made against it beforehand”. However, that proviso is not given in paragraph 6 which states that the period for compliance with the requirements is “13 weeks from the date this Notice takes effect (ie. 22nd January 2025)”.
4. The appellant submits that the notice is a nullity, but that would mean it is so defective on its face that it does not amount to an enforcement notice at all. The bracketed text was unhelpful, and indeed inaccurate as a calculation of 13 weeks, but a reasonable person would read paragraph 6 together with paragraph 7 and with the explanatory note attached to the notice in accordance with s173(10). It states that any appeal must be received before the date specified in paragraph 7.
5. The appellant is represented by a professional planning agent who is expected to read the notice, like any legal document, fairly and as a whole. I find that the notice

complies with s173, is not hopelessly ambiguous or uncertain, and is not a nullity. The notice can be corrected to delete the erroneous text so long as that would cause no injustice to the Council or appellant; none would be caused in this case.

The Appeal on Grounds (b) and (c)

6. An appeal on ground (b) is that the matters stated in the enforcement notice, meaning the development alleged to be in breach of planning control, have not occurred. Ground (c) is that the matters do not constitute a breach of planning control. For grounds (b) and (c) both, the onus is on the appellant to make their case on the balance of probabilities.
7. In this case, there are indisputably two log cabins on the site as described by the notice. However, there is a question as to whether the alleged “carrying out of operational development consisting of the erection of two self-contained log cabins” has occurred or if the structures are caravans.
8. The term ‘caravan’ is defined for planning purposes under s29(1) of the Caravans Sites and Control of Development Act 1960 (CSCDA60) as, with my emphases added: a “**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)...”
9. Under s57(1) and s55(1) of the TCPA90, planning permission is required for ‘development’ including the carrying out of building operations or the making of any material change in the use of land. Since caravans are moveable, the stationing of one does not normally amount to the carrying out of a building operation on the land. Development which requires planning permission takes place where a caravan is sited to facilitate a material change in the use of the land.
10. If the stationing of the appeal log cabins did not involve operational development and the matters have not occurred, the appeal should succeed on ground (b). The notice could then be quashed or corrected if there would be no injustice, but that question would be moot in this case. As explained below, there is no dispute that the stationing of two caravans on the site for their existing use has planning permission and is not in breach of planning control. Success on ground (b) must lead to success on ground (c) and the notice being quashed in any event.
11. My term ‘the appeal log cabins’ should be read as encompassing both structures or either one. They will have the same status in law, since they are identical in size, design and means of assembly and removal. The evidence before me includes documents from the ‘2023’ and ‘2024 lawful development certificate (LDC) applications’¹ which were made unsuccessfully by the appellant to ascertain the lawfulness of the existing use of the site for stationing two caravans.

The ‘2006 permission’

12. On 18 July 2006, planning permission (ref: SL/2006/0412) was granted by South Lakeland District Council for “two log cabins for use as holiday lets”² on the site, as described on the application and attached plans and drawings.

¹ Application refs: SL/2023/0631 and 2024/1428/LDPR

² South Lakeland District Council has been replaced by Westmoreland and Furness Council, who are ‘the Council’ for the purposes of this decision letter.

