



Appeal Decision

Site visit made on 4 August 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2026

Appeal Ref: APP/D2510/C/26/3378456

Land at Askern House, Dickon Hill Road, Friskney, Boston PE22 8PP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Andrew Owen against an enforcement notice issued by East Lindsey District Council.
- The notice was issued on 1 April 2026.
- The breach of planning control as alleged in the notice is “Without planning permission, the material change of use of the Land from agricultural use to a private residential caravan site, including the siting of two static caravans for permanent residential occupation, the storage of caravans, vehicles, and trailers.”
This unauthorised change of use has been undertaken together with associated operational development, (utility connections, verandas, and the laying of aggregate to form hardstanding).”
- The requirements of the notice are:
 - 1) Cease the use of the Land as a private residential caravan site.
 - 2) Cease the use of the Land for the storage of caravans.
 - 3) Cease the use of the Land for the storage of vehicles and trailers in the area shaded GREEN.
 - 4) Permanently remove from the Land edged RED all caravans and associated infrastructure (utility connections, verandas, and the laying of aggregate to form hardstanding), except for a single unit sited within the curtilage of the main dwelling house and used solely for purposes ancillary to that dwellinghouse.
 - 5) Permanently remove from the Land all vehicles and trailers from the area shaded GREEN.
- The period for compliance with the requirements is 6 months after this Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (e) and (f) of the Town and Country Planning Act 1990 (as amended).

Application for costs

1. An application for costs was made by Andrew Owen against East Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

2. In the absence of a ground (a) appeal, compliance with planning policy and matters of visual amenity, countryside character and flood risk do not fall to be considered.

The Ground (e) Appeal

3. S172(2) of the Town and Country Planning Act 1990 as amended (“the 1990 Act”) requires a copy of the enforcement notice (“the notice”) to be served on the owner, occupier and any person having an interest in the land. An appeal on ground (e) relates to whether the notice was served as required by s172 of the 1990 Act.
4. The appellant does not dispute that a copy of the notice was served on “*the owner(s) and/or the occupier(s)*” at the appeal property. As set out, this provides for one or more persons to be the owner or occupier of the appeal property. While there may be four people occupying the property, upon whom the appellant

considers should have received an individual copy of the notice, I am satisfied the method of service undertaken accords with s329 (Service of Notices) of the 1990 Act.

5. Even if I had found that a person had not been served as required by s172 of the 1990 Act, an appeal has been brought. As such, that person would not have been substantially prejudiced, and the failure to serve could be disregarded in accordance with s176(5) of the 1990 Act.
6. For the above reasons, the appeal on ground (e) fails.

The Ground (b) Appeal

7. An appeal on this ground is that the matters alleged have not occurred. It is for the appellant to show, on the balance of probabilities, that *“the material change of use of the Land from agricultural use to a private residential caravan site, including the siting of two static caravans for permanent residential occupation, the storage of caravans, vehicles, and trailers”* in conjunction with the associated operational development has not occurred.
8. The plan attached to the notice (the EN Plan) shows the land affected edged red. I saw at the site visit that this land is occupied by a detached dwelling and a large outbuilding (the outbuilding). Access to the land edged red is located at the southern end of the site frontage. The land in front, to the southern side and rear of the dwelling, up to the outbuilding, is hard surfaced. The remaining land is predominantly laid to grass. I saw several trees and a length of hedgerow within the grassed area. At the time of the site visit there were five static caravans, two trailers and various vehicles stationed throughout the land edged red and parked within the outbuilding.
9. While the main appeal parties have referred to curtilage, that is a legal concept relating to operational development and, primarily, permitted development rights. The term curtilage should not be confused with the planning unit. While these two concepts will sometimes cover the same area on the ground, that will not always be the case. Since curtilage is not a land use it has no relevance to the alleged material change of use.
10. The starting point for determining the lawful use of land should be the identification of the relevant planning unit. In *Burdle*¹ it was 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. Bridge J suggested three broad categories of distinction:
 - a) A single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary;
 - b) A single planning unit that is in mixed use because the land is put to two or more activities, and it is not possible to say that one is incidental to another; and
 - c) The unit of occupation comprises two or more physically separate areas which are occupied for different and unrelated purposes. Each area that has a different primary use ought to be considered as a separate planning unit.

