



Appeals Decisions

Site visit made on 26 February 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 16th March 2026

**Appeals Refs: APP/V2635/C/24/3346938 & APP/V2635/C/24/3346939
Land at 18 North Beach, Heacham, King's Lynn PE31 7LJ**

- The appeals are made by Leigh Murfet and Janet Murfet under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 23/00612/UNAUTU) issued by King's Lynn & West Norfolk Borough Council on 26 April 2024.
- The breach of planning control as alleged in the notice is as follows: -

'Without planning permission, the material change of use of the Land from bare land to a caravan site for the stationing of two caravans for residential use and breach of condition 2 of planning permission 11/01754/F which provided:
"This permission shall expire on 30th September 2020; unless on or before that date application is made for an extension of the period of permission and such application is approved:
(a) The caravans and shed shall be removed from the application site,
(b) the use of the land shall be discontinued, and
(c) there shall be carried out any work necessary to reinstate the *[words missing]*'"

'
- The requirements of the notice are as follows: -
 - '(i) Permanently cease the use of the land for the stationing of caravans for residential use.
 - (ii) Remove all associated ancillary development and paraphernalia including garage and timber structure.
 - (iii) Reinstate the land to its former condition prior to the use as a caravan site.'
- The period given for compliance with these requirements is four months.
- The appeals were made on the grounds set out in section 174(2)(d) and (e).

Decisions

1. It is directed that the breach of planning control alleged in paragraph 3 of the enforcement notice is corrected to "Without planning permission, the material change of use of the Land from bare land to a caravan site for the stationing of two caravans for residential use".
 2. Subject to this direction, the appeals are dismissed and the enforcement notice is upheld as corrected.
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Reasons for the decisions

Background and correction of the enforcement notice

3. The temporary planning permission 11/01754/F was granted in 2011 and expired in 2020. It relates to the standing of 3 caravans and 2 garages on land known as 18 North Beach. During the period of the permission this land was physically divided by fencing into two separate sites now known as 18 and 18A North Beach. The appellants are the owners of No 18.
4. There are two caravans on each of these two sites. Planning applications to retain these caravans were refused on appeal in 2024 in respect of both sites (Refs: APP/V2635/W/23/3334583 & APP/V2635/W/24/3337693). The inspector who dealt with these appeals explained how the change from the original No 18 to Nos 18 and 18A occurred. The matter had already been explained in 2018 in an appeal relating to No 18A (Ref: APP/V2635/W/18/3202539), in which the inspector recorded that the caravans permitted by permission 11/01754/F had been removed. As a matter of fact, it appears that Condition 2 was complied with when clearance of the land forming the original No 18 took place to allow for the change to be made from the standing of three caravans on the whole of the land to the stationing of two caravans on each of the two fenced-off areas.
5. The enforcement notice is therefore incorrect when it alleges that there is a breach of Condition 2 and I have directed that this part of the allegation should be deleted.

Ground (e)

6. The purpose of an appeal on ground (e) is to demonstrate that copies of the enforcement notice were not served as required by section 172. Section 172(2)(a) requires copies to be served on the appellants as owners of the land to which the notice relates. Section 172(3)(b) requires this to be done not less than twenty-eight days before the date specified in the notice as the date on which the notice is to take effect.
7. The appellants state that the notice was sent to the wrong address and when this was drawn to the attention of the Council they re-served copies of the notice with a letter giving the notice a new date on which it would take effect. The Council's letter explains that they have extended the date in accordance with section 173A and have varied the notice by replacing 3 June 2024 in paragraph 7 with 27 June 2024. The appellants maintain that the Council should have issued a replacement notice and served copies at the correct address.
8. This is what normally happens in my experience, since section 173A does not in terms allow such a variation to be made, but the Council have pointed out that there is caselaw that supports the view that the change can be made directly without undertaking the "elaborate" process of starting afresh. As a result of the change, the appellants submitted their appeals within the extended time allowed and they have not been prejudiced by the initial failure to serve copies at their correct address. The appeals on ground (e) have therefore failed.

