



Appeal Decision

Hearing held on 10 June 2026

Site visit made on 10 June 2026

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2026

Appeal Ref: APP/E3335/X/26/3378120

Cornish Farm Touring Park, Cornish Farm, Shoreditch, TAUNTON, TA3 7BS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Sovereign Park Homes Estates Ltd against Somerset Council.
 - The application ref 30/25/0016/LP is dated 17 June 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended) ('the Act').
 - The use for which a certificate of lawful use or development is sought is Use of the land as a caravan site for static caravans occupied for the purposes of human habitation.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use of the land as a caravan site for 25 static caravans occupied for the purposes of human habitation in accordance with the terms of the planning permission granted under application 30/99/0028, as amended by the Council in its decision on application 30/23/0021/LEW, which is found to be lawful.

Applications for costs

2. An application for an award of costs was made by Sovereign Park Homes Estates Ltd. This will be the subject of a separate decision.

Main Issue

3. The main issue is whether a certificate of lawful proposed use should be issued for the use of the land applied for.

Reasons

Appeal Site

4. The appeal site lies in the open countryside, some 2.5 kilometres to the south of Taunton town centre and immediately south of the M5. Amongst other things, within the site there is a gravelled access track that leads to a small reception building, similarly surfaced parking areas and hardstandings for the siting of caravans, extensive grassed areas and a shower/toilet block.

Relevant Planning History

5. In 2000, a predecessor planning authority granted permission, under application 30/1999/028, for 'The change of use from orchard to caravan site for 25 caravans' on the appeal site ('the 2000 permission'). I note that the description of development on the application form and that given on the decision notice in this application differed. The application form read "Outline application for proposed change of use of land to form a touring caravan site for 25 caravans". The parties at the Hearing could only speculate on the reason for the change in description.
6. The permission, which the parties agree was lawfully commenced, was granted subject to 11 conditions. Of these, it was agreed that only conditions 4 and 7 were germane to this appeal.
7. Condition 4 reads "Not more than 25 caravans or tents shall be stationed on the land at any one time". The reason given for the condition is "The site is of a shape and size which is insufficient to satisfactorily accommodate more than the number of caravans or tents stated, while providing adequate vehicle parking and manoeuvring space".
8. Notwithstanding the terms of condition 4, I saw that there were far more than 25 pitches when I visited the site, and a plan for visitors to the site, attached to the reception building, showed 48 pitches.
9. Condition 7 reads "No caravan, camping trailer or tent shall remain on the site for a period exceeding 28 nights in any consecutive period, and a register containing the names and addresses of the caravanners/campers and vehicle registration numbers and arrival and departure dates shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times". The reason for the condition is "The Local Planning Authority are not prepared to allow a residential site to become established, thereby ensuring that adequate camping/caravanning facilities are available for tourists".
10. In May 2022, the Council refused to issue a certificate of lawful development, its reference 30/24/0024/LEW, for the use of the caravan site without complying with condition 4 attached to the 2000 permission. The decision was appealed against, but this was dismissed.
11. In 2024, under application reference 30/23/0021/LEW, the Council issued a certificate of lawful development for the existing non-compliance of condition 07 attached to the 2000 permission.

Assessment

12. Amongst other things, section 192 of the Act sets out that "(1) If any person wishes to ascertain whether - (a) any proposed use of buildings or other land...would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question". Section 195 sets out, amongst other things, that (1) Where an application is made to a local planning authority for [a certificate under section 191 or 192] and - (a) the application is refused...the applicant may by notice appeal to the Secretary of State". Where an appeal is made, the onus lies with the Appellant to make their case on the balance of probability.

13. Lawfulness is defined in s191(2) as where “(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force” In this case, there is no enforcement notice in force in respect of the proposal. The assessment, therefore, is made against the test in s191(2)(a).
14. Section 55 of the 1990 Act defines development as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. It is common ground that the matter at hand in the appeal is whether the issuing of the certificate that is sought would result in a material change of use of the land. If it would not, then the certificate should be issued.
15. It is established case law that the grant of planning permission says what can be done and any limitations or restrictions that a local planning authority wish to apply to a permission must be applied by way of a condition. Thus, the permission should be read and interpreted as a whole, taking into account not just the grant of permission but the conditions attached and the reasons for their being attached. This rule excludes reference to extrinsic evidence, unless the planning permission incorporates the application by specific reference.
16. The reading and interpretation should be undertaken in a reasonable manner using the natural and ordinary meanings of the words. A number of court decisions relevant to this approach were cited in the parties’ written and oral submissions¹, with *Barton Park* to the fore in discussions in the Hearing.
17. In *Barton Park*, a certificate of lawfulness was sought under s192 for the siting of up to 80 caravans for the purpose of human habitation on a site on Dartmoor. On that site however, the relevant permission was significantly more varied than is the case in this appeal. Amongst other things, it had approved the siting of 9 residential vans, 16 holiday chalets, 18 static vans and 30 touring units. This contrasts with the simple description here of a caravan site for 25 caravans. In the *Barton Park* case, there were also conditions restricting the manner of their use. Whilst the judgement sets out the procedure to be followed in assessing proposals of this sort, it is firmly based on the principle that each case will turn on its individual facts. I follow its lead in this respect.
18. The description of development on the decision notice for the 2000 permission shows that the then local planning authority allowed the change of use of the land to a caravan site for 25 caravans. There was nothing in the wording of the approved description of development to restrict the type of caravans to be sited nor the tenure of the caravan’s occupants or the length of time they might be occupied.
19. Conditions 4 and 7 on the 2000 permission provided enduring controls. The effect of the former is clear; it restricted the number of caravans on the site to no more than 25 at any time. The latter had both clear and more subtle effects. That part which is clear is that it forbids the siting of any caravan on the land for more than 28 consecutive nights.