¹ *Burdle v SSE* [1972] 1 WLR 1207 (Div Court)

Planning Unit

11. It is the Council's contention that the land shaded green on the EN Plan (the green land) is "*paddock-style land*", however no definition of what is meant by this description is provided. The Council further assert that the land shaded yellow² comprises "*a residential property and associated garden area...the Dwelling Area*" (the yellow land), although this is not apparent within the notice. The Council concludes that the yellow land is one planning unit in residential use, while the green land, "*comprising open grassland with paddock/agricultural characteristics*"³ is a second "*planning unit physically and functionally separate in a non-residential use*".
12. It is not in contention that the appeal site was purchased by the appellant's family in July 2012⁴. The appellant's photographs, claimed to date from July 2013, show the dwelling, former outbuildings, hedgerows, and all the land to have a similar grassed appearance. There is no suggestion that the green or yellow land is occupied by anyone other than the appellant and their family.
13. I have not been provided with an aerial image dating from the time the appellant's family purchased the property, i.e. 2012 – 2013. However, the image dated September 2009 shows the dwellinghouse and a range of outbuildings set within the land edged red on the EN Plan. There are mature hedgerows to the side and rear boundaries of the land. The frontage remains open and defined by the watercourse. Notwithstanding that a 'U' shaped hedgerow bounds an area of land adjacent to the dwellinghouse, all the land has a similarly maintained appearance. Comparing this to the appellant's photographs, there appears to have been little change to the appearance of the land between 2009 and its purchase.
14. While some of the historic aerial images show a visual distinction in the way the green land and the yellow land has been maintained, this is not uncommon in planning units containing dwellinghouses. Trodden pathways are evident, leading between the yellow land and the green land. The level of activity evident in these photos is of a domestic scale. While the green land appears to be less well maintained in some images, I do not share the Council's view that this demonstrates materially different land uses are occurring.
15. Furthermore, the Council's file notes and the appellant's response to the planning contravention notice indicate that the green land has been used for the parking of the appellant's own vintage vehicle collection, their associated tyres, incidental use of static caravans, and the keeping of a pig. Correspondence from the Council to the appellant also confirms they do not consider there to be any commercial activity taking place on the land or within the outbuilding.
16. I saw that the hedgerow within the yellow land partially encloses an area that is currently laid to grass, and which historic aerial images show to have been used for the growing of food (on a domestic scale), as well as having accommodated a trampoline. Pedestrian and vehicular access between the green land and yellow land is evident throughout the period covered by the images provided despite the presence of the hedgerow.

² Plan attached to the Council's Statement at DEF2

³ Paragraph 5.3 ii. of the Council's Statement

⁴ Copy of Land Registry Title provided at DEF4 of Council's Statement

17. The images provided in the Council's appendices DEF8, DEF9 and DEF10 show static caravans and vehicles present throughout the land edged red. These images also show that the lorry body formerly located in the green land has been relocated behind the outbuilding in the yellow land. The two vintage coaches have moved around the yellow land, while other vehicles have changed positions throughout the land edged red.
18. Taking all these factors together, I find that the green land and the yellow land are physically and functionally connected to one another and the land edged red is a single unit of occupation. I therefore find the land edged red on the EN Plan is a single planning unit.

Whether there has been a material change of use of the land

19. Having established that the land being enforced against is a single planning unit, I now need to consider whether activities that have occurred have affected a material change in the use of the land as alleged. The use of land, more often than not, is derived from the primary purpose of any building erected upon it.
20. There are two permanent buildings on the land edged red and a polytunnel. The dwellinghouse falls within Use Class C3 and represents a primary use of land. This primary use has clearly existed for several decades⁵ despite not being referenced in the allegation. I need to determine whether that Class C3 use is the only primary use to which the land edged red has been put or whether some other use has occurred as alleged.
21. The Council's own correspondence confirms that they consider the outbuilding and polytunnel to be used for purposes incidental to the residential occupation of the dwellinghouse. I see no reason to disagree with their findings.
22. Historic maps (circa 1951) provided by the appellant show two separate buildings located towards opposite ends of the land edged red, which is divided into 3 or 5 parcels. While these maps do not show what use the buildings or land were being put, in my view, the limited size of each parcel of land is not demonstrative of it being put to agricultural use. Also, the more recent aerial images do not show the edged red being put to agricultural purposes beyond what would be incidental to the residential use.
23. I am unclear as to what the Council mean by "*private residential caravan site*". The Caravan Sites and Control of Development Act 1960, at section (1)(4) gives the expression "*caravan site*" the meaning "*land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed*".
24. I saw five static caravans stationed on the land. One is occupied by the appellant's mother, and one is occupied by the appellant's former brother in law. These two caravans are stationed to the rear of the outbuilding, on the green land. Of the remaining three static caravans, I saw one is used to store domestic paraphernalia and two are uninhabitable.
25. There is no dispute that some static caravans stationed on the land have been and are being used for human habitation purposes. The land upon which the static caravans are stationed is however part and parcel of the residential use

