

Appeal Decisions

Site Visit made on 17 February 2026

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2026

Appeal A Ref: APP/D0840/C/24/3344554

Appeal B Ref: APP/D0840/C/24/3344555

Ashton Hill Farm, Crava Lane, Ashton, Cornwall TR13 9SE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeals are made by Mr Paul Badcock (Appeal A) and Mrs Beth Badcock (Appeal B) against an enforcement notice issued by Cornwall Council (the LPA).
 - The notice was issued on 17 April 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of agricultural land to a mixed use comprising of agricultural and residential use through the stationing of a caravan used for residential purposes. The approximate location of the caravan is shown by a blue 'X' on the attached plan."
 - The requirements of the notice are:
 - 1) Cease the residential use of the land outlined in red on the attached plan.
 - 2) Cease the residential use of the caravan shown in the approximate location by a blue 'X' on the attached plan and remove the caravan from the land outlined in red on the attached plan.
 - 3) Remove from the land all services connected to the caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
 - 4) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land.
 - 5) Remove from the land all materials and debris resulting from compliance with the requirements of (2), (3) and (4) above, and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirement is: 12 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (b), (d), (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.
 - Appeal B is proceeding on the grounds set out in section 174(2)(b), (d), (f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeal A

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

Appeal B

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

Appeal A and B on ground (b)

3. An appeal on ground (b) is brought on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, that those matters have not occurred.

4. The notice alleges the material change of use of the Land to a mixed use of agriculture and residential through the stationing of a caravan. The appellant accepts, as a matter of fact, that a caravan has been placed on the Land and is used for residential purposes. The appellant's case, however, is that a caravan has not been sited on the Land resulting in a material change of use. Rather, it is said, that a building has been erected on the Land.
5. Section 55(1) of the Act defines development as either, inter alia, the carrying out of building operations on land or the making of any material change in the use of any buildings or other land. The siting of a caravan on land is generally accepted to constitute a material change of use.
6. Section 29(1) of the Caravan Sites and Control of Development Act 1960 (the CSCDA) defines a caravan as, "any structure design for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so design or adapted but does not include – (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.
7. The Caravan Sites Act 1968 (the CSA) sets out at Section 13(1) the definition for twin unit caravans. It states: "*a structure designed or adapted for human habitation which – (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the CSCDA by reason only that it cannot lawfully be so moved on a highway when assembled.*"
8. Section 13(2) of the CSA states that: "*For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely – (a) length (20m); (b) width (6.8m); overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) (3.05m)".*
9. In law, a caravan is only a caravan if it meets the descriptions laid down in the CSCDA and CSA. The caravan is clearly a structured designed for human habitation. I have no reason to believe it is composed of no more than two sections. The appellant argues that the caravan is not capable of being moved from one place to another. The wheels of the caravan have been removed. Rather than simply resting on a hard surface, the legs of the caravan have been encased in concrete blocks which have been sank into the ground.
10. However, there is no reason why the concrete could not be broken up and the legs freed. The fact that is make the caravan difficult to move does not mean it is physically incapable of being so. Moreover, there are no other apparent reasons why the caravan could not be moved. It could be moved by being towed if wheels are installed or indeed transported by vehicle or trailer without them. I see no reason why the unit could not be picked up intact, including its floor and roof, and put on a lorry by crane or hoist.

11. The appellant has not provided the measurements of the caravan in question. Nonetheless, I was able to see from my site visit that it appeared to comfortably fall within the limits set out in Section 13(2) of the CSA. As a result, I find that the caravan constitutes a caravan for the purposes of the CSCDA and CSA. However, that does not necessarily mean it cannot be a building.
12. Section 336(1) of the Act defines a building as “any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.” What constitutes a building is a matter of fact and degree. In *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, endorsed by CoA in *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102, three primary factors were identified as decisive of what was a building: size, permanence and physical attachment.
13. As I have stated, the caravan has had its wheels removed and is fixed into the ground with its legs encased into concrete, which is itself sunk into the ground to a depth the appellants say is around 0.6m. The caravan is not simply placed on concrete pads as suggested by the LPA. Moreover, it seems to me that, whilst it would not be physically impossible to remove the caravan from the Land, it could not be readily or easily achieved. This suggests a significant degree of physical attachment. Furthermore, the caravan is connected to services including gas and water which, whilst they could be more easily removed, does lend weight to the degree of permanence arising from the foundations to which it is connected.
14. There is no suggestion that the caravan is intended anything other than a permanent feature. I note that the intended timescale is limited to a period of years, however, permanence in this context does not necessarily mean forever. Indeed, the appellants' case on ground (a) is made on the basis that they argue there is a need for them to be within sight and sounds of the agricultural buildings on the Land, a purpose which may not be achieved if the caravan was to be moved around. Moreover, the caravan is not insignificant in size, being capable of housing all the facilities necessary for everyday living. As a result, I find that, having regard to the three primary factors of size, permanence and physical attachment, the caravan constitutes a building for the purposes of Section 336(1) of the Act.
15. Consequently, as a matter of fact, the material change of use of the Land to a mixed use of agricultural and residential through the stationing of a caravan for residential purposes has not occurred. The LPA states that the appellant accepts that a breach of planning control has occurred as a matter of fact, irrespective of whether a material change of use of land is involved or a building operation and thus the ground (b) appeal must fail. However, ground (b) is brought on the basis that the breach alleged in the notice has not occurred. I find that is the case here.
16. As a result, the appeal on ground (b) succeeds.

Conclusion

17. For the reasons given above, I conclude that the appeals should succeed on ground (b). The enforcement notice will be quashed.
18. In these circumstances, Appeal A on grounds (a), (d) and (f) and the application for planning permission deemed to have been made under section 177(5) of the

1990 Act (as amended) and Appeal B on grounds (d) and (f) do not fall to be considered.

J Whitfield

INSPECTOR