



Appeal Decision

Site visit made on 28 May 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

Appeal Ref: APP/D1265/X/25/3368452

Lyons Gate Caravan Park A352, Lyons Gate, Dorset, DT2 7AZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Hop Farm Park (Kent Entertainment Ltd) against the decision of Dorset Council.
 - The application ref P/CLP/2022/07954, dated 20 December 2022, was refused by notice dated 8 July 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is use of land for the siting of 40 no. caravans for human habitation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Lyons Gate is an established caravan and camping site which lies to the north of the A352. A long access track leads from the main road through woods to a large clearing containing the pitches and several lakes. The land to the east is thickly wooded. A small area has been carved out of the very edge of the wood to provide parking and another area is used for storage. Paths have been created through the woods for a woodland trail. The LDC seeks to determine whether using a substantial portion of the woodland for 40 further pitches would be lawful.

Reasons

3. A 2020 LDC issued by the Council confirms the woodland area, which is considerably larger than the original camping and caravan site, is being used as ancillary to that site, for parking storage and recreation. In 2021 an LDC was applied for the use of this land for 40 caravans. This was refused and an appeal¹ dismissed in 2022. The Inspector found the woodland area was a separate planning unit from the camping and caravan site. This was because despite the word 'ancillary' in the LDC the primary use of the land was recreational. There is a discussion in the decision letter about whether an LDC can be issued for an ancillary use on its own and the Inspector considered it couldn't be. Subsequently the appellant sought advice from a KC that this was not the case, the LDC clearly linked the woodland to the camping and caravan site, so there was a single planning unit, one part for caravans and tents and the other for recreational uses (and parking etc) which was ancillary to the first part. Therefore the whole area

¹ APP/D1265/X/21/3281612

had a use as a camping and caravan site. The question was therefore whether the extra 40 caravan pitches would amount to a material change of use of the site as a whole. Hence this second application and appeal.

4. Firstly I agree with the KC's opinion that the 2020 LDC clearly determines that the red line land (the woodland subject to this appeal) was being used for various purposes all of which were ancillary to the primary use as a camping and caravan site. It thus follows that there is a single planning unit covering the original camping and caravanning site and the ancillary woodland area. I presume this was not the intention of the Council in 2020, but on finding the whole of the woodland was in ancillary use this was the outcome.
5. Secondly, it is clear that the conditions that restrict the use of the original camping and caravan site do not extend to the woodland area, but that equally the use of the woodland site that was declared lawful was an ancillary use. That is not determinative of the uses that can be undertaken on the woodland site but is important for setting the background against which any material change of use should be considered.
6. Also of importance are the conditions that control the use of the main camping and caravan site. There is a long planning history for the original site but the end result of various permissions and appeal decisions is that the site can be used all year around for touring caravans and motor homes but subject to a maximum number of 60 and for a maximum period of 21 days each. It would seem tents are still subject to a limited time between March and October. In addition 13 static caravans were allowed subject to a holiday use only condition. If I grant the LDC then a further 40 permanent static caravans will be allowed with no restrictions on occupation. In my view this would amount to a material change of use for two main reasons discussed below.
7. The first reason is a simple comparison of the use of the main camping and caravan site compared to the new use of the larger site. Touring caravans and motor homes, not to mention tents, have a significantly smaller footprint than static caravans. These would effectively be permanent residential mobile homes. This is tacitly acknowledged by the proposed layout plan which shows a substantial area set aside for the new mobile homes served by new roads. In the winter, despite the use of the touring site all year round, the number of hardy caravaners and campervanners would be significantly reduced so that the occupation of the original camping and caravan site would be significantly less than I saw on a hot sunny day in May, whereas the static units would be there permanently and potentially occupied permanently as well. This would be a significant increase over the 13 statics on the main site. Indeed the new 40 mobile homes would dominate the whole site.
8. Secondly, the site of the current LDC is predominantly woodland. The uses other than the woodland walks occupy a very small part of the land, most of the woodland is just used for walking, a very low-key use indeed. There appeared to be no people in the woods when I was there, on a lovely sunny afternoon. About a third of the woodland would be erased to make way for the mobile homes, which would lead to a hugely significant change in the character of the land. If some or all were occupied permanently there would be the associated residential paraphernalia, but even without that it would be a major urbanisation of the land compared to the current, pleasantly wooded and spacious touring site.

9. In summary, the current use of the site as a whole is for touring holiday makers next to a wood used occasionally for walking. The effect of granting the LDC would be to more or less double the amount of land being used for caravans, except these would be larger, permanent mobile homes. The loss of a significant portion of the woodland and a huge increase in traffic and activity across the site as a whole. If any of the new mobile homes were occupied on a permanent basis there would be even more impacts in terms of traffic from deliveries, round the year occupation, and even demands on the local social infrastructure, schools, doctors, employment and so on. But even without this worst case (but entirely plausible) scenario, the change would amount to a change in the definable character of the land and would therefore amount to a material change of use of the site as a whole.
10. I have read the various court cases and decision letters provided by the appellant. But they merely reinforce my view outlined above. In many cases the issue was one of numbers alone, but in this appeal there will clearly be a wholesale change to the character of the woodland which takes up over half the site. I note the appellant argues that a material change of use is not mentioned by the Council and is not really an issue in the appeal. However, the Council clearly analyse the impact of the proposed 40 statics compared to the current use of the land and make a convincing material change of use argument even if they do not label it as such. I note the appellant's own KC advice is that materiality of the change needs to be assessed against the use of the whole site, which I have done above. The fact that much of the site is not visible from public rights of way does not alter the impact or materiality of the change I have identified. Consequently, the siting of 40 caravans for human habitation is not lawful and I shall dismiss the appeal.

Simon Hand

INSPECTOR