13. The information provided on the planning application form included that the log cabins would be made of wood with grey felt roofs and the development would entail new buildings plus a change of use. However, the submitted plans were limited to a location plan and hand-drawn site layout plan which showed the approximate location of two “units” and a “new roadway”. There were no scaled plans of the development, and no elevation or floor plans for the cabins.
14. The 2006 permission was granted subject to 13 conditions. Conditions (2)-(6) restricted the occupancy of the approved ‘premises’ in various ways to ensure they would only be used as holiday lets. Condition nos. (10) and (11) stated:
 - (10) ...the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures or erections (whether temporary or otherwise) to be placed on the site.
 - (11) Not more than two caravans shall be stationed on the site at any one time.
15. Condition (11) did not say that the approved log cabins **had** to take the form of caravans. However, reading that condition in the context of the permission as a whole, and with regard to the fact that the plans did not provide the details normally required where planning permission is sought for permanent buildings, I accept the Council’s interpretation that the 2006 permission authorised the siting of two caravans in the form of log cabins, not the erection of timber buildings.
16. In s55 terms, the development permitted in 2006 was the making of a material change in the use of the appeal site, facilitated by the stationing of two caravans in the form of log cabins and by operational development limited to the construction of an access road. The appellant has submitted an aerial photograph taken in 2009 which shows a single grey roofed structure and access track located as per the site layout plan. The Council accepts, as do I, that the 2006 permission was probably lawfully implemented.
17. It follows that the use of the site for holiday lets, facilitated by the stationing of two caravans in the form of log cabins, is probably lawful. It may be continued in accordance with the terms and conditions of the 2006 permission. And the original log cabin or caravan was replaceable with one or two others, because caravans are moveable under s29(1) and can thus be swapped without any new act of development that requires a fresh grant of planning permission taking place.
18. As indicated above, the appeal log cabins will not be in breach of planning control if they are caravans stationed in accordance with the 2006 permission. There is no dispute that the permission is complied with insofar as the cabins are used as holiday lets and positioned in accordance with the site layout plan.

Twin-Unit Caravans

19. S13 of the Caravan Sites Act 1968 (CSA68) concerns ‘twin-unit caravans’. S13(1) provides, with my emphases added:

“A structure designed or adapted for human habitation which (a) 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 devices” and (b) is, when assembled, physically capable of being moved by road (whether by being towed or by being transported on a motor vehicle or trailer) **shall not be treated as not**

being...a caravan within the meaning of [the CSCDA60] by reason only that it cannot lawfully be so moved on a highway when assembled.”

20. S13(1) does not state that every caravan must be composed of no more than two sections assembled on site. It provides that a structure which is so composed and is moveable as an assembled whole will be considered a twin-unit caravan and not be excluded from being a ‘caravan’ for the purposes of s29(1), even if it cannot actually be transported by road lawfully.
21. The Council refused the 2023 and 2024 LDC applications and issued the notice in large part because the appeal log cabins were, as discussed below, assembled on site from more than two sections. However, the appellant has made no case that the log cabins are twin-unit caravans, and no such claim appears in any of the documentation from the manufacturer. It is therefore not necessary for the log cabins to meet the s13(1) definition, only that set out in s29(1).
22. The Council has referred to the judgment made in the case of *Byrne v Secretary of State for the Environment* (1997) P&CR 420, which also concerned whether a log cabin as described in an enforcement notice was in fact a caravan. The Inspector had summarised the requirements of s13(1) as the ‘construction’ and ‘mobility’ tests. In respect of construction, the Inspector found that the cabin in question was assembled on site from more than two sections and not a caravan for CSA68 or CSCDA60 purposes. The High Court upheld that decision.
23. However, I repeat that s13(1) only concerns structures falling to be defined as twin-unit caravans. As the 2006 permission shows and the Council accepts in its LDC reports, it has long been recognised that log cabins may amount to caravans for s29(1) purposes, although they are usually assembled on site from more than two sections and although they sometimes amount to buildings, particularly where they are not capable of being moved as a whole.
24. The appellant has referred to the case of *Carter v Secretary of State for the Environment* which, after somewhat protracted proceedings, was finally settled in the Court of Appeal in 1994³. In other words, *Carter* pre-dates *Byrne* but was determined by a higher court. The dispute, again, was whether a ‘timber building’ as alleged by an enforcement notice was a caravan. It had been assembled on site from four prefabricated sections.
25. The Court of Appeal held that the word ‘structure’ for the purposes of s29(1) must mean the structure as a whole, not the component parts of it. It is the whole which must be “designed or adapted for human habitation”, and therefore it is also the whole which must be “capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)”.
26. On the facts, the timber building in *Carter* was only capable of being moved if dismantled back into its four component parts. The Court of Appeal thus upheld the decision of the Secretary of State that the structure was not a caravan. However, it still follows from the judgment that assembly on site from more than two sections does not preclude a structure from meeting the s29(1) definition.
27. I also find that assembly on site from more than two sections does not preclude any log cabin from being authorised by the 2006 permission. It was stated on the

³ Reported in the Journal of Planning and Environment Law at [1995] JPL 311.

planning application form that the then proposed log cabins would be “twin unit holiday homes”. However, no condition was imposed on the 2006 permission to control the type of caravan on the site.

