



## Appeal Decision

Site visit made on 16 December 2025

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

**Appeal Ref: APP/P2935/X/24/3346820**

**Silver Carrs Caravan Park, Hauxley Lane, Low Hauxley, Northumberland  
NE65 0JR**

- 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 Mountgate Caravans Limited against the decision of Northumberland County Council.
- The application ref 23/04031/CLPROP, dated 24 October 2023, was refused by notice dated 21 December 2023.
- 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 proposed use of land for the stationing of an additional 41 no. static caravans (providing for 'up to 206 no. static caravans' in total) for all year round use.

### Decision

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

### Preliminary Matters and Background

2. The description of development is normally taken from the application form. However, the application form dated 24 October 2023, upon which this appeal is based, only describes the existing or last use as "Other" and "*Sui Generis (Caravan Site)*". All other relevant information boxes on the application form state "*Please refer to planning statement*". Paragraph 1.1 of the Planning Statement (PS) states the lawful development certificate (LDC) is being sought for "*Siting of 41 no. static caravans for year round occupation.*" This description is reiterated in the Council's refusal notice and the appellant's Ground of Appeal document.
3. The Planning Statement ("PS") however also refers to "*The applicant proposes to site an additional 41 no. static caravans...within the application site in question...*" (paragraph 2.21 of the PS). There are also numerous other references within the PS to a proposed "*additional 41 no. static caravans*". Further, the Council's reason for refusing to grant an LDC is based upon the stationing of an additional 41 no. static caravans amounting to a material change of use for which planning permission would be required.
4. Given the disparity between the siting 41 no. static caravans for year round occupation and the siting an additional 41 no. static caravans for all year round use, clarity was sought from the main appeal parties. The description of development as set out in the banner heading above was confirmed as what is being sought and what had been considered by the Council. I shall proceed on this basis.

5. The appellant has provided an undated unilateral undertaking (UU) in relation to s160 of the 1990 Act<sup>1</sup>, which provides for a financial contribution to be paid to the Council towards the provision of mitigation measures deemed necessary if the proposal is implemented. The Council has expressed concerns as to whether the UU meets the relevant tests. If I find it does, the Council object to the trigger date being “*implementation*”. I will return to this matter later, if necessary.
6. Planning permission was granted in 1981 for 165 no. static caravan pitches on a 10 hectare site (application reference: 80/A/111). I am told this planning permission relates to the land but a copy of the relevant application/planning permission cannot be found, which the Council has confirmed.
7. The Council granted an LDC for the use of the “*existing static caravan park with up to 165 no. pitches*”<sup>2</sup> in 2020 (the existing LDC). The Council does not dispute therefore that the lawful use of the land is as a caravan park for up to 165 no. static caravans, which can be put to all year round residential use.
8. I carried out an access required site visit during which I saw there were 148 no. static caravans and 6 lodge style caravans (lodges) on the land. There were also approximately 18 vacant pitches spread throughout the clusters of static caravans and space for more lodges to be stationed in the southeastern part of the land.

## Reasons

9. The **main issue** is whether the Council's refusal to issue an LDC is well founded. This turns on whether the appellant can show, on the balance of probability, that the proposed use would not constitute development as defined by section 55(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
10. The proposal relates to the stationing of an additional 41 static caravans on the land for all year round residential use. There is no dispute that the varied description of the proposed use amounts to the same as the lawful land use to which the existing LDC relates. It is therefore for the appellant to show that, on the balance of probabilities, there would be no material change in the definable character of the lawful use had it occurred at the date of the application.

## Legal Authorities

11. The appellant has directed me to several legal authorities and various appeal decisions. I find those addressed below to be of most relevance.
12. The courts have held that intensification can amount to a material change of use. However, for it to do so, it must have resulted in “*a material change in the definable character of the use of the land.*”<sup>3</sup> The Council claims that *Hertfordshire* establishes 5 essential principles as follows:
  - intensification of a use can in principle amount to a material change of use (MCU);
  - even where the use remains of the same generic type, an MCU can occur;

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<sup>1</sup> Town and Country Planning Act 1990 as amended

<sup>2</sup> Application reference 20/00505/CLEXIS

<sup>3</sup> *Hertfordshire County Council v SSCLG and Metal and Waste Recycling Limited* [2012] EWCA Civ 1473

- an increase in the scale of activities on the site is required;
  - a definable change in the character of the use being carried out must occur; and
  - off-site impacts (such as traffic or noise) and their effect on other premises may be considered when determining whether an MCU has/would occur.
13. What *Hertfordshire* actually says, in recognition of the potential for intensification to amount to a change of use, is:

*“44. ...Although earlier cases...say that the existence of a material change in the use by intensification is well recognised, they do no more themselves than recognise that material change of use by intensification may exist. They have never actually found one.*

*45. This reflects what Sullivan J said in R v Thanet District Council v Kent International Airport Plc [2001] P&CR 2 at paragraph 54:*

*“It is easy to state the principle that intensification may be of such a degree or on such a scale as to make a material change in the character of a use, it is far more difficult to apply it in practice. There are very few cases of ‘mere intensification’. Usually the increase in activity will have led to some other change: from hobby to business, from part to full-time employment, or an increase in one use at the expense of other uses in a previously mixed use.”*

*46. The precise description of the existing and changed uses is important. Mere generic descriptions may not always be sufficiently precise to reflect material planning differences. The statutory overlay, for example in relation to generic residential and industrial uses, may now qualify what might have been the role which the concept of intensification may have been thought to play many years ago. But for all that, the cases have all emphasised the need to identify a material change in the definable character of the use of the land. None of them has suggested that this could be done simply by reference to examining impacts alone, relevant though they are to that crucial issue in a material change of use by intensification case.”*

14. In *R (oao Childs) v FSS & Test Valley BC* [2005] EWHC 2368 (Admin) a site had a Lawful Development Certificate (“LDC”) for a residential caravan site for 4 caravans. LDCs for proposed uses as a caravan site for 8, 15, 30 and 50 caravans were refused. The argument that the specified number of 4 caravans was “merely surplusage” was rejected. *Childs* held that whether intensification might or might not constitute a material change of use is a matter of fact and degree, and not comparable to the situation where a use falls within a Use Class.
15. There can be no dispute that whether an MCU has occurred through intensification is a matter of fact and degree having regard to the individual case. I therefore find there would be little merit in rehearsing the arguments of all the identified appeal cases.

