



Appeal Decision

Site visit made on 23 June 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2026

Appeal Ref: APP/T3725/C/25/3371248

Worms Seven Farm, Plot 2, Bakers Lane, Knowle, Solihull, B93 8PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Steven Jones against an enforcement notice issued by Warwick District Council.
 - The notice was issued on 7 August 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land for the purpose of residential occupation of a caravan, namely the use of a caravan as a residence by the landowner, on land designated as Green Belt, contrary to the use specified in a previously granted Lawful Development Certificate (reference: [W/22/0366]), which permits use of the caravan solely in connection with the agricultural management of the land.
 - The requirements of the notice are to: Cease the use of the caravan for residential purposes. Remove all domestic paraphernalia associated with the residential use, including but not limited to bedding, personal belongings, kitchen appliances and any items not reasonably required for the caravan's lawful 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) and (c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice be corrected and varied by:
 - The deletion of the text of section 3 and the substitution of: "Without planning permission, the material change of use of the Land to a mixed use for the stationing of a caravan for residential occupation, agriculture and the keeping of horses."
 - The deletion of the requirements under section 5 and the substitution of: "Cease the mixed use of the Land for the stationing of a caravan for residential occupation, agriculture and the keeping of horses by ceasing the use of the caravan for residential occupation; and remove all domestic paraphernalia associated with the residential use, including but not limited to bedding, personal belongings, kitchen appliances and any items not reasonably required for agriculture and the keeping of horses."
 - The substitution of the plan annexed to this Decision for the plan attached to the enforcement notice.
2. Subject to these corrections and the variation, the appeal is dismissed and the enforcement notice is upheld.

Matter concerning the notice

3. I have a duty to put the enforcement notice in order, if necessary, before I move on

to consider the grounds of appeal, and I have wide powers of correction under section 176(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act), but only where no injustice would be caused to either party.

4. The land to which the notice relates, edged in red on the plan attached to the notice, comprises a rectangular field upon which there is a caravan and a stable block located in the north eastern corner. The caravan was the subject of a certificate of lawful use or development (LDC) under section 191 of the 1990 Act. The LDC was issued on 22 May 2022 and confirmed that the “siting of a mobile caravan on the land to be used for purposes incidental to the maintaining of stables and agricultural land” was lawful¹. There is no dispute that the caravan the subject of the appeal is the same one as was the subject of the LDC and that it is in the same location.
5. The allegation in the enforcement notice, as to be corrected, essentially alleges the material change of use of the land for the purpose of the stationing of a caravan for residential occupation. Although the allegation does not state what the change of use was from, the notice refers to a lawful agricultural use of the land and elsewhere the Council has referred to a lawful equestrian use. The appellant says that the land is used for horses only and during my site visit it was evident that the field is used as a paddock for the horses stabled on the site. The precise nature of the agricultural use at the time of the notice is unclear, but the presence of chickens on the land indicates that agricultural activities do occur, albeit on a small scale.
6. Based on the evidence, it seems to me, as a matter of fact and degree, that the land is used for agriculture and the keeping of horses. In view of this, I am concerned that the material change of use alleged in the notice does not include reference to other activities that appear to be going on at the site. In these circumstances, it is necessary to consider the planning unit and the use of it.
7. It is a matter of fact and degree as to what the planning unit is. In *Burdle*², 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; the concept of physical and functional separation is key. Bridge J suggested three broad categories of distinction. Firstly, a single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary. Secondly, a planning unit in a composite or mixed use where the occupier carries on a variety of activities in the unit of occupation and it is not possible to say that one is incidental or ancillary to the other. The component activities fluctuate in their intensity, but the different activities are not confined within physically and distinct units of land. Thirdly, it also may occur that within the single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose, together with its incidental activities, ought to be considered a separate planning unit.
8. The caravan and the stable block are located adjacent to the access track. There is a fence around the caravan and a narrow strip of land to the south of it upon which a variety of items are stored and vehicles are parked. This area forms a separate parcel of land. There is also a fence around the stables and the small yard adjoining it. These fences divide the caravan and the stables from the field to the west, with access between them provided via gates. Even though the different areas are

¹ Council Ref. W/22/0366

² *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

served by the same access, and there is intervisibility between them, the fencing provides clear physical separation between the caravan and the wider land. The appellant has access to and uses the whole land, but there is some functional separation between the different areas because they are used for distinct purposes. Moreover, according to the Council the smaller parcel of land is in separate ownership from the wider land, which the appellant has not disputed. All of the above considered, as a matter of fact and degree, I find that the narrow strip of land on which the caravan is sited comprises a separate planning unit to the wider land.