⁵ Historic aerial imagery provided by the appellant and the Council

established by the presence of the dwellinghouse. It is not in contention that two static caravans on the land have been/are occupied by members of the appellant's family, as opposed to being used for holiday or some other purpose. Information available shows the occupiers of these caravans take some meals in the dwellinghouse, share caring responsibilities for younger family members and, in turn, receive care and support. These static caravans are therefore used for purposes incidental to the primary residential use of the land.

26. While these two static caravans have been relocated from the yellow land to the green land, they remain within the single planning unit. Their relocation does not constitute a definable change in the character of the land's use. I therefore find there has been no use of the land edged red as a "*private residential caravan site*".
27. The Council's site visit photos dated 12 June 2018 and 11 March 2019 show vehicles and trailers parked on the green land. These include a liveried transit style van, a pick-up style lorry, a car transporter style van, a Volvo car and a forklift vehicle. In the March 2019 images, a lorry body is also present. The Council's file notes confirm that the presence of these vehicles was not considered to amount to 'storage', and that no breach of planning control was occurring.
28. The Council has provided no evidence to show that trailers on the land have been used for any purpose other than ancillary residential use. At the time of the site visit, one trailer had the component parts of a summerhouse on it and the other had a metal storage box on it. The Council do not dispute the appellant's claim that the summerhouse is to be erected for use by his family or that the metal storage box is to be put outside the back door of the dwelling to store dog food. The trailers are, more likely than not, parked on the land for ancillary residential purposes as opposed to being 'stored'.
29. It is not in contention that, between May 2024 and August 2025, an additional six static caravans and nine vehicles were stationed on the green land. The Council accepts the appellant collects classic vehicles, which are exhibited at shows. These vehicles are therefore parked throughout the land edged red for purposes incidental to the residential occupation of the dwellinghouse, as opposed to being stored for any primary use purpose.
30. There is no suggestion that the additional six static caravans were stationed for any purpose other than being stored. While it is unclear whether the storage of static caravans during 2024 and 2025 constituted a commercial activity, there is no evidence to show that it was incidental to the residential occupation of the dwellinghouse. I therefore find, more likely than not, that such storage of static caravans did amount to a primary use.
31. Taking all these factors together, I find the former use of the land edged red was not agriculture, the residential occupation of static caravans stationed on the land and the parking of vehicles and trailers has been and continues to be incidental to the residential occupation of the dwellinghouse. While the storage of static caravans has occurred, it was not confined to a smaller, specific area of land within that edged red. Having regard to *Burdle*, the single planning unit has therefore been put to two primary uses that were not incidental to one another. Both uses took place throughout the land edged red. It appears to me that the single planning unit has therefore been in a mixed use comprising residential (Class C3) and storage of static caravan purposes.

32. The appellant has therefore shown, on the balance of probabilities, that the material change of use of the Land from agricultural use to a private residential caravan site, including the siting of two static caravans for permanent residential occupation, the storage of caravans, vehicles, and trailers has not occurred. Furthermore, the operational development comprising utility connections, verandas and laying of aggregate to form hard standing facilitates the stationing of two static caravans for ancillary residential purposes, not the storage of static caravans.
33. What I have found to have occurred is fundamentally different to what is alleged. Correcting the allegation would deprive the appellant of the opportunity to appeal under ground (a) in respect of the operational development. Consequently, injustice would be caused to the appellant if I were to exercise my powers to correct any defect, error or misdescription in the notice provided by s176(1) of the 1990 Act.

Conclusion

34. For the reasons given above, I conclude that the appeal should succeed on ground (b). The enforcement notice will be quashed.
35. In these circumstances, the appeal on grounds (c), (d) and (f) do not fall to be considered.

M Madge

INSPECTOR