#### Character of the existing and proposed use

16. The mature tree belt around the land’s periphery obscures views of it from the coastal public right of way, neighbouring properties and surrounding highways.

The static caravans are laid out in clusters around open areas of grass, which are separated from other clusters by tree and shrub planting. Unlike other caravan sites of this type, static caravans within this park have not been subjected to the provision of raised decking, porches, or other extension. The static caravan site has a verdant, spacious and open appearance.

17. The lodges are not dissimilar to the static caravans in terms of their floor area, height and fenestration details. The main difference is that the static caravans are predominantly of a cream colour finish, whereas the lodges have a grey colour finish. There is no reason for me to doubt the lodges comply with the legal definition of a caravan and they have a static nature. I therefore find that the stationing of lodges and their colour finish have no effect on the definable characteristics of the lawful land use.
18. The indicative plan provided by the appellant shows the provision of 205 no. caravans/pitches in addition to the site office. I saw during my site visit that most of the additional caravans/pitches shown on the indicative plan would fill obvious gaps between existing caravans/pitches. Pitches numbered 185 to 189 on the indicative plan would be the only exception, which I saw would require a small, centralised, area of shrub planting to be removed.
19. There would be no discernible increase in density of static caravans stationed across the park in visual terms. The established separation distances between individual static caravans is shown to be maintained. Even with the small area of shrub planting being removed, the overall verdant, spacious and open character of the static caravan park would also be maintained.
20. I agree with the Council that an additional 41 no. static caravans would result in an increase in the number of people residing on the land and the amount of associated vehicular traffic, thereby causing “*more activity, light and domestic paraphernalia*”. Given the unrestricted nature of the lawful use however, vehicle movements, residents’ activities, external lighting and domestic paraphernalia arising from the proposed additional 41 no. static caravans would not be discernibly different from that already arising from the lawful use of the 165 no. static caravans.
21. There is only one vehicular route into the site, through Low Hauxley. Pedestrian access is also available to and from the coastal public right of way. The Council suggest there would be a change to the “*pattern of movements to and from the site*”, however existing or resultant movement patterns are not identified. In my view, there is no obvious reason why movement patterns to and from the site would be different depending on whether they arise in connection with the 165 no. static caravans specified in the existing LDC or the proposed additional 41 no. static caravans.
22. While the increase in activity associated with an additional 41 no. static caravans will have off-site impacts, those impacts of themselves do not constitute a material change in the character of the use of land. *Hertfordshire* held that, no matter how severe or minimal the change in effects of the use, that of itself did not constitute a material change in use. I do not agree therefore with the Council’s claim that “*an increase in the scale of activities on the site*” alone is sufficient to cause a defined change in the character of the use.

23. For the above reasons, and as a matter of fact and degree, the proposed additional 41no. static caravans for all year round use would not cause a material change in the character of the lawful use of the land through intensification. On the balance of probability, the appellant has shown that a material change of use would not therefore occur and the proposal would not constitute development as defined in s55(1) of the 1990 Act. Planning permission would not be required for the matter proposed.

#### Other Matters

24. As I have found that planning permission is not required, the effects of increased vehicular movements on the surrounding road network and recreational pressures on the Northumbria Coast Special Protection Area and Ramsar Site, and the Northumberland Shore Site of Special Scientific Interest do not fall to be considered. There is therefore no justified need for the UU to secure the mitigation of additional recreational pressures that may arise.

#### **Conclusion**

25. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for the proposed use of land for the stationing of an additional 41 no. static caravans (providing for 'up to 206 no. static caravans' in total) for all year round use 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).

*M Madge*

INSPECTOR

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# Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 24 October 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, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The indicative layout plan shows that the proposal would not give rise to any significant alteration to the established layout of the caravan park or require the removal of significant areas of established landscaping/planting. Given the unrestricted nature of the lawful use of the land for the stationing of up to 165 no. static caravans, the stationing of an additional 41 no. static caravans for all year round use would not cause any material change in the definable character of the existing use. The proposal would not amount to a material change in use of the land and would not therefore constitute development as defined in s55(1) of the 1990 Act as amended.

Signed

***M Madge***

Inspector

Date: **27 February 2026**

Reference: APP/P2935/X/24/3346820

## ***First Schedule***

*Proposed use of land for the stationing of an additional 41 no. static caravans (providing for 'up to 206 no. static caravans' in total) for all year round use.*

## ***Second Schedule***

*Land at Silver Carrs Caravan Park, Low Hauxley NE65 0JR*

IMPORTANT NOTES – SEE OVER

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## NOTES

This certificate is issued solely for the purpose of Section 192 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 would have been lawful, on the certified date and, thus, would not be 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 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.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use is only conclusively presumed where there has been no material change, before the use is instituted, in any of the matters which were relevant to the decision about lawfulness.



## Plan

This is the plan referred to in the Lawful Development Certificate dated: **27 February 2026**

by **M Madge**

Land at: **Silver Carrs Caravan Park, Low Hauxley NE65 0JR**

Reference: **APP/P2935/X/24/3346820**

Scale: Not to Scale

