



Appeal Decision

Site visit made on 13 January 2026

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2026

Appeal Ref: APP/F1040/C/24/3343128

Reata Caravan Storage, Etwall Road, Willington, Derbyshire DE65 6HE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by REATA Caravan Storage against an enforcement notice issued by South Derbyshire District Council.
 - The notice was issued on 11 April 2024.
 - The breach of planning control as alleged in the notice is the making of a material change of use of the land from use for storage of caravans and motorhomes to a mixed use of storage and residential use, together with the siting and occupation of a residential caravan, without planning permission.
 - The requirements of the notice are:
 - 1) Permanently cease the use of any part of the land for residential purposes.
 - 2) Permanently remove from the land the caravan used for residential purposes sited there, including all bricks and other materials used in any base for the caravan.
 - The period for compliance with the requirements is: Four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Ground (d)

2. For the appeal on ground (d) to succeed it has to be shown that at the time the notice was issued it was too late to take enforcement action. The burden of proof is on the appellant, and the relevant test is the balance of probability. If the local planning authority has no evidence itself to contradict or otherwise make the appellant's version of events less than probable, an appeal on ground (d) can succeed, provided that the appellant's evidence alone is sufficiently precise and unambiguous.
3. As the enforcement notice was issued prior to 25 April 2024 when the legislative changes to time limits came into effect, with regard to the use of land, section 171B(3) of the Act states that no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. Therefore, in this case, in order to be lawful, the alleged use must have commenced at least 10 years before the date of the notice and continued without any significant interruption thereafter for at least a 10-year period of time. The relevant date is therefore 11 April 2014.
4. The appellant contends that he has occupied the caravan concerned since July 2013, with the residential use of the caravan being uninterrupted during this period. In support of that position the appellant has provided the following documentary evidence:

- Statutory Declaration provided by the appellant (Richard Fallows)
 - Statutory Declaration provided by the appellant's ex-wife (Lisa Fallows)
 - Statutory Declaration provided by a friend of the appellant (Barry Burton)
 - Statutory Declaration provided by an owner of a caravan stored at the appeal site (David Adcock)
 - Google Earth images dated 2013, 2016, 2017, 2019, and 2021
5. I shall turn firstly to the various Google Earth images provided by the appellant. Whilst the images demonstrate that a caravan was brought onto site in June 2013, before subsequently being moved to another part of the appeal site by 2016 where it remained thereafter, the images do not assist the appellant in demonstrating any residential use of the caravan.
 6. Consequently, the primary source of evidence provided by the appellant are the four statutory declarations (SD). The SD of the appellant Richard Fallows (RF), and his ex-wife Lisa Fallows (LF) are both precise and unambiguous in that they both explicitly state that following their separation in June 2013, RF moved into the caravan in July 2013 and continued to live there until the dates of the SD (1 December 2023 and 24 January 2024 respectively) without any breaks in occupancy.
 7. The SD of Barry Burton (BB) is somewhat vague and ambiguous. Whilst it sets out that he has known RF for "*many years*", and that he looks after RF dogs whilst he is away, it fails to provide any real detail on the matter. For instance, the SD fails to identify exactly how many years he has known RF for, when he first visited the appeal site and/or caravan concerned, or how frequently he has visited the appeal site since the relevant date of 11 April 2014.
 8. The same also applies to the SD of David Adcock (DA) which is lacking in any real detail. The SD sets out that DA has stored his caravan at the appeal site since 2004, and that he is aware that RF has lived in the caravan concerned since July 2013. However, the SD does not clarify how frequently DA has visited the appeal site during the relevant period, or indeed how he is aware that RF has lived in the caravan for an uninterrupted period of at least ten years. It is entirely possible that once DA's caravan is in storage he may have no reason to visit the appeal site for lengthy periods, particularly during the winter.
 9. Therefore, in my view, the SD of BB and DA alone are not sufficiently precise and unambiguous to show that the necessary ten-year period has been accrued, as they do not demonstrate a clear knowledge of the appeal site, and crucially the use of the caravan, over the relevant period.
 10. The same though cannot be said for the SD of RF and LF. Quite clearly, RF will be aware of where he has resided since 11 April 2014 and what the caravan has been used for. LF will also be aware of when RF moved out of Danes Lodge, and whether that took place in the summer of 2013, or in 2019 as alleged by the Council. Given the proximity of the caravan to Danes Lodge, I find it highly probable that LF will have been aware of what use the caravan as being put to.
 11. An affidavit or SD are of equivalent status to giving oral evidence on oath, and anyone who wilfully makes a statement which they know to be false, or does not

believe to be true, shall be guilty of perjury as set out in the Perjury Act 1911. There are indeed serious implications for any person who makes a false statement, including in a SD, in a judicial proceeding, which includes having to pay significant fines or being sentenced to time in prison. Given the potential sanctions, I attribute significant weight to the evidence of RF and LF.

