



Appeal Decisions

Site visit made on 15 May 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6 July 2026

Appeal A Ref: APP/Q9495/C/24/3356610

Appeal B Ref: APP/Q9495/C/24/3356611

Land Opposite Orchard View, Saltcoats, Holmrook, CA19 1YY

- The appeal is made under section 174 of the Town and County Planning Act 1990 (as amended).
 - Appeal A and Appeal B are made by Mr John Jackson and Mrs Gill Jackson respectively against an enforcement notice issued by Lake District National Park Authority.
 - The notice was issued on 23 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission making a material change of use of the land from use as agricultural to use as agricultural and residential, including the residential occupation of two caravans .
 - The requirements of the notice are i. Cease the residential use of the Land; and ii. Remove the caravans from the Land.
 - The period for compliance with the requirements is 3 months.
 - Appeal A and B are proceeding on the grounds set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 (as amended, and Appeal A is also proceeding on ground (a). 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 Act.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 3 months and its substitution with 6 months as the period for compliance.
2. Subject to the variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal Site and Planning History

3. The appeal site is within the same ownership as the Saltcoats Caravan Site which is located to the west on the other side of the public road.
4. There is a long planning history in relation to both sites, and the most relevant elements for the purpose of this appeal are:

Appeal Site

- Previously known as The Orchard Caravan Site and granted permission on appeal reference APP/2247A/A/42986 on 12 June 1970 for an extension to an existing caravan site on land at Saltcoats, Holmrook, Cumberland (“the 1970 Appeal Decision”).
- Permission for agricultural buildings references 7/2003/4077 (“General Purpose Farm Building”), 7/2004/4106 and 7/208/4067 granted and implemented (“the Agricultural Building Permissions”).

Saltcoats Caravan Site (to the west of the road)

- Originally known as Orchard View Caravan Site and granted permission for 45 caravans under permission MIA/NC 269 in 1961.
- 17/2014/4027 – permission granted to allow removal of condition 1 of permission MIA/NC 269 to allow year-round occupation of caravans.
- 7/2022/4045 permission granted for Extension to existing caravan park by 52no units plus associated access and landscaping.

Ground (c)

5. An appeal under this ground is on the basis that the matters stated in the notice do not constitute a breach of planning control.
6. The appellants have provided details of historic planning permissions and argue that these permissions allow the appeal land to be used for residential purposes including the occupation of two caravans. However, as set out above, not all of these permissions relate to the appeal site.
7. The appellants accept that the Agricultural Buildings Permissions have been implemented, and indeed there are large agricultural buildings on site today. He argues that the site is in a mixed agriculture and residential use. In contrast, the Authority say that the seasonal caravan site use was lost when the agricultural buildings were erected which altered the appeal land and rendered it physically impossible to continue to implement the original seasonal caravan site permission.
8. The appeal site constitutes the planning unit. The appellants accept that the appeal site derived its caravan site permission from the 1970 Appeal Decision. This permission included a condition that the caravans shall not be used for human habitation between 1 November in any one year and 1 March in the succeeding year. The lawful use of the appeal land, before the implementation of the Agricultural Buildings Permissions, was as therefore a seasonal caravan site.
9. The agricultural use of the land which began with the implementation of the Agricultural Permissions is inconsistent with its use as a seasonal caravan site. The delegated decision relating to the first of these permissions, reference 7/2003/4077 states: “ *The farm building is to be placed on an area used for the siting of static caravans. This satellite site to the main caravan park at Saltcoats is run down and only two or three caravans are left.*” This indicates that the agricultural building was incompatible with at least part of the previous caravan use.
10. The planning unit has not changed but a new chapter in the planning history began when the agricultural building was erected and used. Whilst the delegated decision identifies that there were several caravans left on the site when the application for the farm building was made, it does not state that a mixed use for the site was sought at that time, or that the seasonal caravan use would continue alongside the agricultural use of the building. A farm use would not ordinarily sit alongside a seasonal or holiday caravan use as these two elements would be likely to conflict with each other in terms of their material characteristics including hours of operation, noise and odour, and also potentially hazardous agricultural activities involving livestock or machinery.

