



Appeal Decision

Site visit made on 16 March 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2026

Appeal Ref: APP/C3430/C/24/3350953

Land at Levedale Road, Levedale, Staffordshire ST18 9AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
- The appeal is made by Mr Mark Gripton against an enforcement notice ("the notice") issued by South Staffordshire District Council.
- The notice was issued on 6 August 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land for the permanent stationing of a caravan on the area coloured blue on Appendix 1 and associated domestic use of the land, including the erection of a fire pit, surrounding pallet benches, timber posts and artificial grass located on the land coloured orange on Appendix 1, such use not being incidental or ancillary to the use of the land as an allotment development permitted by appeal decision APP/C3430/W/15/3006045.
- The requirements of the notice are: (i) Permanently remove the caravan and cease the use of the land for the stationing of a caravan; (ii) Remove all materials and services connected to the caravan from the land; (iii) Permanently remove the outdoor fire pit, surrounding pallet benches and timber posts, as well as artificial grass from the land, including any foundations; and (iv) Remove from the land all materials arising from compliance with (i), (ii) and (iii) above.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) of the Act.

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

Application for costs

1. An application made by South Staffordshire District Council against Mr Mark Gripton is the subject of a separate Decision.

Preliminary matter

2. While the appellant has made references to the conduct of the Council, that is not within the scope of this appeal.

The appeal on ground (b) and the notice

3. An appeal on ground (b) is that any or all the matters alleged in the notice have not occurred as a matter of fact. The onus is on an appellant to demonstrate that on the balance of probabilities.
4. The site's planning history does not include any permission for a use of the land. Planning permission was granted on appeal in 2015¹ ("the 2015 permission") for 'allotment development including timber sheds, timber walkways and extension to existing hard standing.' However, the decision letter makes clear that the planning

¹ 14/00709/FUL, subject of appeal APP/C3430/W/15/3006045, granted 1 September 2015.

application “was not for the use of the land but for the allotment buildings and structures.”

5. It is clear from the application documents and the subsequent appeal statement² that the buildings and structures were associated with an allotment use. The Council closed an investigation into use of the land as a garden in 2018 following confirmation that it was then being used as an allotment and the appellant states that “we abandoned the allotments around covid,” indicating that allotment use of the land continued until 2020 or 2021.

The stationing of the caravan

6. Photographs taken in October 2021 and April 2024 show a touring caravan in the same place on the land and the Council contends that it was stationed there continuously until when the notice was issued. While it has been removed since, the appellant does not deny that it had previously been stationed on the land. Neither does he deny that the erection of a fire pit, pallet benches, and timber posts, and the laying of artificial grass occurred before the notice was issued. The appeal on this ground must therefore be determined according to the facts in the period leading up to the issue of the notice and on the date of issue.
7. Merely placing a caravan on land is not development. A notice alleging the stationing of a caravan should be clear what use of the land it is stationed in connection with, and therefore what use of the land is attacked.
8. The Council referred to storage of the touring caravan and occasional overnight stays in it in the report recommending issue of the notice and in its submissions in the appeal. I find its position on overnight stays in the caravan to be unclear; it has advised the appellant that “it would be feasible to stay at the property overnight in the caravan up to 28 days per year” and nowhere does it suggest that this has been exceeded. Nevertheless, in section 4 of the notice, where the Council’s reasons for issuing it are set out, it is stated that the landowner had confirmed that the caravan had been used for occasional residential use. It seems the Council had not observed this but had relied upon reports provided to it.
9. The appellant disputes he said the caravan is used for occasional residential use. He refers to overnight stays in a motorhome in his submissions in this appeal but not in the caravan. It is therefore not clear from the evidence before me that any overnight stays were in the touring caravan rather than the motorhome.
10. Considering the foregoing, it is most probable that the notice should attack the storage of the touring caravan, not any use in which it is occupied. Both parties have referred to storage of the caravan, so they have been able to address it in their submissions. Consequently, the notice can be corrected to make that clear without causing injustice.
11. Storage of a caravan is not part of the allotment use being carried out when the 2015 permission was granted and which continued for another 5 or so years. It has not been demonstrated that the caravan was stationed on the land in connection with that use or any other lawful or authorised use. The use being carried out when the notice was issued, including the storage of the caravan, was therefore of a

² Appendices 4 and 5 to the Council’s Final Comments.

different definable character from what had gone on before and a material change of use had occurred. Accordingly, the appeal on ground (b) must fail in that regard.