9. In addition to the alleged residential occupation of the caravan, the planning unit also appears to be used for agricultural and equestrian purposes. There is no indication that these activities are incidental or ancillary to the other. The evidence therefore indicates that there is a mixed use on the land and that it was in mixed use when the alleged breach took place. The concept of a mixed use is two or more primary uses existing within the same planning unit or unit of occupation. One is not incidental to the other, although there may be incidental uses associated with each primary use.
10. Consequently, the allegation is incorrect. It should have referred to all the components of the mixed use even if only one is required to cease. This is because, where there is a mixed use, it is not open to the Council to decouple elements of it; the use is a single mixed use with all its component activities.
11. Having sought the views of the parties, I am satisfied that I can correct the allegation to “without planning permission, the material change of use of the Land to a mixed use for the stationing of a caravan for residential occupation, agriculture and the keeping of horses”.
12. The references in the original allegation to the landowner, the site’s location in the Green Belt, and the use permitted by the LDC are not necessary to describe the breach of planning control and can therefore be deleted without altering the substance of the allegation. The requirements of the notice will need to be varied to follow the corrected allegation, by requiring the mixed use to cease. This would then allow the land to revert to its previous lawful use. In addition, to ensure that the notice properly reflects the area on which the alleged use is taking place, I will replace the plan attached to the notice with the revised plan provided by the Council which defines the correct planning unit. These corrections and variation would not cause injustice since they would not make the notice more onerous to comply with from the appellant’s perspective or widen its scope, which would still target the alleged residential use only, or alter the substantive cases advanced by the parties.

The appeal on ground (b)

13. An appeal on ground (b) is that the matters alleged in the notice have not occurred as a matter of fact. The onus is on the appellant to make their case to the standard of the balance of probabilities.
14. The basis of the appellant’s ground (b) appeal is that they do not live in the caravan but at their nephew’s house in Birmingham. The Council notes that the appeal documents state the appellant’s address as 10 Shenley Road, whereas the appellant gave their address as 16 Shenley Lane for the LDC application. However, it is likely that this discrepancy arose from an error, as the appellant has confirmed.

15. During my site visit I observed that the caravan comprises a living area, a kitchen containing cooking facilities and food and drink supplies, a toilet and shower, and two bedrooms. The caravan was being used to store a wide variety of items, including the appellant's personal objects and medical supplies, indicative of regular occupation. There were no mattresses or clothing in the bedrooms, other than riding apparel, and therefore no indication that the bedrooms were being actively used for sleeping. Nevertheless, as this ground of appeal is worded in the past tense, the question is whether the breach had occurred by the date of the notice.
16. A letter from the appellant's nephew states that the appellant does not live in the caravan, but along with their children is dropped off at the appeal site in the morning and collected in the evening, which allows them to attend to the horses and chickens and to maintain the site during the day. However, the letter is not wholly consistent with the appellant's statement that they have occasionally stayed in the caravan for health reasons. Moreover, the letter was not provided in the form of a sworn statement or statutory declaration. Consequently, I attach only limited weight to the letter as evidence regarding the occupation of the caravan.
17. The appellant's council tax application states that they occupied the appeal site address in March 2025 and that occupation commenced on 20 January 2025. That was only a short time before the notice was issued in August 2025. The appellant suggests that a friend applied for council tax on their behalf and that they did not know what had been applied for. However, it is unclear to me why the appellant was paying council tax at the address if they were not living there. This therefore remains evidence indicating that the appellant was living in the caravan on those dates. It is also consistent with the appellant's admission that they have stayed in the caravan on occasion. I therefore afford it significant weight when considering the nature and timing of the use.
18. Bearing in mind that the onus is on the appellant to demonstrate their case, I find that they have failed to demonstrate, on the balance of probabilities and as a matter of fact and degree, that by the date of the notice the matters alleged had not occurred. The appeal on ground (b) therefore fails.

The appeal on ground (c)

19. On ground (c), the onus is on the appellant to demonstrate on the balance of probabilities that the matters stated in the notice do not constitute a breach of planning control.
20. The definition of 'development' at section 55(1) of the 1990 Act includes the making of a material change in the use of any buildings or other land. However, the concept of a 'material change of use' is not defined in statute or in any statutory instrument and is a question of fact and degree in each individual case. For a material change of use to occur there must be a significant change in the character of the use from what has taken place previously.
21. The LDC confirmed that the lawful use of the caravan was for purposes incidental to the maintaining of the stables and agricultural land. The notice alleges in effect that the caravan is used as a residence. The caravan is designed for human habitation. It contains the facilities required to enable residential occupation and the evidence indicates that the appellant has used it for that purpose, albeit possibly not on a full-time basis.

22. Although the caravan may still be used to manage the adjacent land to some extent, as a matter of fact and degree I find that the incidental use permitted by the LDC has changed to a predominantly residential use. That use amounts to a material change of use which constitutes development within the meaning of section 55 of the 1990 Act. Planning permission is required for that use, but it has not been granted.
23. Taking account of the above factors, and having regard to all other evidence before me, and on the balance of probability, I conclude that the alleged use constitutes a breach of planning control. The appeal under ground (c) fails.

Conclusion

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

M Ollerenshaw

INSPECTOR

Scale: Not to Scale