11. In addition, the residential use as alleged in the notice, and as taking place on the land, is materially different to the previous use as a seasonal caravan site. At least one of the caravans is being occupied as a permanent home, and it is not argued by either party that the current use has been restricted in any way between November and March each year. Such a permanent residential use has different on-site and off-site impacts in terms of the appearance of the site, comings and goings and year-round use. There is a significant difference in the character of the activities from what went on previously as a matter of fact and degree.
12. The appellants have not shown on the balance of probabilities that there has been a mixed use since the implementation of the Agricultural Buildings Permissions, or indeed for a substantially uninterrupted period of 10 years at any point. The photographs provided show that there have been periods since the erection of the buildings when there were no caravans on the site. If the appellants had been able to show such an uninterrupted use this would be an appeal under ground (d) as they would be arguing that the mixed use was immune from enforcement action. However, the appellants have not shown such a mixed use.
13. For the reasons set out above, the appellants have not shown that the matters stated in the notice do not constitute a breach of planning control and the appeal under ground (c) fails.

Ground (a) and the deemed planning application

14. The main issues are the effect of the development on the character and appearance of the area, and whether there is an essential need for residential development in this location. The deemed planning application is for the mixed use as alleged in the notice, which includes the residential occupation of two caravans. I have found this use to be materially different from the earlier seasonal use, and as such a seasonal holiday use would not form part of the matters alleged in the notice, and cannot therefore be considered under the deemed planning application.
15. The Lake District National Park Local Plan 2020 – 2035 adopted May 2021 (“the LDNPLP”) is part of the development plan for the area. The residential use alleged in the notice is not a tourism use and Policy 18, Sustainable tourism and holiday accommodation, is not therefore relevant.
16. During the site visit, the boundary between the site and the road had thick hedging and fencing and views into it were therefore limited though it is possible to see the agricultural buildings and other outbuildings and items associated with the agricultural use. There are two entrances to the site, and there are clear views of Caravan B through the most southerly gate, which, with its associated residential activities and paraphernalia, is urbanising and out of place in this rural location.
17. Whilst there are many caravans on the Saltcoats Caravan Site opposite, the views into it are minimal, mostly through the entrance opening further along the road. The appeal site also presents very differently visually to the holiday caravan site, the residential use is not that of a holiday nature and the caravans on the appeal site change the agricultural use in a way that causes material harm to the character and appearance of the wider rural area which extends across the fields to the north and east of the site. The residential appearance of the mixed use is out of place on the agricultural site within the open countryside and which, without the caravans, reflects its lawful use and looks like a farm yard. This is in conflict

with Policy 06 Design and development, which is aimed at achieving design excellence which, amongst other things, reinforces the importance of local character.

18. It is also contrary to the National Planning Policy Framework (“the Framework”) which is a material consideration and states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. This is reflected in Policy 01 of the LDNPLP which seeks to conserve and enhance the extraordinary beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value as a World Heritage Site. The inclusion of the year-round residential use of the caravans, and appearance including the potential for additional vehicles and associated paraphernalia, is at odds with the rural nature of the surrounding area and views particularly to the east.
19. In addition, Policy 15 of the LDNPLP which relates to Housing, does not support open market housing. Nothing before me shows that the unrestricted residential element of the use of the appeal site meets any of the criteria listed in the policy aimed at increasing the supply of homes to meet local community need including with a local needs occupancy or eligibility restriction, or to support the functional need of a farm business. The development is therefore contrary to this material development plan policy.

Conclusion

20. As set out above, the development causes harm and is in conflict with the most relevant policies of the LDNPLP, and the Framework. As there are no material considerations to indicate otherwise, the appeal under ground (a) is dismissed and the deemed planning application is refused.

Ground (g)

21. The appellant seeks an extension of the compliance period to 3 years which would be more akin to a temporary permission.
22. The personal circumstances of the occupiers should be taken into account when assessing whether the compliance period is proportionate in all of the circumstances. The information provided is that one of the caravans is occupied by a family including a child, and as such I am satisfied that 6 months is a more reasonable timescale in which to allow them to find alternative accommodation.
23. The compliance period in the notice should therefore be varied to 6 months and the ground (g) appeal succeeds to this extent.

Zoë Franks

INSPECTOR