28. I have read condition (11) as the Council wishes me to read it, namely as requiring the log cabins to be caravans and restricting their number to two. I cannot interpret the condition as only allowing for twin-unit caravans when it contained no words construable to that effect. The reference to ‘caravans’ in condition (11) must mean caravans as defined under s29(1), with that definition neither excluding nor being limited to twin-unit caravans as defined under s13(1).

The ‘Construction Test’

29. The Council’s reports on the LDC applications referred to appeal decisions where other Inspectors, when considering whether structures were caravans, attached significance to assembly from multiple parts on site. In one of those cases, the Inspector found that the existence of more than two sections would increase the complexity of the work required on site and thus the likelihood of building operations being involved. However, the Council has not provided copies of those appeal decisions or details of the structures then under consideration.
30. Manufacturing and assembly information before me describes that the appeal type of log cabin is delivered on site in kit form with pre-made components including a structural timber chassis, wall beams, doors, windows and roofing materials. The chassis is comprised of full width beams tied together by a side member which contains the side of the cabin. The interior and exterior walls are designed with interlocking tongue and groove jointing, so they can be assembled on site without any “mechanical fixings”. However, that is not to say that no mechanical fixings are required at this stage at all.
31. The Council noted in their LDC reports that the manufacturer does not say whether the chassis “is an integral part of the sub-frame”. Either way, I accept the evidence that no heavy plant or machinery is normally needed for “any of the assembly works”, but I also note that the works are carried out by the manufacturer’s trained employees and yet still take 2-4 days per cabin. There is nothing to suggest that assembly of the appeal log cabins on this site was materially more complex⁴, but the manufacturer’s description of the works even at their most straightforward is enough to point to some on-site construction probably taking place.
32. However, I question whether that observation is relevant and indeed whether there is any ‘construction test’ for caravans where s13(1) is not engaged. The Council’s concern seems to be that there must have been operational development because the appeal log cabins were assembled on site from more than two sections. The Council has not explained how or why the works actually carried out would preclude either appeal log cabin from meeting the s29(1) definition of a caravan.
33. There is no dispute that the works which took place resulted in the presence on site of two structures which, as assembled, are designed for human habitation. The decisive question has to be whether the appeal log cabins, as assembled, are capable of being moved for s29(1) purposes.

⁴ The previous laying of the access and stationing of the first cabin indicate that the site was probably level before the appeal log cabins were brought here. The notice makes no mention of the concrete basis that the cabins stand upon, presumably because they are normal features of a caravan site such as this.

The 'Mobility Test'

34. The appeal log cabins sit on concrete bases and are only attached to the land through service connections which can be readily removed. The same applies to most stationary caravans, but that is not enough to make the cabins moveable for s29(1) purposes. They have no wheels and there is no suggestion that they could be towed off the site without suffering irreparable damage. However, the appellant claims that the cabins could be lifted in their assembled forms by crane off their concrete bases and onto flatbed trailers for transportation and use elsewhere.
35. The manufacturer's evidence is that the structural timber chassis provides support for the appeal type of cabin when in situ and in the event of it being moved. The recommended "general method of moving" is, for each cabin, to attach the crane lifting rig to the ridge beam, and to tie that to the chassis by tensioned steel wires, so the lift occurs at the chassis not the roof. While timber buildings can suffer racking or distortion when lifted, it is said that would not occur here because the walls would act as deep beams, there is added stiffening from the roof beams and chassis side member, and the method of lifting ensures balanced load transfer.
36. The manufacturer also claims that a 13.6m trailer could be used for transportation. The appeal log cabins are wider than such trailers but shorter in length, and they would be strapped in place, well below the maximum goods weight, and again supported by the chassis beam members. It is claimed that loading, transportation and the process in reverse elsewhere would not subject the cabins to damage that is "detrimental to the integrity of the structure". Thus, the manufacturer's evidence addresses the practicality of lifting the appeal log cabins and rejects that there would be an inherent risk of structural damage, which was an issue in *Byrne*.
37. In their LDC reports, the Council queried whether the manufacturer's information is "accurate or reliable" but only on the basis of *Byrne*, where the alleged structure would have been made some 30 years ago. The Council admitted that, since there is no evidence to the contrary, the appeal "units pass the mobility test". I agree.
38. I find that the alleged log cabins, as assembled, are probably designed for human habitation and capable of being moved from one place to another by being transported on a trailer. It follows what occurred on site was, on the balance of probabilities, the stationing of two caravans as defined by s29(1) of the CSCDA60, not the carrying out of operational development as alleged.

