
Appeal Decision

Site visit made on 3 March 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2026

Appeal Ref: APP/X4725/C/24/3357961

Land at 67 Womersley Road, Knottingley, WF11 0DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Charlie Wilson against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 19 November 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from residential garden and small holding to a park home site with erection of retaining wall to the rear of the Land and formation of a hard surface on the Land.
- The requirements of the notice are to:
 - a) Cease the use of the Land as a park home/caravan site.
 - b) Remove all caravans from the Land.
 - c) Remove the retaining wall constructed at the rear of the Land between the Land's boundary and no 69c Womersley Road.
 - d) Restore the Land and ground levels to their condition prior to the unlawful use taking place.
 - e) Remove the area of hard surfacing to the north side of the dwelling at 67 Womersley Road (in the area hatched blue on the attached plan).
 - f) Once steps a to e are complied with, remove all materials and items stored on the Land not in connection with the lawful use (residential garden and small holding).
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

Preliminary matters

1. The alleged breach of planning control is the material change of use of the land from residential garden and small holding (which I have understood to mean agricultural use) to a park home site. It also refers to the erection of a retaining wall and formation of a hard surface. The notice links these operations to the material change of use alleged by using the phrase '**with** erection of....' (my emphasis). The indication is, therefore, that the retaining wall and hard surfacing are integral to and form part and parcel of the unauthorised use. Accordingly, I have determined the appeal on this basis.
2. The notice follows the refusal of planning application ref. 24/00544/FUL for the change of use of the land for the siting of static caravans for residential park home occupation and associated operational development following demolition of the pig sheds (part retrospective) (resubmission of application ref. 23/01535/FUL). An appeal against that refusal was subsequently dismissed on 4 March 2025¹.

¹ Appeal Ref. APP/X4725/W/24/3351617

3. The appellant has submitted a revised plan with this appeal which details changes to the existing layout of the site, including a revised access into the site from Womersley Road and relocation of the caravan pitches. The revised plan would involve significant amendments to the layout of the site (as acknowledged by the appellant), which would have implications for the character of the area and highway safety, amongst other things. As the revised scheme would result in a very different form of development to that which is alleged, it does not comprise part of the matters stated in the notice and I cannot consider it further under this appeal. For the ground (a) appeal and the deemed planning application, I have based my assessment on the existing layout of the site, as shown on the plan provided².

Matters concerning the notice

4. I have a duty to put the notice in order, if necessary, before I move on to consider the grounds of appeal, and I have wide powers of correction under section 176(1) of The Town and Country Planning Act 1990 as amended (the 1990 Act), but only where no injustice would be caused to either party.
5. The land to which the notice relates, outlined in red on the plan attached to the notice, encompasses a sizeable area of land. There are a number of static caravans on site, each of which appears to be occupied individually and for the purposes of residential accommodation. Whilst the allegation is of a material change of use to 'a park home site', the notice uses the terms 'park home site' and 'caravan site' interchangeably. To my mind the term 'caravan site' has a clearer meaning and so I will correct the allegation by replacing 'park home site' with 'caravan site'. This minor change would not cause injustice, having regard to the cases made by the parties.
6. Notwithstanding the above, the land to which the notice relates also includes the existing dwelling, 67 Womersley Road, and an enclosed garden associated with the dwelling, which is set towards the front (west) of the site. It also includes three disused 'pig sheds' which are located in the rear (eastern) part of the site. In view of this, I am concerned that the material change of use of the land that is said to have occurred does not include reference to other activities that appear to be going on at the site. The Council appears to have acknowledged this. In these circumstances, it is necessary to consider the planning unit and the use of it.
7. The planning unit is usually the unit of occupation, unless a smaller area can be identified which is physically separate and distinct and occupied for different and unrelated purposes. The whole site is under the appellant's ownership and can, therefore, be regarded as having a single occupier. As for the activities taking place on the land, I have noted above the dwelling and garden, which can be described as a residential use. I have also noted the static caravans, which are consistent with a caravan site. At the time of my site visit, the pig sheds were unused, and the evidence indicates that they have not been used for agricultural purposes for many years. Accordingly, the existing activities on the land comprise a residential use and a caravan site use. Furthermore, there is no indication that these two activities are incidental or ancillary to the other. The evidence suggests that these are primary uses of the site.
8. As for any physical and/or functional separation between the two, I note that there are parts of the site put to only one purpose. For example, it appears that the

² Drawing ref. WOKT 001

dwellinghouse is only used for residential purposes. There are, however, large parts of the site that appear to be in common use, including the single shared access and turning/parking area, and the land occupied by caravans is open to the land to the rear and sides of the dwellinghouse.