Domestic use of the land

12. The notice alleges that the domestic use is associated with the stationing of the caravan, which I have found to be a storage use. The presented evidence does not demonstrate any functional connection between the two and it is not clear what domestic use could be associated with an unoccupied caravan.
13. Nevertheless, the appellant does not deny that there had been a domestic use of the land in the period leading up to the issue of the notice or on the date of issue. Domestic use is not part of the allotment use that the development authorised by the 2015 permission was associated with and is of a different definable character. It has therefore not been demonstrated that this aspect of the alleged material change of use had not occurred as a matter of fact and the appeal on ground (b) must fail in respect of it.

The fire pit, pallet benches, timber posts and artificial grass

14. The 2015 permission was for development including the erection of timber sheds and timber walkways and the formation of an extension to a hard standing. The notice does not attack those items but is concerned with other operational development in the form of the erection of a fire pit, surrounding pallet benches, timber posts and artificial grass.
15. Photographs taken in July 2014 show what may have been a small area of artificial grass on the land over 10 years before the notice was issued but the evidence of that is inconclusive. The fire pit, timber posts and further artificial grass can be seen in later photographs from October 2021 and April 2024. That is after the appellant says the allotment use was abandoned, so they can only be associated with the domestic use.
16. An undated photograph provided by the appellant shows that a water butt once stood where the fire pit is now, as the site layout plan from the 2015 permission had indicated. Comparison of that photograph with those taken by the Council in 2021 and 2024 show that the erection of the fire pit involved raising the ground with a brick and timber base with safety railings. It is therefore a permanent feature, not just a matter of placing and removing a fire basket as required. The erection of the timber posts, and laying areas of artificial grass, while minor works, have also occurred as a matter of fact. The appeal on ground (b) must therefore fail in respect of them.
17. The pallet benches are visible in the July 2014 photograph and appear the same in the later ones. The only difference is that, according to the site layout plan approved by the 2015 permission, they were then going to serve as a raised area for growing tomatoes and other bagged vegetables. It appears that happened because growbags are laid out on them, presumably awaiting planting, in the appellant's undated photograph. In any event, what are now described as pallet benches were erected more than 10 years before the notice was issued and therefore cannot have facilitated the change of use it attacks, which is alleged to have begun later. While an appeal was not made on ground (d)³, the evidence on

³ That at the date 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 alleged in the notice).

this point is sufficient for me to vary the notice to exclude the removal of the pallet benches from its requirements.

The appeal on ground (c)

18. An appeal on this ground is that any or all the matters alleged in the notice are not a breach of planning control. For any such matter, this could be because it is not development or because it has planning permission. As with ground (b) the onus is on an appellant to demonstrate that on the balance of probabilities.

The storage of the caravan

19. The appellant believes the hardstanding with a vehicle on it in the plan from the 2015 permission implies consent for temporary storage of a caravan. While stationing a caravan in connection with the former allotment use, for example as a welfare facility, may not have made a material change in the use of the land, nothing of that nature is claimed.
20. Storage of a caravan was not part of the allotment use of the land in effect when the 2015 permission was granted and did not form any part of the application before the Inspector then. Furthermore, there is no evidence that the caravan was stationed on the land before the allotment use was abandoned.
21. Article 3 and Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("Class B" of "the Order") permits temporary uses of land on not more than 28 days in any calendar year. While that may include use of land for storage, the evidence indicates that caravan storage continued for over 3 years before the notice was issued, well beyond what the Order permitted.
22. Notwithstanding my finding that caravan storage has occurred, the appellant describes the land as "a small recreational/campsite facility." While Article 3 and Schedule 2, Part 4, Class BC of the Order ("Class BC") authorise the use of land as a temporary recreational campsite for up to 60 days in any calendar year, paragraph BC.1.(f) of Class BC limits the permission to motorhomes or campervans. Furthermore, paragraph BC.2 imposes conditions on the use including (a) the provision of toilet and waste disposal facilities and (b) prior written notification to the local planning authority. As there is no evidence that those conditions have been complied with, it has not been demonstrated that the land has benefitted from the permission conferred by Class BC.
23. Accordingly, and as caravan storage has not been shown to not be development or have the benefit of any planning permission, the appeal on ground (c) must fail in respect of it.