¹ *R v Ashford Borough Council, ex-parte Shepway District Council* [1998] QBD; *Barton Park Estates Ltd v SSHCLG & Dartmoor NPA* [2021] EWHC 1200 (Admin); *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30; *Reid v SSLUHC & Newark and Sherwood DC* [2022] EWHC 3116 (Admin); and *Adams v SSHCLG & Huntingdonshire DC* [2020] EWHC 3076 (Admin).

20. Both parties agreed in the Hearing that there was no express limitation on the type of caravan that might be sited on the land, by reason of the 2000 permission. However, both also agreed with the proposition I put forward that whilst condition 7 provided no control on static caravans in a literal sense, it did in a practical sense. This is what I refer to as its more subtle effect, as it would be most unlikely for a static caravan to be sited on the land for a period of 28 days before having to be removed. I have not been told that any static caravan has been sited on the land since the use was commenced.
21. Therefore, between the date of the commencement of the use allowed by the 2000 permission and the date on which the lawfulness was proven for the use of the land without the control applied by condition 7, the siting of static caravans was not a practical option for the site's owners. The Council said this provided a clear limitation that the park was for holiday use with visitors staying in touring caravans.
22. The Council's decision on certificate application 30/23/0021/LEW determined that condition 7 was no longer enforceable, as it had been continuously breached for a period of 10 years. Therefore, the subtle control presented by the condition was no longer enforceable and static caravans might be sited on the land, as the Council acknowledged in its Statement of Case ('SoC'). An informative on the certificate that was issued explained that: the siting of static caravans/mobile homes; the storage of caravans, static caravans/mobile homes; and the occupation of any type of caravan for permanent (sic) residential occupation were not certified as being lawful. It was agreed by the Council that this informative could not be read as applying any control on the site.
23. My finding, having read and interpreted the permission, in the manner discussed above, is that whilst condition 7 remains on the permission neither it nor its reason continue to play a role in controlling how the site is run.
24. Condition 7 had inhibited year-round residential use of the site. It also effectively precluded the siting of static caravans on the land. However, that condition is no longer enforceable and, as such, there is no control on either the length of time that a caravan might be sited on the land, nor on the type of caravan that might be used.
25. The situation post the decision on 30/23/0021/LEW is the start point for an assessment of whether there would be a material change of use of the land, rather than what the case was when planning permission was granted in 2000.
26. The Council argued that there would be a greater year-round presence if the certificate was issued, when assessed against a seasonal or holiday use. In the latter scenarios, there are 'fallow' times in the use of the land that contrast with the effects of permanent residential use. With that use, the Council says, would come a change of character through the prospect of larger 'households', greater numbers of car movements with different timing of movements, erection of permanent boundary treatments, sheds, storage and the like.
27. However, there are simply no restrictions on using caravans on the land for residential purposes, or 'human habitation' as the Appellant has termed it. Therefore, the effects on character referred to by the Council could happen anyway, and there would be no material change in the character of the land. Should permission be required for operational development, for sheds and the like, it would be a matter for the Council to assess on the merits of each proposal.