Tests for Buildings

39. For completeness, I shall have regard to the tests normally applied in planning proceedings where there is a dispute over whether a structure is a building.
40. The first test is size, but the CSCDA60 sets no limitations to caravan sizes, and the maximum dimensions set out in s13(2) of the CSA68 only apply to twin-units. Nonetheless, the appeal log cabins comply with s13(2). A twin-unit caravan may be up to 20m long and 6.8m wide and have an internal height of up to 3.05m. The appeal log cabins are smaller in all respects, each being approximately 13m long and 6m wide and having a maximum internal height fractionally under 3m. A building could be smaller again, but still the cabins are not precluded from being caravans by reason of their size.

41. The other tests concern physical attachment and permanence. I have found that the appeal log cabins are not attached to the land except via service connections and are capable of being moved for the purposes of s29(1). It does not follow that they **will** be moved within their lifetime; they may well have a permanent impact on the character of the site. However, the same could be true of any “two log cabins [stationed] for use as holiday lets”. Twin-unit log cabins up to 20m long may be present on the land for permanent holiday use under the 2006 permission.

Conclusion

42. The appellant also made a case on ground (c) that the appeal log cabins would be authorised by the 2006 permission even if they are buildings and not caravans. I do not need to address that claim. Likewise, I do not need to discuss the appeal decision submitted by the appellant or that mentioned by the manufacturer.
43. The appellant’s evidence is sufficiently precise and unambiguous to support his version of events. He has shown to my satisfaction that each appeal log cabin, in its whole assembled form, as a matter of fact and degree, is probably a structure designed for human habitation which is capable of being moved from one place to another by being transported on a trailer.
44. On the balance of probabilities, the appeal log cabins are caravans for the purposes of s29(1) of the CSCDA60. They are stationed on the land for holiday let use in accordance with the planning permission (ref: SL/2006/0412) granted on 18 July 2006 and its terms and conditions, including condition (11). I conclude that operational development has not occurred as alleged, and the stationing of the log cabins does not constitute a breach of planning control. The appeal succeeds on grounds (b) and (c), and the enforcement notice will be quashed. The grounds of appeal (d) and (a) do not fall to be considered.
45. Given the 2023 and 2024 applications, I have had regard to s177(1)(c) of the TCPA90, which gives me the discretion to issue a LDC under s191 to determine that the existing use of the land was lawful on the date that the appeal was made. However, this power should only be exercised in exceptional circumstances.
46. Since the enforcement notice was appealed on ground (a), it gave rise to a deemed planning application for which a fee was charged. The fee was double that for a planning application made directly to the Council under s70 of the TCPA90. If an appeal succeeds on ground (c) where ground (a) is also pleaded and the fee has been paid – as in this case – the monies will be refunded, and the appellant may apply direct to the Council for a LDC paying only a single fee.
47. However, if I were to issue an LDC through this appeal, the double fee would be appropriated. The appellant has not suggested that I should so disadvantage him, and it is not necessary for me to do so when success on ground (c) is enough to show that the alleged log cabins are not in breach of planning control.

Jean Russell

INSPECTOR