9. All of the above considered and having regard to the evidence before me, I find as a matter of fact and degree that the land to which the notice relates is a single planning unit and that it is used for a single mixed use comprising a dwellinghouse, residential garden and use as a caravan site.
10. Consequently, the allegation is incorrect. It does not identify the mixed use of the site, and it does not refer to all the components of the mixed use even if only one is required to cease. While the notice is invalid for this reason, I am satisfied that I can correct it to 'without planning permission, the material change of use of the Land to a mixed use as dwellinghouse, residential garden and caravan site, with erection of retaining wall to the rear of the Land and formation of a hard surface on the Land'. This correction would not widen the scope of the notice or cause injustice to the parties, as there is no dispute that a dwellinghouse and caravan site use is taking place and the parties' cases on ground (a) have been made accordingly.
11. The requirements of the notice will need to be varied to follow the corrected allegation, by requiring the cessation of the mixed use as a dwellinghouse, residential garden and caravan site by ceasing the use as a caravan site. This variation would not result in injustice to the parties or make the notice more onerous to comply with from the appellant's perspective.

The appeal on ground (a) and the deemed planning application

12. An appeal on ground (a) is that planning permission ought to be granted for what is alleged in the notice.

Main Issues

13. The main issues are the effect of the development on the living conditions of the occupiers of neighbouring properties and the occupiers of the caravan site; and the effect on the character and appearance of the area.

Reasons

Living conditions

14. The refused application proposed ten (later reduced to nine) static caravans, whereas at the time of the notice, and as remains the case now, there are six caravans on the site. The caravans are broadly located on the new hard surfacing indicated by the area hatched blue on the plan attached to the notice. Four of the caravans are sited close to the site frontage adjacent to Womersley Road and the other two are set slightly further back into the site.
15. The appeal site is bordered by neighbouring residential properties on the Poplars to the north and east, by 69 Womersley Road to the south, and by 69c and 69d Womersley Road to the south-east. Nos 69c and 69d are bungalows situated on significantly lower ground than the site. No 69d is set further away from the site boundary and is not significantly affected by the development. No 69c, however, is immediately adjacent to the site and contains windows to the side and rear elevations facing towards the site. There are clear views from the site towards the

neighbour's windows and their rear garden at close range and from an elevated position. As a result, there is some loss of privacy to no 69c and its rear garden arising from the intensified mixed use as a caravan site and dwelling, with no privacy fence on this boundary to minimise such overlooking.

16. Whilst erecting a fence or other form of screening along this boundary might address overlooking, it would exacerbate the impact of the substantial retaining wall erected on the boundary with no 69c which appears as a tall and oppressive feature when viewed from the neighbouring property and its rear garden.
17. The close boarded fence erected along the northern boundary protects the properties on the Poplars from overlooking from the caravans. However, the combined height of the fence and the caravans rising above it, have diminished the outlook of the neighbouring properties on the Poplars as these situated at a significantly lower level than the site.
18. Due to the increased number of people occupying the site and associated activity including vehicle movements, and the lightweight fabric of the caravans which do not provide the same degree of acoustic insulation as brick built dwellings, I consider that the unauthorised use has led to noise and general disturbance to the neighbours. The third party comments attest to the effects of the unauthorised use on the neighbours' living conditions, including increased noise and disruption. These impacts are likely exacerbated by the elevated position and proximity of the site relative to the neighbouring properties to the north, east and south-east.
19. Although the appellant says that a site manager would reside on the site to ensure that it is well managed, there would still be a degree of general disturbance to the neighbours due to the intensified use of the site. I acknowledge that the previous use of the site as a dwelling and small holding may have had some impact on the neighbouring properties in terms of noise and disturbance. However, even if the pig sheds could be reused for agricultural purposes, the unauthorised use will likely result in materially greater levels of noise and general disturbance for the reasons I have set out above.
20. I also note the Council's concerns that the caravans do not provide suitable accommodation for the occupiers on a permanent basis, including in relation to internal floor space. On the basis of the evidence before me and my observations on the site I consider that the caravans provide adequate accommodation, sufficient privacy and shared amenity space for the intended occupiers. However, this does not outweigh the identified harm to the neighbouring occupiers.
21. For the reasons given, I conclude that the development fails to protect the living conditions of neighbouring residents, having particular regard to privacy, outlook and disturbance. Accordingly, it conflicts with Policies LP56 and LP67 of the Wakefield District Local Plan 2024 (Local Plan) which, amongst other things, seek to ensure that development does not have a significant detrimental impact upon the amenity of neighbouring residents.

