



Appeal Decision

Site visit made on 23 June 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 12 August 2026

Appeal Ref: APP/R4408/C/25/3364210

36 Littleworth Lane, Monk Bretton, Barnsley S71 2JR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Christopher Guy against an enforcement notice issued by Barnsley Metropolitan Borough Council.
- The notice was issued on 24 March 2025.
- The breach of planning control as alleged in the notice is The undertaking of the following unauthorised development;
 - 3(i)** The undertaking of operational development under S55 of the Town & Country Planning Act; namely engineering operations including the importation and laying of waste aggregate materials to alter the profile of the land.
 - 3 (ii)** The stationing of a caravan at the land for human habitation (shown in the photographs in Appendix 1 and marked by the blue X in its approximate location on Appendix 2).
- The requirements of the notice are to:
 - (i) Cease the residential occupation of the caravan for human habitation purposes.
 - (ii) Remove the caravan (shown in the photographs) and any associated items from the land.
 - (iii) Remove all materials imported to site as shown in the photographs in Appendix 1 and within the location edged blue the aerial photograph in Appendix 2.
- The period for compliance with the requirements is three months from the date the Notice takes effect.
- The appeal is made on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

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

The Enforcement Notice

1. Section 176(1) of the Act states that, on appeal, the Secretary of State may (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if they are satisfied that the correction will not cause injustice to the appellant or the LPA.
2. The stationing of a caravan is a use of land and, depending on the use the caravan is being put to, its siting may represent a material change of use of the land. The allegation does not therefore accurately describe the development that has occurred and is required to be replaced by wording referring to the material change of use of land to the stationing of a caravan for human habitation. No injustice would arise as the thrust of the allegation remains the same.
3. The requirements of the notice should reflect the matters alleged. The breach of planning control is not the caravan's residential occupation, but its use for human habitation. The requirement shall be corrected to reflect this.

4. The 'Land' shown edged red in the attached plan, includes the existing house at No 36. As the allegation does not relate to the house itself the wording in the allegation is required to be refined to refer to the land outlined in blue in Appendix 2 instead.
5. Section 3 (ii) of the notice incorrectly states that the caravan is shown in the photographs in Appendix 1 and marked by a blue X in its approximate location on Appendix 2. Furthermore, section 5 (iii) of the notice also incorrectly refers to the photographs in Appendix 1. These are clearly typographical errors as the blue X is shown on a plan in Appendix 3 and the photographs are not in an appendix. I shall amend the wording of section 3 and section 5 accordingly.
6. I am satisfied that I can make all these corrections without causing injustice to the appellant or the Council.

Preliminary Matter

7. Although the appeal was initially made solely under the ground (b) heading, the appellant's written submissions raised points of relevance to ground (c)-i.e., that the matters alleged in the enforcement notice do not constitute a breach of planning control. Therefore, I shall deal with the appeal as if it had been made on ground (c) as well as ground (b). There would be no unfairness, as the Council has already been given the opportunity to address these points in its written submissions.

The appeal on ground (b) and implied ground (c)

8. The appeal on ground (b) is that those matters stated in the notice have not occurred as a matter of fact. The appeal on ground (c) is that the matters stated in the notice do not constitute a breach of planning control. The planning merits of the development are not relevant. An important principle to bear in mind is that these appeal grounds are regarded as legal grounds, in relation to which the onus rests with the appellant to demonstrate their case, on the balance of probability.
9. With regard to the ground (b) appeal, the appellant's submissions make clear reference to the caravan and the importation of material and the raising of ground levels. I was also able to see these on my site visit.
10. In terms of the ground (c) appeal, S171A(1) of the Act states that, for the purposes of the Act (a) carrying out development without the required planning permission; or (b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.
11. The meaning of development is set out in S55(1) of the Act and includes the carrying out of building or engineering operations on land, or the making of any material change in the use of the land.
12. The Council does not dispute that the caravan meets the definition of a caravan laid down in section 29 of the Caravan Sites and Control of Development Act 1960. Irrespective of whether or not a caravan lies within the residential curtilage of a dwellinghouse, the mere act of stationing a caravan on land does not, of itself, necessarily amount to development as defined by S55(1) of the Act.
13. The central issue for determination is therefore whether the siting and use of the caravan result in a material change of use of the land which requires planning

permission. Whether a material change of use has occurred is a matter of fact and degree, to be assessed by reference to the purpose for which the caravan is being used. The appellant says that there is no breach of planning control as the caravan is not inhabited, has no mains services and is used for the enjoyment of 36 Littleworth Lane.

