



Appeal Decision

Site visit made on 18 June 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2026

Appeal Ref: APP/F9498/C/24/3357392

Land known as Orchard View, Rodhuish, Minehead TA24 6QZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mrs Tracy Stevens against an enforcement notice issued by Exmoor National Park Authority (NPA).
 - The notice was issued on 15 November 2024.
 - The breach of planning control as alleged in the notice is: (A) Without planning permission and within the last 10 years: (1) The unauthorised use of a shepherd's hut (shown in the photographs annexed as Appendix A to this notice) sited on the Land for residential purposes.
 - The requirements of the notice are to: Cease the unauthorised use of the shepherd's hut located on the Land for any overnight stays/occupation either as residential and/or holiday let accommodation or any other use not authorised by the National Park Authority.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

Preliminary Matters

2. The appellant has made various complaints about how the NPA has dealt with their investigations and also the Planning Inspectorate's handling of the proceedings. The appellant states that as well as those complaints, they have complained to the ombudsman and to their Member of Parliament although those complaints are not before me although have been referred to. The complaints to the Planning Inspectorate have been considered and responded to.

The Enforcement Notice

The allegation

3. The notice relates to the use of the shepherd's hut. As well as the address of the property, the land referred to in section 2 of the notice is described as the land "edged red on the plan attached to this notice.....". This implies that the use as alleged only applies to the shepherd's hut. This is almost as if the allegation relates to a building.
4. In the reasons for issuing the notice at section 4 and elsewhere including the appeal submissions, the shepherd's hut is referred to as a caravan. Case-law has held that for a structure that is at face value a caravan to become a building, and thus operational development rather than a use of land [as argued by the appellant under their appeal under ground (b)], there must be a substantial degree of

affixation to the land on which it stands. Caravans are defined within the 1960 Act¹ any structure designed or adapted 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 designed or adapted. From what I saw, it appears that the shepherd's hut which is clearly internally adapted for human habitation is mobile, being on a chassis and wheels with a tow-hitch. Although it is connected to services including a vertical waste-drainage pipe, a waste disposal unit as well as a water-supply and electricity supply, that is usually the case for caravans that are on permanent sites. It does not make them buildings. I have no evidence that it is too heavy to practically move in the normal way by towing or even by lifting onto a trailer. It would appear to be simple to disconnect the services. Based on what I have read and saw as a matter of fact and degree, the shepherd's hut remains mobile and is a caravan.

5. The allegation therefore must relate to a use of the land upon which the caravan has been positioned. The notice refers to the "unauthorised use" rather than a material change in use which is the term used in s55 of the Act for the meaning of "development" which in turn s57 defines when planning permission is required. More fundamentally however, there is no attempt to define the planning unit.
6. It has been held that the planning unit is usually the unit of occupation unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct and occupied for different and unrelated purposes. The concept of physical and functional separation is key to this.
7. Clearly, the planning unit must include a broader area than just the land directly underneath the caravan. If nothing else, the access into the site over the lawned area that I saw land around the caravan with domestic items such as a clothes airer, a parked vehicle and a small garage would appear to be related to the use of the caravan for residential purposes. The plan with the Lawful Development Certificate (LDC – ref 6/26/19/203) showed an application site boundary that included the whole of the roughly triangular area which includes where the caravan and domestic items are currently positioned as well as the narrower area of higher land where there is a substantial single storey building constructed of stone, timber and with clay tiles. It can be conclusively presumed, by reason of s191(6) of the Act, that on 10 July 2019 (the date of the application) that the use for the "siting of 1 No caravan" on that site as outlined on the application was lawful. No other uses were covered by that application or certified at that time as being lawful.
8. The larger area used as the application site on the LDC is not currently subdivided from the land upon which the caravan is positioned. There is a stone-wall part-way across alongside the small garage and the land with the larger building. The well-manicured grass across the surface of all of the land gives it a unifying appearance. I note from photographs provided by the appellant in their statement that there had at some time in the past, prior to the LDC application, been more separation of the parts of the site. It seems probable from information available to me that site outlined on the LDC is probably the current planning unit. The large building uphill from the caravan appears to be within that planning unit. The appellant states that this is used as "*a Hotel as part of the flexible use allowed.*" They also refer to its use as "C1" which I have taken to me Class C1 of the Use

¹ s29 Caravan Sites and Control of Development Act 1960

Classes Order² which is use as a “hotel or as a boarding or guest house where, in each case, no significant element of care is provided”. I do not have evidence about those matters and make no judgement about them other than at face value the appellant is saying there is another use.