Character and appearance

22. The surrounding area is predominantly residential in character. Properties along Womersley Road vary in terms of siting, size and style, though there is some uniformity to the street scene due to the use of facing brickwork and tiled roofs as the main construction materials.

23. Whilst the caravans on the site do not reflect local built form, they are relatively low lying and are well screened from public vantage points, including from Womersley Road, by boundary fencing and the established hedge to the site frontage. As the new hard surfacing towards the front of the site and the retaining wall to the rear are not readily visible from the road, these do not adversely affect the street scene. Removal of the derelict pig sheds and additional landscaping could further soften the appearance of the site.
24. For these reasons I do not find the development to be significantly harmful to the character and appearance of the area. In this respect there is no conflict with Policies SP23 and LP56 of the Local Plan which, amongst other things, require development to protect and enhance local character and distinctiveness.

Other Matters

25. While the appellant refers to a theoretical fallback of conversion of the agricultural buildings to residential use under Class Q permitted development rights³, no prior approval exists in this case. It therefore attracts little weight and does not provide compelling justification for accepting the unauthorised development.
26. The appellant has drawn my attention to other caravan sites allowed on appeal⁴. However, they are not directly comparable to the appeal development given the differing contexts and planning policy background.
27. The appellant states that the site is within a sustainable location and that there is a need for affordable units of the type provided on the appeal site, particularly for those retiring or others looking for smaller accommodation. However, there is no substantive evidence before me to demonstrate that there is a shortage of this type of accommodation in the area, which limits the weight that I attach to this matter. Any ecological benefits from landscaping would also be modest. Therefore, any benefits arising from the development do not outweigh the harm I have identified.
28. Although not referred to in the reasons for issuing the notice or refusal of the previous planning application, the Council's statement raises concerns over visibility splays at the existing site access onto Womersley Road, potential flood risk and the structural integrity of the retaining wall. It seems possible that these matters might have been addressed by the conditions suggested by the Council, but given my findings on the main issues, these matters are not determinative.

Conclusion on Ground (a) and the Deemed Planning Application

29. For the reasons given, I find that the appeal scheme conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken other than in accordance with the development plan.
30. I am mindful that dismissing the appeal and upholding the notice will result in the loss of the occupiers' homes and interfere with their rights under Article 8 of the Human Rights Act which states that everyone has a right to respect for private and family life, their home and correspondence. However, this is a qualified right, whereby interference may be justified in the public interest, but the concept of

³ Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

⁴ Appeal ref. APP/E2001/W/20/3261822 and APP/R0335/W/16/3163349

proportionality is crucial. Given the harm identified, the action is in accordance with the law and is necessary and proportionate to the situation.

31. I conclude that the appeal on ground (a) should not succeed and the deemed planning application will be refused.

Formal Decision

32. It is directed that the enforcement notice be corrected and varied by:

- The deletion of the text of section 3 in its entirety and the substitution of 'Without planning permission, the material change of use of the Land to a mixed use as dwellinghouse, residential garden and caravan site, with erection of retaining wall to the rear of the Land and formation of a hard surface on the Land.'
- The deletion of requirement a) under section 5 and the substitution of: 'a) Cease the mixed use of the Land as dwellinghouse, residential garden and caravan site by ceasing the use as a caravan site.'
- The deletion of requirement f) under section 5 and the substitution of: 'f) Once steps a) to e) are complied with, remove all materials and items associated with the unauthorised use from the Land.'

33. Subject to this correction and the variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

M Ollerenshaw

INSPECTOR