



Appeal Decisions

Site visit made on 28 April 2026

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal A Ref: APP/X1118/C/24/3350249

Appeal B Ref: APP/X1118/C/24/3350250

North of Mockham Barton, Brayford, Barnstaple EX32 7LH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Jack Turner and Appeal B is made by Mrs Katie Turner (jointly 'the Appellants') against an enforcement notice ('the Notice') issued by North Devon District Council ('the Council').
 - The notice was issued on 8 July 2024.
 - The breach of planning control as alleged in the notice is Within the last 10 years, unauthorised change of use consisting of the storage of a mobile home.
 - The requirements of the notice are to: 1. Remove the mobile home edged green from the Land outlined in red on the attached plan; 2. On completion of Step 1, reinstate the ground to its original ground levels; 3. Remove from the land any rubbish or debris resulting from compliance with Steps 1-2 and dispose of this in a responsible manner; and 4. On completion of Steps 1-3 set out above, grade the land so that the contours of the land are restored to their former natural levels and cultivate the land leaving it in a condition suitable for agricultural use.
 - 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), (d), (f), (g) of the Town and Country Planning Act 1990 (as amended) ('the Act')
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Decision

1. It is directed that the enforcement notice is varied by:
deleting Steps 2 and 4 in section 6 of the Notice, 'What you are required to do';
renumbering that section's Step 3 as Step 2;
amending renumbered Step 2 by deleting the words "Steps 1-2" and substituting "Step 1"; and
by deleting "3 months" as the period for compliance and substituting "6 months".

Subject to the variations, the enforcement notice is upheld.

Preliminary Matters

2. It was agreed with the parties that I would carry out the site visit on an Access Required basis. In this, the Appellant in Appeal A gave me access to the land, though the Council did not attend. There was no discussion of the merits of the case at the site visit.

Grounds (b) and (c)

3. An appeal under Ground (b) is that the matter alleged in the Notice has not occurred. An appeal made under Ground (c) is that the matters alleged, if they have happened, do not constitute a breach of planning control. Given the manner of the Appellants' arguments, it makes sense to deal with the two grounds together.

4. In respect of the caravan, the Appellants' case is that it has not been stored on the land. It has been used in conjunction with the use of the land for agricultural purposes. This ancillary use is not a breach of planning control.
5. When I visited the site, I saw that the caravan was being used to store tools and equipment that would be necessary to maintain the land, and for welfare purposes when the Appellants were on the land. The Appellant says that he has used the caravan for these purposes since buying the land in January 2020.
6. The Council doubts this has been the case, and points to a photograph from December 2023 that it says supports its contention. I find the photograph is inconclusive on the matter. Although it shows that the bank on which the caravan sits had bracken and bramble growth on it, it is not to my mind "very overgrown". The evidence suggests that the Council did not enter the caravan at this visit, so its statement that "it did not look used" must have been based on an external assessment. On this, the Appellants' comment that they board up windows, and hide valuable items in cupboards to deter thieves is quite understandable given the caravan's isolated location. I find likewise with his explanation that the reason there was no agricultural activity on the land at that visit was because it was the middle of winter; the visit was undertaken just 5 days before Christmas.
7. I find the evidence shows, on the balance of probability, that the Appellant has used the caravan for purposes ancillary to the use of the land since January 2020.
8. Prior to the Appellants purchasing it, the evidence shows that the land had been used by the previous owner for agriculture. This was acknowledged in the Council's evidence, which shows that the use of the caravan was the subject of an enforcement investigation in November 2017. It was found to be being used for purposes ancillary to the use of the land and the case was closed.
9. However, that leaves the period from November 2017 to January 2020 to be accounted for. The Appellant asserts that it continued to be so used, but provides no substantive evidence to show this was the case. He says that the Council cannot assume that the use ceased during this period and that the enforcement visits to the land in 2018 and 2019 related to the erection of other buildings on the land. This might well be correct, but the onus lies firmly with an appellant to make his case, with precision and without ambiguity.
10. His evidence does not reach that threshold, and for a significant period I have nothing substantive before me to counter the Council's allegation.
11. In their Ground (f) case, the Appellants make arguments regarding the reinstatement of the land to its original ground levels, following the removal of the caravan. The case put forward is that the works to raise the land were not related to the siting of the caravan. This is best dealt with under Ground (b). As the Council had an opportunity to address the matter, it would not be prejudicial to deal with it here
12. Where, as here, a Notice is directed at a material change of use of land, it can require the removal of works that were ancillary or incidental to the unauthorised use. Therefore, the first task is to assess whether the changes to land levels were undertaken for purposes that were ancillary or incidental to the storage of the caravan.