12. The Council considers that the documents and records it holds contradicts or otherwise makes the appellant's version of events less than probable. The first piece of documentary evidence provided by the Council is a copy of a Planning Contravention Notice (PCN) dated 17 March 2014 that was served on the appellant. A copy of a letter from the Council's Planning Enforcement Officer to the appellant dated 10 April 2014 which was sent following the appellant's response to the PCN is also provided.
13. The PCN provided is a copy of what was sent to the appellant and does not include the appellant's response, which is missing from the Council's records. The Council argue that as the follow up letter dated 10 April 2014 was addressed to the appellant at "Danes Lodge, Etwall Road, Willington", this is proof that the appellant gave that as his address in his PCN response. The same point is also made regarding other correspondence sent to the appellant around that time.
14. However, it is clear from the available evidence that the caravan did not have its own postal address at that time, and therefore it is perfectly plausible that the appellant would give Danes Lodge as his address. There is also no reason for me to believe that any post sent to that address would not be forwarded or passed onto the appellant.
15. With regard to the caravan not having its own separate address, the Council have produced emails dated 29 October 2019 and 14 November 2019 which were sent to the appellant in relation to an application for a new residential address at the appeal site. The Council query why the appellant would wait some six years before seeking a separate address for the caravan. The failure to apply for a separate address does not, in my judgement, constitute evidence that contradicts the appellant's version of events. The same can also be said for the appellant's failure to pay Council Tax on the caravan or update the electoral register. Neither prevents the caravan being occupied or make the stated occupation by the appellant less than probable.
16. The planning statement and application form in connection with planning application DMPA/2019/1060 do cast some doubt on the appellant's version of events, given that they both indicate that the residential use of the caravan commenced in, or recently before, February 2019. However, both documents were prepared by a planning agent, and consequently I cannot be certain that the information contained in them was a true reflection of the appellant's position at that time or how much input the appellant had in the compiling and submission of those documents.
17. The Council has also produced Land Registry records for both Danes Lodge and Reata Caravan storage, which includes a transfer of land between RF and LF in March 2021. The Council contend that, when considered in combination with notes from a previous meeting between the Council's Enforcement Officer and the planning agent acting on behalf of RF, these are indicative of RF and LF separating in 2019 and RF moving into the caravan at that point. In my view, the

Land Registry records show little other than the likely end date of any divorce proceedings and the separation of land and/or assets, which may not have commenced immediately upon their separation and may have taken some time to complete.

18. The Council have also produced another Land Registry record for a property in Hilton, Derby which was purchased by RF in April 2021. The appellant though states that this property was purchased as an investment and as a fallback if the Council took enforcement action in respect of the caravan. It is not uncommon for those with the necessary means to own more than one property, and the Council has produced no definitive evidence to demonstrate that RF has lived at this property and not the caravan as set out in the SD of RF.
19. The final piece of documentary evidence put forward by the Council are six undated photographs, said to be taken on 27 March 2024, showing the inside of the caravan. I accept that these photographs appear to show the caravan, or at least some of its rooms, were not in use or containing residential paraphernalia on that date. Nevertheless, given that the enforcement notice was issued only 15 days after that visit, it is reasonable to infer that the Council must have been satisfied that the caravan was still in residential use, or that there had not been a material interruption in its use. The statements in the SDs of RF and LF also indicate that immunity from enforcement action would have been achieved at some point in July 2023.
20. The Council accepts that there was a residential use of the caravan from 2019, around the time that the Council first received a complaint about its use from a member of the public. It does not necessarily follow though that the complaint was made immediately after RF first occupied the caravan, and as pointed out by the appellant the complaint may have arisen due to a dispute between RF and the complainant. Although the Council claim that the correspondence they received indicates that the complainant knew the appellant and was able to see the area of Danes Lodge and the appeal site, I do not have the address of the complainant or any information as to whether they had the same knowledge and visibility of the appeal site before 2019.
21. The remainder of the Council's case is based on notes purportedly made by the Enforcement Officer in relation to visits to the appeal site and meetings with RF, primarily between December 2013 and April 2014. Copies of these notes have not been produced. By the Council's own admission, a good deal of information was lost during the digital archiving of the Council's records in 2020, and as a result much of the information put forward is anecdotal in nature.
22. Whilst I have the upmost sympathy with the Council in respect of any loss of historical records, I cannot second guess what evidence may or may not have been lost and I must determine the appeal on the evidence before me.
23. The SD provided, particularly those of RF and LF to which I attach significant weight, are precise and unambiguous in setting out that RF moved into the caravan in July 2013 and that his occupation continued without interruption. On the contrary the Council's case relies heavily on circumstantial or anecdotal evidence, and in my judgement the Council has not produced any evidence to contradict the appellant's version of events. It is established case law that an appellant's evidence should not be rejected simply because it is not corroborated. If there is

no evidence to contradict their version of events, or make them less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted¹.

24. Although finely balanced, the circumstances of this case are such that I am satisfied that the appellant's evidence is sufficiently precise and unambiguous to conclude, on the balance of probability, that the development is immune from enforcement action. The appeal on ground (d) therefore succeeds.

Conclusion

25. For the reasons given above, I conclude that the appeal succeeds on ground (d). The enforcement notice is therefore quashed. In these circumstances, the appeal on ground (f) does not fall to be considered.

David Jones

INSPECTOR

¹ Gabbitts v SSS & Newham LBC [1985] JPL 630