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## Appeal Decision

Hearing held and site visit made on 17 March 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 April 2026

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**Appeal Ref: APP/C3430/C/25/3375957**

**Land lying to the southwest of Otherton Lane, Otherton ST19 5NX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
- The appeal is made by Mr Chris Fowler-Parkes against an enforcement notice (“the notice”) issued by South Staffordshire District Council.
- The notice was issued on 24 October 2025.
- The breach of planning control as alleged in the notice is: The unauthorised erection of a timber framed building (partially constructed) with a concrete base and brick build upstand for residential occupation (“the Building”).
- The requirements of the notice are:
  - (i) Cease all building and other operations associated with and in relation to the building and demolish and permanently remove the building, concrete base and brick-built upstand from the land.
  - (ii) Permanently remove all service connections including water and electricity services that lead to and under the building already constructed from the land.
  - (iii) Permanently remove all debris and materials resulting from compliance with (i) and (ii) from the land and restore the land back to the condition it was in before the development took place.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) of the 1990 Act. 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 1990 Act.

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

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### Preliminary Matters

1. The parties agree that a building ‘for residential occupation’ is a dwellinghouse and that the notice could be corrected to say that without causing injustice.
2. An appeal made on ground (g)<sup>1</sup> was withdrawn at the hearing.

### The appeal on ground (b)

3. The concrete base and brick-built upstand are fixed together and to the ground. The appellant does not dispute that their formation was a building operation, but he contends that the timber-framed part above them is not a building but is instead a part-assembled twin-unit caravan. The onus is on him to demonstrate that on the balance of probabilities, and I shall use the neutral term ‘the Structure’ for the timber-framed part except when referring to a party’s position or a settled fact.
4. The primary definition of a caravan is made by section 29 of the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”). This is “any structure designed or adapted for human habitation which is capable of being moved from one place

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<sup>1</sup> That any period specified in the notice falls short of what should reasonably be allowed.

to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.” The definition excludes railway rolling stock and tents, but the Structure is evidently neither.

5. Section 13(1) of the Caravan Sites Act 1968 (“the 1968 Act”) defines a twin-unit caravan as “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).”
6. Section 13(1) goes on to state that such a caravan “shall not be treated as not being (or as not having been) a caravan ... by reason only that it cannot lawfully be so moved on a highway when assembled.” A twin-unit caravan’s ability to be moved is a question of its form, not of where it is or any route from there. This means that a twin-unit caravan must be capable of being moved intact, even if it may not be feasible or legal to do so in every instance.
7. Section 13(2) of the 1968 Act sets out maximum dimensions for a twin-unit caravan, and it is agreed that the Structure does not exceed them at present and would be unlikely to do so once complete.
8. However, because it is only partially constructed, lacking a roof and with only the framework of its walls, the Structure has not yet become something that is capable of human habitation. It therefore could not credibly be said to have been designed or adapted for that purpose when the notice was issued. The appellant’s case therefore rests on what he contends it would become if construction were to resume and continue to completion.
9. Viewed from that perspective, it is inescapable that what existed when the notice was issued, and what it therefore attacks, was not a caravan. Nevertheless, for completeness, I shall assess the Structure against the construction and mobility tests that arise from section 13(1)(a) and (b) of the 1968 Act.

#### *The construction test*

10. This requires that the final act of assembly of a twin-unit caravan is to join 2 sections that were designed and built with that intention. The frame of the Structure has been formed in 2 sections that are currently screwed together. However, the appellant states that this is a temporary arrangement, to ensure they are aligned and sufficiently rigid. He has drawn up a construction schedule in which the screws would be removed at a later stage, and the 2 sections would be joined permanently with fixing brackets at the final stage of assembly.
11. At the hearing the appellant confirmed that, if the screws currently holding the 2 sections together were left in place, the rest of the construction schedule could still be carried out. In that sense, their intended removal is a technicality, to ensure that when the 2 sections are next joined, it is at the final act of assembly.
12. However, the 1968 Act’s definition of a twin-unit caravan does not specify how it is formed, except for the final act of assembly. Accordingly, and if the appellant’s

construction schedule were followed, with the 2 sections being separated and later joined at the final act of assembly, the final unified structure would meet the construction test in that regard.