14. The caravan can be accessed directly via a driveway to the side of No 36, without needing to go through this dwelling. However, for the residential use of the caravan to be incidental to or part and parcel of the primary residential use of the main dwellinghouse there must be a clear functional link, typically evidenced through the sharing of essential facilities such as the preparation and consumption of some or all meals, laundry, and other routine domestic activities, including social and recreational living as a single household. No evidence of any shared living arrangements has been provided as part of the appeal submissions.
15. The appellant contends that the caravan is uninhabited, and it appeared unoccupied at the time of my site visit, with no mains services, that I could see, connected. Nonetheless, the burden of proof remains with the appellant. It must be demonstrated, on the balance of probabilities, that the matters alleged in the enforcement notice do not constitute a breach of planning control.
16. However, no substantive evidence has been provided to explain how the caravan has been used, as the appellant suggests, for the enjoyment of No 36. In the absence of precise and unambiguous evidence to the contrary and having regard to the circumstances as a matter of fact and degree, I find it more likely than not that, at the time the notice was issued, the use of the caravan was not incidental to or part and parcel of the use of the main dwellinghouse. Accordingly, I consider that a material change of use of the land, which requires planning permission, has taken place. Consequently, there is no reason for me to conclude, on the balance of probability, that the alleged breach of planning control has not occurred, as a matter of fact.
17. Turning to the alleged alteration to the profile of the land, it was readily apparent on my site visit that it has been raised considerably from the former natural ground level. These works, in my view, are more than a modest change in ground levels. It is clear that the allegation in this respect is referring to operational development, and that the raising of land relates to an 'engineering operation.' The courts have held that engineering operations involve works with some element of pre-planning, which would generally (but not necessarily) be supervised by a person with engineering knowledge.
18. The Council's photographs clearly show the deployment of a heavy goods vehicle and heavy plant and machinery to import and move earth around and raise the level of the ground. It seems to me that the operations were pre-planned and of an engineering nature. As a matter of fact and degree, I therefore find that the work involved in the raising of the ground levels of the land, constitutes an engineering operation that falls within the definition of development provided by S55(1) of the Act. There is no compelling evidence before me to demonstrate that this engineering operation would not require planning permission.
19. I acknowledge that the appellant may not have authorised the works and may not have been directly responsible for carrying them out. However, that does not alter my conclusion that, on the balance of probabilities, the matters stated in the notice

have occurred and that they do constitute a breach of planning control. Accordingly, the appeal on grounds (b) and (c) fail.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Formal Decision

21. It is directed that the enforcement notice is corrected by:

- The deletion of section 3 in its entirety and the substitution of the following wording instead:

“3. The breach of planning control alleged

The undertaking of the following unauthorised development;

- 3(i)** Without planning permission, the undertaking of operational development under S55 of the Town and Country Planning Act; namely engineering operations including the importation and laying of waste aggregate materials to alter the profile of the land outlined in blue in Appendix 2.

- 3(ii)** Without planning permission, the material change of use of land, outlined in blue in Appendix 2, to the stationing of a caravan for human habitation (shown in the attached photographs and marked by the blue X in its approximate location on Appendix 3).”

- The deletion of section 5 in its entirety and the substitution of the following wording instead:

“5. What you are required to do

- (i) Cease the unauthorised use of the land by ceasing the use of the caravan for human habitation purposes.
- (ii) Remove the caravan (shown in the attached photographs and marked by the blue X in its approximate location on Appendix 3) and associated items from the land.
- (iii) Remove all waste aggregate materials imported to the site as shown in the attached photographs and within the land outlined in blue in Appendix 2.”

22. Subject to the corrections, the appeal is dismissed, and the enforcement notice is upheld.

Mark Caine

INSPECTOR