13. The caravan lies about 2 metres below the A399. I could see that the road had, in the relatively recent past, been subject to quite extensive repair works. The highway was, in part at least, supported here by a wall of stone-filled gabion baskets immediately adjacent to the caravan.
14. The field in which the caravan is sited is very steeply sloping. It sits on top of a quite extensive area where land levels have been altered at the top of the field, below the road. This must have occurred some time ago, and certainly prior to the Appellant's ownership, as quite large trees are growing from the remodelled land. To the southeast of the caravan, the land slopes gently down until it reaches the original land level at the top of the field. From there, a track leads to an access to the land from the A399. This slope is overgrown and has trees growing from it, so access to the caravan is via steps up the steep face of the altered land.
15. Given its position adjacent to the highway where works have been carried out, the Appellant suggests that the land was raised to facilitate access to the area where work was undertaken. For its part, the Council's line is that there is no evidence to substantiate the Appellant's claim.
16. The nature and position of the gentle uphill slope on the remodelled land, which leads to the area where the remedial works to the A399 have taken place, lead me to find, on the balance of probability, that it was created to facilitate those works. The nature and extent of those works are such that I find that they were not ancillary or incidental to the change of use of the land to the storage of the caravan. It is most likely that someone, probably the previous owner of the land, subsequently used the small level area of the remodelled land to site the caravan.
17. To this extent, the Ground (b) succeeds and, therefore, I shall vary the terms of the Notice by deleting the requirements to remove the remodelled land.
18. There is a lack of evidence to show, on the balance of probability, that the caravan was not used for storage purposes for a significant period. Thus, it has not been demonstrated that the Council's allegation that the caravan was stored on the land has not occurred, nor that this would not amount to a breach of planning control. It has been demonstrated on the balance of probability, including using the evidence of my site visit, that the alteration of the land levels was not associated with the storage of the caravan. Thus there is limited success on the appeal made under Grounds (b) but that made under Ground (c) fails.

Ground (d)

19. An appeal made under Ground (d) is that at the date when the Notice was issued no enforcement action could be taken against the alleged breach of planning control. Time limits for taking enforcement action are set out in section 171B of the Act.
20. This sets out that in the case of a material change of use of land, as is the case here, the time limit is 10 years ('the relevant period'). The Appellants have to demonstrate on the balance of probability that the breach of planning control had been continuously carried out for ten years prior to that date. The 'relevant date' is, therefore, the 8 July 2014.

21. Scant evidence is given in this regard. The Appellants say that they have owned the caravan and land for over 4 years and that there is documented proof of it being there when an enforcement officer visited in April 2017.
22. This does not show, on the balance of probability, that the land has been continuously used for the purposes alleged in the Notice for the relevant period. Therefore, the Ground (d) case fails.

Ground (f)

23. The Appellant's Ground (f) case has been assessed in Ground (b), above.

Ground (g)

24. An appeal under Ground (g) is that the periods for compliance with the requirements of the Notice fall short of what is reasonably necessary.
25. Given my finding on the Ground (f) case, that part of the Appellant's Ground (g) case relating to the requirement to reinstate ground levels falls away.
26. The removal of the caravan from the land in one piece would be likely to require either: the use of a crane sited on the A399 to lift it off; or the upgrading of the gently sloping land, and removal of trees, to allow a vehicle to access the caravan. The alternative would be to break it up in-situ. The first two would only be options if the caravan was shown to be capable of withstanding the removal process.
27. The former would, if the highway authority sanctioned the closure of the A-road, be a costly exercise that would be likely to take some time to organise. It would be a similar case with the use of the gentle slope to take the caravan away; this would need to be surfaced, albeit temporarily and it, too, might well need some form of traffic control to be organised to allow access onto the A399.
28. The latter could be achieved within the 3 months allowed by the Notice. Whilst the Appellant says that it would take him longer to undertake these works and that he would have to make multiple trips to the tip, this work could be undertaken by a contractor within the time allowed.
29. Notwithstanding my finding on the breaking-up of the caravan, I am of the view that time should be given to explore and arrange the other two options; this could allow for the caravan to be re-used elsewhere rather than being broken up in what could be a needless and wasteful manner.
30. For the above reasons, I shall extend the time for compliance to 6 months. Thus, the Ground (g) succeeds.

Conclusion

31. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on grounds (f) and (g) succeed to that extent.

R Curnow

INSPECTOR