13. The appellant's construction schedule confirms that pipes forming part of the heating system would be set into a screed laid over the concrete base. They would therefore have to be left behind if the Structure, meaning the timber part, were moved. While life in the Structure would be difficult without a functioning heating system, human habitation would not necessarily be impossible.
14. However, more fundamentally, the completed Structure would not include a floor, something that is essential to human habitation. The floor would instead be the screeded concrete base on which the Structure would rest. Considered in isolation, as it must be, the floorless Structure would not be capable of human habitation, so it would not be a caravan as defined by the 1960 and 1968 Acts.

#### *The mobility test*

15. As the construction test would not be met, it is arguable that what follows is an assessment of the mobility of something other than a caravan. Nevertheless, I shall apply the mobility test to the floorless Structure for completeness.
16. The appellant has not provided documentary evidence of how the Structure would be removed from the base and upstand and be moved intact. He has, however, provided verbal evidence, recorded by the Council in its report authorising enforcement action, and at the hearing.
17. As recorded in the Council's report, the appellant indicated that, when completed, the Structure would be unscrewed "making it easily removable from the base, *in two or more sections*" (my emphasis). This record, which the appellant has not challenged, casts significant doubt on whether the Structure would, when complete, be capable of being moved intact.
18. The appellant's construction schedule includes attaching eye bolts in various places, and he explained in the hearing that these would serve as lifting points. Because it would lack an integral floor, fixtures within the Structure, including kitchen units, toilet and bath or shower would not be supported from beneath when lifted or during transit. The appellant stated his opinion that they would be held by their fixings to the walls. However, when asked about the effect of vibration and the stress to be expected when moving the Structure by road, he indicated that a wider base would need to be laid underneath while it was on a vehicle or trailer.
19. The appellant has considerable knowledge and experience of constructing timber-framed buildings and using cranes. Given that, and as there is usually an engineering solution to any structural challenge, I afford significant weight to his verbal evidence, despite the doubt cast by what he previously said to the Council.
20. Accordingly, it has been demonstrated, on the balance of probabilities, that once completed, the Structure would meet the mobility test, insofar as that test can be applied to something incapable of human habitation, and so not a caravan.

#### *Conclusion on ground (b)*

21. It has not been demonstrated that the construction test would be met and therefore, notwithstanding the mobility of the completed Structure, the appellant

has not demonstrated that it would be a twin-unit caravan. It follows that he has not demonstrated that the alleged erection of a building has not occurred. The appeal on ground (b) must therefore fail.

### **The appeal on ground (a)**

22. The main issues in this appeal are:

- Whether the erection of the partially constructed building constitutes inappropriate development within the Green Belt (“the GB”).
- The effect of the erection of the partially constructed building on the character and appearance of the rural area.
- If the erection of the partially constructed building constitutes inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and so amounts to the very special circumstances required to justify it (“the GB balance”).

23. The appellant proposes 2 planning obligations in support of the deemed planning application (DPA). The first is in draft and would be an agreement to ensure that the lawful use of the land for the stationing of a caravan for residential use would no longer be relied upon on residential occupation of the completed building (“Obligation 1”). A signed and dated copy of the second obligation, made as a unilateral undertaking, was handed to me at the hearing. It would secure a financial contribution to mitigate any effects of residential occupation on the Cannock Chase Special Area of Conservation (“the SAC”) (“Obligation 2”).
24. Before considering the main issues, and any other relevant matters, it is important to clarify the scope of the DPA. Section 177(1)(a) of the 1990 Act allows that I may grant planning permission “in respect of the matters stated in the enforcement notice as constituting a breach of planning control.”
25. The notice alleges the erection of a partially constructed building which, as noted in the appeal on ground (b), is not capable of human habitation.
26. At the hearing, the appellant suggested I could grant outline planning permission, allowing the further operational development to complete the building to be the subject of a reserved matters submission. While I have considered this suggested approach, it would be inconsistent with section 177(1)(a) for the reason below.
27. A grant of outline planning permission is not sufficient for development to be lawfully carried out; any matter reserved for future approval must also be approved. An outline permission and an approval of reserved matters therefore jointly authorise the carrying out of the specified development. They are not separate approvals for different parts or phases of it.
28. An enforcement notice cannot purport to attack development that had not occurred on the date it was issued. Bearing that and the fact that the notice specifically refers to a partially constructed building in mind, the appellant’s suggested reserved matters submission would, in part, relate to development beyond the scope of the matters stated in the notice.
29. A reserved matters application would therefore only be consistent with an outline permission in respect of the matters stated in the notice if it also related to the