Domestic use of the land

24. The appellant considers the domestic use to be within the scope of the 2015 permission by reason of the Inspector's reference to "other uses of land."
25. However, my reading of the decision letter is that this was about whether the allotment use that the buildings and structures were associated with could fall within "other uses of land which preserve the appearance or character of the Open Countryside." The Inspector found that to be the case, meaning that the allotment

development met a criterion of a relevant development plan policy⁴ that supports new building associated with “other uses of land which preserve the appearance or character of the Open Countryside.” While this required the Inspector to take a view on the effect of the allotment use of the land on the character of the countryside, he made clear that the permission he granted was limited to buildings and structures.

26. As the 2015 permission was not for a use of the land, it could not have authorised any domestic use. Furthermore, neither the Inspector’s decision letter nor the documents that were before him and which have been reproduced in this appeal mention any existing or proposed domestic use of the land. Planning permission could not have been granted for something that had not been applied for and even if a use of land had been proposed, an open-ended permission covering anything that might later be called “other use of land” is implausible.
27. While paragraph B.1. of Class B identifies some uses that the permission for temporary uses of land granted by Class B does not extend to, domestic use of land is not included. Class B may therefore permit it for up to 28 days in any calendar year. However, the submitted evidence does not tell me how frequently the domestic use of the land has taken place, so it has not been demonstrated to have been within the scope of what Class B permits.
28. It has not been demonstrated that domestic use beyond what Class B may permit is either not development or has planning permission. Accordingly, the appeal on ground (c) must fail in this respect.

The fire pit, timber posts and artificial grass

29. It has not been demonstrated that the erection of these items is not development. They do not appear on the plan from the 2015 permission and no other permission for them has been identified. Furthermore, even if the domestic use of the land which they appear to be associated with were permitted by Class B, they are permanent items that are not intended to be removed from the land. They are thus inconsistent with a temporary use of land permitted by Class B.
30. It has therefore not been demonstrated that the fire pit, timber posts and artificial grass are not in breach of planning control and the appeal on ground (c) cannot succeed in respect of them.

Conclusion

31. For the reasons given above, and subject to variation of the notice to remove reference to the pallet benches, the appeal on ground (b) should not succeed. For the reasons also given above, and subject to variation of the notice to allow for temporary domestic use permitted by Class B of the Order, the appeal on ground (c) should not succeed. I shall uphold the notice with corrections and variations.
32. Notwithstanding my findings in respect of the domestic use of the land, the notice’s requirements do not include its cessation. I am unable to vary the requirements to address this because it would make the notice more onerous and that would cause injustice to the appellant.

⁴ Criterion f) of policy OC1 of the Local Plan for South Staffordshire Core Strategy Development Plan Document.

Formal Decision

33. It is directed that the notice is corrected in section 3 by:

- The deletion of the words “permanent stationing of a caravan” and the substitution of the words “permanent storage of a caravan.”
- The deletion of the words “associated domestic use of the land” and the substitution of the words “domestic use of the land.”

34. It is further directed that the notice is varied in section 5 by:

- The deletion of the words “stationing of a caravan” and the substitution of the words “storage of a caravan” in (i).
- The deletion of the words “surrounding pallet benches” in (iii).

35. Subject to the corrections and variations, the appeal is dismissed, and the notice is upheld.

Mark Harbottle

INSPECTOR