



Appeal Decision

Site visit made on 25 February 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Appeal Ref: APP/A0665/C/24/3354908

The Lodge, Heath Lane Nurseries Heath Lane, Willaston, Neston, CH64 1TP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Safe As Houses NW Ltd against an enforcement notice issued by Cheshire West and Chester Council.
 - The notice was issued on 8 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land from seasonal use facilitated by the stationing of a caravan (a caravan previously used in conjunction with the nursery business for security, seasonal work and rest facilities) to a residential use facilitated by the stationing of a caravan located near to the barn called hedgehog stables and blacksmiths.
 - The requirements of the notice are to: Cease the residential use of the static caravan (located near to the barn called Hedgehog Stables and Blacksmiths).
 - The period for compliance with the requirement is: One month.
 - The appeal is proceeding on the ground set out in section 174(2)(a), (b), (c), (d) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land from seasonal use facilitated by the stationing of a caravan (a caravan previously used in conjunction with the nursery business for security, seasonal work and rest facilities) to a residential use facilitated by the stationing of a caravan located near to the barn called hedgehog stables and blacksmiths as shown on the plan attached to the notice and subject to the following condition:

1) No more than one caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1969 as amended shall be stationed on the land at any time.

The appeal under ground (b)

2. An appeal under ground (b) is that those matters have not occurred.
3. The Appellant claims that the caravan is a building rather than the use of land and therefore, a change of use has not occurred. A building would become immune after 4 years of substantial completion.
4. The Appellant makes no claim that the caravan does not conform to the physical dimensions of a caravan under the S.13(2) of the Caravan Sites Act 1968. Therefore, he does not claim that it is too big to be a caravan.

5. Section 55(1A) of the Town and Country Planning Act 1990 defines “building operations” to include “(a) demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to buildings; and (d) other operations normally undertaken by a person carrying on business as a builder.”
6. Three primary factors are decisive of what is a building. These are size, permanence and physical attachment. No one factor is decisive.
7. The written evidence is that there are wooden posts attached to the caravan which are set into concrete foundations about 2 feet deep. At my visit, I was able to see these posts which are situated under the caravan. It was not possible to see how they are attached to the caravan itself and the Appellant has not described how they are attached. Nevertheless, timber posts can be sawn off.
8. There is a timber deck with a small bridge leading to it in front of the caravan; and a side extension in the form of a small shed. The caravan is also connected to services. I have no evidence that these items could not be easily removed.
9. I conclude that the caravan has not become a building and that the allegation is correct. The Appeal fails on ground (b).

The Appeal on ground (c)

10. An appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
11. The Appellant said that it is too late to take enforcement action because the development has been there for over 10 years. Being too late to enforce against a breach is not an argument that there was no breach. Therefore, the appeal fails on ground (c).

The Appeal on ground (d)

12. Ground (d) is 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 those matters.
13. Section 171B gives the time limits for enforcement. The time limits have been recently updated¹ and transitional arrangements are in place. For the purposes of this appeal the time limit is 10 years. The Appellant must be able to demonstrate that the caravan has had a primary residential use for a continuous period of 10 years and there has been no subsequent change of use.
14. The Appellant bought the site in 2005 and there is no dispute that there has been a caravan on the land for well over 10 years. The previous owner, David Coslett has said that he purchased the site in 1984 and there was a static caravan in place which had already been used for security and temporary accommodation. Mr Coslett also used it as accommodation for security purposes and during the picking and calving seasons. He said he “continued to use the caravan for habitation needs and storage” for the land up until the Appellant’s purchase in 2005. Mr Coslett said that he kept in touch with the Appellant who continued to use the caravan in the same way until it was vandalised. Mr Coslett said that there were over 400 chickens stolen and takings stolen in 1984/5. He also said that the site was used

¹ The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024

for fly tipping and was subject to vandalism and trespass. He gave no specific details of the latter.

15. Another person who provided a statement, Tony Moss, said he worked with the farm for over seven years. He said that since September 2018 he has known the caravan to be used as accommodation at the farm. He said that he has often had tea and snacks in the caravan and drinks in the evening. He also said that someone called Jan moved in to work full time on the farm around Christmas 2019 and that he continued to visit regularly for social and contract meetings. He said that residential use has been going on for the past 20 years. He did not give specific details of the residential use over the last 20 years or say how he knew that.
16. Paul Kenny of Nisa Local provided a statement to say that he has supplied groceries to the Appellant since he bought the farm. He said that his son has spent weeks there helping on the farm and that they have attended social events there. He said that farm workers have also stayed during the Appellant's absences. He said that the caravan was empty for a time but quickly returned to living accommodation.
17. Callum Otter provided a statement to say that he positioned the caravan in September 2018. He said that in the first year since the installation, the Appellant used it continuously during the first year or so because of roof problems on his lodge. He said that later, Jan has used it full time for accommodation. He said it is known by himself and other contract workers to be the hub of the farm where Jan stays with the dogs and often prepares snacks and meals for workers. He said he has been in the caravan to share meals and watch TV and he has also used the shower facilities in it. He said that before the caravan was vandalised, circa 2008, he visited the farm regularly and he always knew that the Appellant used it for his accommodation. However, he did not give details of how regularly the caravan was used for accommodation.
18. The Appellant said in his statement that a volunteer worker and farm workers have resided in the caravan for the last six and a half years. He also pointed out that the Council agree that it has been used for sporadic residential use over the years.
19. The statements from the interested parties provide little evidence to demonstrate a 10-year continuous primary residential use. They mention uses such as storage and provision of facilities for workers as well as some residential use. However, most details are in vague terms. Even the Appellant admits that the residential use of the caravan was sporadic before around 2018.
20. The Appellant said that no restrictions are placed on the caravan by the Council. However, the restrictions are that of planning law, and that the use of the site for the stationing of a caravan for residential use is development that requires planning permission. No planning permission has been granted.
21. Even if the caravan has been in continuous use since 2018, it is not long enough to achieve the 10-year immunity period.
22. The appeal on ground D fails.