partially constructed building that existed when the notice was issued. That would not secure development that could be occupied residentially and would fail to deliver the benefit of meeting housing need advanced by the appellant. Furthermore, the uninhabitable condition of the partially constructed building means that even if Obligation 1 were completed, it could not be carried out. The partially constructed building must therefore be assessed as additional development in the GB, although not an additional dwellinghouse.

## **Reasons**

### *Inappropriate development*

30. Development in the GB is inappropriate, and harmful by definition, unless an exception set out in paragraphs 154 and 155 of the National Planning Policy Framework (“the Framework”) applies. The appellant considers that, if the lawful use of the land for the stationing of a caravan were to cease, as proposed, the building would benefit from exception g) of paragraph 154:

*Limited infilling or the partial or complete redevelopment of previously developed land ... whether redundant or in continuing use (excluding temporary buildings).*

31. For the exception to apply, it must be determined that the development would not cause substantial harm to the openness of the GB.
32. The Framework does not define infilling, but the development plan does. Policy GB1 of the Local Plan for South Staffordshire Core Strategy Development Plan Document (“the CS”) identifies it as “the filling of small gaps (1 or 2 buildings) within a built-up frontage of development.” The building is not within a built-up frontage, so its erection does not constitute infilling. The land is, however, previously developed by reason of the lawful development certificate (LDC) for the stationing of a caravan for residential use.<sup>2</sup> Accordingly, and if the planning obligation to cease to rely on the lawful use were in effect, the building would constitute partial redevelopment of the land.
33. However, as noted, the matters stated in the notice do not amount to a building capable of human habitation, so the obligation to cease relying on the LDC that provides for the appellant’s current accommodation could not come into effect. The effect of the building on the openness of the GB therefore needs to be considered in addition to continued reliance on the LDC, and not in place of it.
34. Even in its partially constructed state, the building is an imposing structure by reason of the concrete base and upstand and the framework of the walls above. It is therefore a significant presence in the GB and its effect on openness is broadly comparable to that of a completed detached dwelling. There is some mitigation of its effect on openness in visual terms by reason of its siting near the hedgerow forming the northern boundary of the land and by the tree screening on the other 3 boundaries. However, the hedge and trees are deciduous, so the building is likely to be more apparent in winter. Furthermore, it has a significant effect in spatial terms due to its footprint of some 120 sqm,<sup>3</sup> equivalent to a sizeable house. It therefore causes substantial harm to the openness of the GB and cannot benefit from exception g) of paragraph 154 of the Framework.

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<sup>2</sup> 21/00846/LUE granted 7 January 2022.

<sup>3</sup> 19.4 m x 6.35 m.

35. Paragraph 155 of the Framework allows that non-major development resulting in homes in the GB should not be regarded as inappropriate where 3 considerations all apply. In brief, these are whether the land is grey belt, whether there is a demonstrable unmet need for the development and whether the location is sustainable. While those matters were discussed, I find on reflection that paragraph 155 cannot be applied to the partially constructed and uninhabitable building because it does not amount to a home.
36. For these reasons, the partially constructed building is inappropriate development in the GB and causes harm to its openness. Paragraph 153 of the Framework requires me to give substantial weight to this matter.