28. This is of fundamental importance to the determination of the appeal. It is worth recounting here that for the proposed use to be considered lawful, no enforcement action would be able to be taken against it.
29. In the circumstances, the argument put forward by the Council that the condition, and especially its reason, remains material for the scope of the permission is mistaken. That was the case until the Council's decision on certificate application 30/23/0021/LEW but is not now. Whilst it might have been the applicant's intention in the original application to apply for touring caravans, for reasons unknown this was not explicitly controlled in the decision notice. Subsequently, even the subtle control afforded by condition 7 has been lost. As condition 7 cannot now be enforced against, it follows to my mind that the reason given for its imposition can have no bearing on an assessment of the lawfulness of the certificate proposal.
30. Taken cumulatively, the matters put forward by the Council could, in certain circumstances, result in a material change of use. However, those circumstances are not present here. That argument would only hold if there was a temporal and/or occupancy restriction on the use of the caravans. For the reasons given above, there is none; any type of caravan might be sited on the land and could be used for residential purposes without restriction.
31. As put forward by the Appellant, the result of the use of the land in accordance with the agreed description of proposed use, would be of the same character to the lawful use and would not involve a material change of use of the land. In this he cited *Hertfordshire CC v SSCLG & Metal and Waste Recycling Ltd* [2012] EWCA Civ 1473.
32. I have been provided with copies of several certificates issued for applications made under s192 for the use of land in a manner that I am told is similar to that in this appeal. It is not possible to draw any firm conclusions on this information. However, I have been provided with both a copy of the certificate issued by the Council and the Case Officer report in respect of application 2026/0448/CLP, relating to land on the Road To Snagg Lane, Ditchat. That decision was dated 28 April 2026. The report shows that the Officer raised no objection to the applicant's contention that "the proposed use of the site occupied for the purposes of human habitation including as a person's sole or main place of residence would not result in a material change of use of the land, nor would it constitute a breach of any planning condition, given that the land already benefits from permission for use as a caravan site". It concludes with the line "As no planning conditions were imposed to limit the nature, scale or intensity of occupation, the proposed use as covered by this certificate is considered therefore to be lawful". Whilst there appear to be strong parallels with the case before me, the decision on 2026/0448/CLP is not determinative in my decision.
33. The case in appeal APP/B1605/12/2178496, relating to land within the administrative area of Cheltenham Borough Council, was materially different from that which is before me. There, the appellant sought a certificate for 'The siting of mobile homes' on a site where the description of the approved use of the land was as a 'touring site' for caravans and tents. It was against this baseline that the Inspector determined that there would be a material change of use were there to be no restriction on the type of caravan to be sited on the land. There is no such restriction in the case before me, so I find that the decision does not signify that the Appeal before me should be dismissed.

34. The title for the certificate, were I to be minded to allow the appeal, was discussed in the Hearing. The Council suggested two potential descriptions. However, both would apply temporal restrictions to the use of caravans on the land. These are more restrictive than the enforceable terms of the 2000 permission, so I will not use them.
35. Unlike the Council, I find that the terms of the Appellant's description of the certificate applied for to be clear and precise, in respect of the length of time a caravan might be occupied. It is clear to me that what was sought was a certificate to show that the unfettered human habitation of 25 static caravans on the land would be lawful.
36. However, in the Hearing I expressed concern that the Appellant's description would result in a certificate that did not reflect the terms of the 2000 permission. I suggested this should be changed to "Application for a Lawful Development Certificate for the proposed use of the land as a caravan site for 25 static caravans occupied for the purposes of human habitation in accordance with the terms of the planning permission granted under application 30/99/0028, as amended by the Council in its decision on application 30/23/0021/LEW". No objections were raised to this wording, and I use it on the attached certificate.

Conclusion

37. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the land as a caravan site for 25 static caravans occupied for the purposes of human habitation in accordance with the terms of the planning permission granted under application 30/99/0028, as amended by the Council in its decision on application 30/23/0021/LEW is not well founded. The appeal should succeed, and I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

R Curnow

INSPECTOR

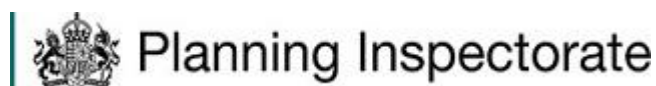
APPEARANCES

FOR THE APPELLANT:

Mr B Eiser	Agent
Mr Small	Sovereign Park Homes Estates Ltd.
Mr Edmondson	Sovereign Park Homes Estates Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Navin	Barrister instructed by the Council
Mr M Hicks	Senior Planning Officer
Mr A Kure	Paralegal, Somerset Council



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 17 June 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It has been demonstrated on the balance of probability that, given the terms of planning permission 30/1999/028 as amended by the terms of the certificate of lawfulness issued under application 30/23/0021/LEW, the proposed use was lawful at the time of the application being made to the Council.

Signed

R Curnow

Inspector

Date: **26 August 2026**

Reference: APP/E3335/X/26/3378120

First Schedule

The proposed use of the land as a caravan site for 25 static caravans occupied for the purposes of human habitation in accordance with the terms of the planning permission granted under application 30/99/0028, as amended by the Council in its decision on application 30/23/0021/LEW

Second Schedule

Land at Cornish Farm Touring Park, TAUNTON, TA3 7BS

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in this decision dated: **26 August 2026**

by **R Curnow**

Land at: Cornish Farm Touring Park, TAUNTON, TA3 7BS

Reference: APP/E3335/X/26/3378120

Scale: Not to Scale