9. Even if the appellant is incorrect in what she says about the use of that building, it indicates that there may be another use of the planning unit in addition to the residential use of the caravan. As such, there may be various ways the use of the wider planning unit can be considered. One of those is a mixed use of the site for the siting of a residential caravan for residential purposes along with a further primary use the large building is being put to. Mixed uses where there may be two or more primary uses taking place within the same planning unit cannot be disaggregated into their separate primary uses – the mix of uses is a use in its own right. Another alternative could be that the building is used ancillary to the wider use of the planning unit for what could in effect be a caravan site. I do not have sufficient evidence to know whether or not that is the case. Whilst I cannot reach a view given the lack of evidence on these matters, it does appear that the notice is flawed in those respects.

The requirement

10. The requirement of the notice in section 5 includes at the end, the words “or any other use not authorised by the National Park Authority.” Such a requirement is imprecise and gives no certainty as to what uses have to cease. Furthermore, it seems to be attempting in an undefined way prevent “any other” use rather than just requiring the alleged use to cease. An enforcement cannot be used to be some sort of all encompassing tool to prevent future undefined unauthorised uses. A notice can only address the use that are alleged to have already taken place. The notice is clearly going further than an enforcement notice should go in its requirements and in this form, it is not therefore a valid requirement.
11. The earlier part of the requirement relating to “any overnight stays/occupation either as residential and/or holiday let accommodation” is also rather confusing. It does not seek the cessation of the use for “residential purposes” that the notice alleges have taken place. I recognise that the wording of the requirement may however be reflecting the attempted limitations that were set out on the LDC.

The Enforcement Notice – Injustice

12. I therefore have concerns with how the notice has been issued. I have a duty to get a notice in order where I can. I have broad powers to correct or vary the notice under s176(1)(a) and (b) but this can only be undertaken where it would not cause injustice to the appellant or to the NPA.
13. The plan attached to the notice appears to be simplistic although a plan is not essential to identify the site or the breach. However, the plan also clarifies how the NPA has approached describing the allegation. The allegation relates to a use of land and not a building and they have not considered the broader site and whether there is any other use, including any other primary use or uses within the planning unit. If I were to broaden the scope of the allegation in terms of area or uses referred to, neither main party has had an opportunity to make representations

² The Town and Country Planning (Use Classes) Order 1987 (as amended), Schedule 1, Part C, Class C1

about that. I have also not had detailed evidence about other possible use or uses within the same planning unit.

14. The requirement is currently invalid. I could remove the reference to “any other use not authorised by the” NPA which would reduce the scope of the notice. That would not cause injustice. The NPA is concerned about the residential use of the caravan although it is not absolutely clear why they have not simply required the cessation of the residential use. I could also simplify that although again, I do not know whether there are other activities within the planning unit that need to be addressed.
15. These matters can be complicated particularly where there are implications for under enforcement by reason of s173(11) of the Act. Complying with an enforcement notice has implications for the lawful use of the land and unless these matters are correctly identified and the notice correctly worded, there could be unintended consequences for both main parties.

Conclusion

16. I have concerns about the way in which the notice has been drafted. I am also concerned that if I were to use my powers under s176(1)(a) and (b) of the Act, it could cause injustice to both the NPA and the appellant. If the notice is quashed on this basis, it does not affect the ability of the NPA to reconsider the matter.
17. For the reasons given above I conclude that the enforcement notice does not relate to what appears to be a wider planning. There has also been no reference to all of the elements of what may potentially, from what I am told, be a broader mix of uses within the planning unit. There are also flaws with the way in which the requirements have been worded.
18. It is not open to me to correct the errors or vary the notice in accordance with my powers under section 176(1)(a) and (b) of the Act, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeals under grounds (a), (b), (c) and (d) as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.

Andy Harwood

INSPECTOR