#### *Character and appearance*

37. The appeal site lies within a network of relatively flat fields with mature trees and established hedgerows along their boundaries. While it lies roughly midway between Penkrige and the M6, it is in a relatively tranquil rural setting.
38. The Council expresses concern about what it considers to be the domestication of the site, referring to the concrete pad at the site entrance, a gravel hardstanding, pathways, raised decking, sheds and domestic paraphernalia such as play equipment. However, these are not parts of the matters alleged in the notice, nor do its requirements affect them.
39. Nevertheless, the building in its partially constructed state does not respect or enhance local character or the distinctiveness of the natural environment in which it is set.

#### *Other matters*

40. There is agreed to be a demonstrable unmet housing need within the district because there is only a 0.86-year supply of deliverable sites. However, for the reasons already set out, the DPA is for a partially constructed building incapable of human habitation, so allowing the appeal would not result in housing. Even if that were incorrect, proposed Obligation 1 would prevent a net housing gain.
41. The site is within 1200 m walking distance of a supermarket, a parade of local shops and food outlets, a pub and a filling station in Penkrige. That is the preferred maximum walking distance in rural areas, set out in the Council's Sustainable Development Supplementary Planning Document. The nearest medical centre and primary and secondary schools are more than 1200 m away. To reach local services and facilities, a pedestrian or cyclist would need to use an unmade and unlit track and narrow unlit roads before reaching any pavement or street lighting. Transport choices are therefore unlikely to be made on distance alone and the poor quality of the immediate routes for pedestrians and cyclists make it likely that the private car would be used exclusively.
42. While this leads me to conclude that the appeal site is not appropriately located for further residential development, that is of limited significance when considering a DPA for a building that is incapable of human habitation. Even if it were habitable, Obligation 1 would, if completed, ensure there was no change in the number of households occupying the land.
43. If implementation of the DPA were to secure an additional building capable of human habitation, Obligation 2 would ensure that harm to the SAC would be

mitigated. However, setting aside that the DPA is for something incapable of human habitation, completion of Obligation 1 would obviate the need for Obligation 2, as there would be no housing growth.

***The GB balance and conclusion on ground (a)***

44. The erection of the partially constructed building is inappropriate development within the GB and, by definition, harmful to it. I afford substantial weight against the grant of planning permission to this factor.
45. Because the building is not habitable, factors that might otherwise support the appeal cannot, individually, or collectively, clearly outweigh the harm to the GB by reason of inappropriateness. The very special circumstances required to justify the erection of the partially constructed building have therefore not been shown to exist and it is therefore contrary to policy GB1 of the CS and Part 13 of the Framework.
46. In addition, and for the reasons also given, the partially constructed building fails to respect or enhance local character or the distinctiveness of the natural environment. It is therefore contrary to Core Policy 4 and policy EQ11 of the CS.
47. Given the importance of policies GB1, Core Policy 4, and EQ11, the proposal is contrary to the development plan as a whole and there are no material considerations to indicate that the appeal should not be determined in accordance with the development plan. The appeal on ground (a) must therefore fail.

**Conclusion**

48. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

**Formal Decision**

49. It is directed that the notice is corrected in section 3 by the deletion of the words “timber framed building (partially constructed) with a concrete base and brick build upstand for residential occupation” and the substitution of the words “timber framed dwellinghouse (partially constructed) with a concrete base and brick-built upstand”.
50. Subject to the correction, the appeal is dismissed, the notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

*Mark Harbottle*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Chris Fowler-Parkes  
Lee Marbury, Senior Planner, Green Planning Studio

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mark Bray, Planning Enforcement Consultant, South Staffordshire District Council  
Catherine Gutteridge, Planning Enforcement Team Manager, South Staffordshire District Council  
Laura Moon, Senior Planning Officer, South Staffordshire District Council  
Tom Nutt, Assistant Planning Enforcement Team Manager, South Staffordshire District Council

### **Documents submitted at the hearing**

1. Signed and witnessed planning obligation by way of unilateral undertaking.
2. Signed and witnessed witness statement of Mr Chris Fowler-Parkes.