The appeal on ground (a)

The site is within the green belt so the main issues are:

- whether the development is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework) including its effect upon the openness of the green belt;
- The effect of the development upon the character and appearance of the countryside;
- the effect of the development upon biodiversity;
- whether the site is locationally sustainable in respect of access to day-to-day services by a choice of modes of transport;
- if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Green Belt

23. The site is within the green belt and a caravan has been stationed on the site for decades. The use has allegedly changed from “seasonal use facilitated by the stationing of a caravan (a caravan previously used in conjunction with the nursery business for, security, seasonal work & rest facilities)” to a residential use.
24. The Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
25. Paragraph 154 of the National Planning Policy Framework said that development in the Green Belt is inappropriate unless certain exceptions apply. One of those exceptions is material changes in the use of land provided that they preserve its openness and do not conflict with the purposes of including land within it.
26. A caravan has been sited on land for many years and the Council does not claim that its use for purposes ancillary to the business on the site is unlawful. However, the Council makes the point that a primary residential use may result in domestic paraphernalia being placed around the site.
27. I must take the previous use into account when assessing the effect on openness. Even if the residential use ceased, there would be nothing to stop farm workers using the outside areas, for example, using garden tables and chairs; especially as its former use included rest and overnight facilities. There was no apparent domestic paraphernalia visible on the land at my site visit. The caravan already exists and there is no requirement to remove it or the deck in front of it.

28. Therefore, I consider that the use does not harm openness. Furthermore, there is no encroachment into the countryside over its previous use. The Council has not alleged that residential use would conflict with any other purposes of the greenbelt.
29. I conclude that the development preserves the openness of the green belt and does not conflict with the purposes of including land within it. Therefore, it is not inappropriate development. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One) (LP1), although titled “Green Belt and Countryside”, is not consistent with the Framework in respect of what is inappropriate and not inappropriate development because it does not mention material changes of use of land like the Framework does. Therefore, I give this conflict limited weight in so far as the green belt main issue is concerned.

Character and appearance

30. The notice does not seek the removal of the caravan or the decking. I have found that the use of the caravan does not result in additional paraphernalia being seen around the site. There is no evidence of a tangible change in the appearance of the site over and above its previous use. LP1 Policy STRAT 9 allows for small scale and low impact rural / farm diversification schemes appropriate to the site, location and setting of the area. I consider that the change of use is low impact.
31. A neighbour has commented that the caravan is too close to her boundary. However, the notice does not seek the removal of the caravan and therefore, consideration of its relocation or removal is not a matter before me.
32. I conclude that there is no harm to the character and appearance of the countryside. Therefore, I find no conflict with the aims and objectives of LP1 Policy STRAT 9; LP1 Policy ENV2; or DM3 of the Cheshire West and Chester Local Plan (Part Two) (The LP2) which in combination, seek to protect the character and appearance of the landscape and countryside.

Biodiversity

33. I wrote to the Council asking for clarification about whether there are any protected species that could be affected. In response, the Council’s Enforcement Officer stated that she had spoken to the planning authority’s Biodiversity Officer who advised that as the development is a change of use, they would not usually ask for surveys, provided that the development does not involve any habitat removal.
34. There is no claim that habitat has been removed in connection with the alleged change of use. Therefore, I see no reason why any ecological survey should be required, especially as one has not been specifically requested by the Council’s Biodiversity Officer. I note the Council’s comments that there are 3 ponds in the area but I have no substantive evidence that the change of use has affected the ponds or any wildlife that is dependent upon them. I have no evidence that the change of use affects biodiversity.
35. I conclude that the change of use does not adversely affect biodiversity. Therefore, there is no conflict with LP1 policy ENV4 which seeks to safeguard and enhance biodiversity or LP2 Policy DM44 which indicates that there should be no net loss of natural assets.

Location

36. The site is within the countryside. The Council has not provided any information about the site's location in relation to the nearest settlement. Nevertheless, I could see at my visit that the farm is adjacent to a residential extending to the centre of Willaston, which provides some shops and services. There are pavements along Hooton Road towards Willaston which is about a 15-minute walk away. Therefore, Willaston can easily be accessed on foot. There are also bus stops very close to the site on Hooton Road.
37. Therefore, I conclude that the caravan is in a sustainable location in respect of access to day-to-day services by a choice of modes of transport. Consequently, I find no conflict with LP1 STRAT 1 and STRAT 2 which seek to reduce the need for travel.

Other Matters

38. Whilst the Appellant's ground (a) appeal refers to the security benefits of a residential use and the support it provides to a rural enterprise, little evidence has been provided on whether there is a genuine essential need for a rural worker. For example, the details of the current rural business that operates on the site are very unclear and references to security incidents lack specific detail such as dates and frequency. An essential need has not been demonstrated. My conclusions are based on the main issues set out above.

Conclusion

39. Although I find some conflict with LP1 Policy STRAT 9 I consider that the proposal is in accordance with the development plan as a whole and with the Framework.
40. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use as described in the notice. The enforcement notice will be quashed.
41. In these circumstances the appeal on ground (f) does not fall to be considered.

Siobhan Watson

INSPECTOR