Ground (d) and other potential grounds of appeal

9. The purpose of an appeal on ground (d) is to show that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. Having considered all the representations made by the appellants and the Council's response, I have also taken into account ground (c) (whether there has actually been a breach of planning control) and the fallback position with regard to any rights the appellants may have to revert to a previously-authorized use.
10. I have already decided that Condition 2 has been complied with. The outstanding issue under ground (d) is whether when the notice was issued it was too late because of the passage of time to take enforcement action against the use of No 18 for the stationing of two caravans. The time allowed is 10 years, because for planning purposes this is a use of land and not the carrying out of operational development to which the '4-year' rule would have applied. The critical date is 26 April 2014, 10 years before the notice was issued.
11. The ownership of the original No 18 was divided in the past into what are now the separate sites Nos 18 and 18A, but the division of ownership did not result at the time it took place in the physical division of the land into two separate sites, and in any event ownership is not the determining factor. What matters for the purpose of ground (d) is the date when the use for the stationing of the two caravans began on the appellants' land.
12. There is convincing evidence in the appeal representations that this use did not take place until 2015. When a planning application was submitted for a holiday home at "18 North Beach" on 24 April 2014, the accompanying design and access statement contained a view of the then existing site showing the 3 caravans as authorised by permission 11/01754/F. They were in the positions shown in that permission – one on land that is still No 18, one on land that is now No 18A and one straddling the boundary between the two pieces of land. A letter dated 26 September 2014 from the planning consultant dealing with this application indicates that the 3 units were still in the same place on the date of the letter. On 18 May 2015 the appellants notified the Council that two smaller replacement caravans had recently been placed on their land at No 18; the appellants' final comments in the appeals state that this was done in April/May 2015. The situation recorded when the Council's planning enforcement officer visited in 2019 was that the site had been divided into the two sections known as Nos 18 and 18A and that there were 2 caravans on each of the sections: this is the situation that existed when the notice was issued.
13. The appellants maintain that their two caravans are not in breach of planning control. They state that caravans have been on the site with planning permission since 1976. I have therefore reviewed the recorded planning history of the land as supplied to me by the Council and copied to the appellants. I have taken the Council's and the appellants' comments into account in carrying out this review.
14. The 1976 permission authorised the retention of holiday caravans at 18 North Beach for a temporary period expiring in 1982. The approved plan shows 3 caravans in the same positions as they were shown later in permission

- 11/01754/F. The 1976 temporary permission was then repeatedly renewed on a temporary basis with no change in the approved plan, as follows - in 1982 for a period expiring in 1992, in 1992 for a period expiring in 2002, in 2002 for a period expiring in 2012 and finally in 2011 by 11/01754/F for a period expiring in 2020. At no time has any part of the original No 18 had a permanent permission for caravans nor has a planning permission been granted in relation to the 2 caravans stationed in 2015 on the appellants' land.
15. I have considered whether the stationing of the 2 caravans in 2015 constitutes a material change of the use of the land that requires planning permission, either because it results in a change in the character of the use of the land or because it is an intensification in the use of the land. Since the use does not have a permanent permission, the Council maintain that the comparison should be with the bare land that they assume existed there before the caravans referred to in the 1976 permission were stationed there. Even if the stationing of the 2 caravans in 2015 is regarded as being within the scope of the 2011 permission, their acceptability could not last beyond the expiry of that permission in 2020. Whichever way the issue is looked at, it appears to me that a material change of use has occurred because the land is in an area with a high risk of flooding and planning policies oppose the stationing of new or additional caravans here because of the increased risk to human life.
16. I turn now to the fallback position to which I referred in paragraph 9 above. There are two considerations. Firstly, after the expiry of a temporary planning permission, planning permission is not required to resume the use of land for the authorised purpose for which it was normally used before the temporary planning permission was granted. Secondly, following the issue of an enforcement notice, planning permission is not required for the use of land for the purpose for which it could lawfully have been used if the development enforced against had not been carried out. These provisions both relate to the requirement for planning permission and not to the site licensing system, which has its own separate requirements.
17. The planning history in this instance is one of successive temporary planning permissions only, all of which have expired. There is therefore no approved use to fall back on. There is also insufficient evidence available to show that the land had acquired any lawful use rights or established use rights that are still extant or were extant when the first temporary planning permission was granted in 1976. In my opinion, the Council's description of the previous use of the land as "bare land" is reasonable in these circumstances.
18. For the reasons explained above, I have reached the conclusion that the appeals on ground (d) must also fail and that other potential grounds of appeal against the notice are not available to the appellants.

D.A.Hainsworth

INSPECTOR