Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2026

Appeal Ref: APP/Q9495/C/25/3375989
Burns Farm Caravan and Campsite, St Johns in the Vale, Keswick CA12 4RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr D Lamb against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 24 September 2025.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the land from a mixed use of agriculture and caravan and campsite reception and toilet and shower facilities to a mixed use of agriculture, caravan and campsite reception and toilet and shower facilities and a residential flat.
- The requirements of the notice are: (i) Discontinue the use of the land as a residential flat; and (ii) Remove the kitchen and bathroom fittings from the residential flat from the land.
- The period for compliance with the requirements is five months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.

Decision

1. It is directed that the enforcement notice is varied by in paragraph 5 substituting the text in step (i) with the following text: '*Cease the mixed use of the land for agriculture and caravan and campsite, reception and toilet and shower facilities and a residential flat, by ceasing the use as a residential flat'.* Subject to the variation the appeal is dismissed and the enforcement notice is upheld.

Preliminary matters

2. Since the matter alleged as constituting a breach of planning control set out in paragraph 3 of the enforcement notice is described as a mixed use which includes use as a residential flat, the corresponding requirement in paragraph 5 should strictly be to cease the stated mixed use. However, the appellant could be in little real doubt as to what they are required to do by the notice. Therefore, I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice to refer to the mixed use alleged in step (i). There would be no injustice to the appellant or the National Park Authority in my varying the notice accordingly.

3. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Ground (g) appeal

4. The ground of appeal is that the period specified for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.

5. The appeal premises includes a farm holding with a caravanning and camping site, including pitches for touring caravans and tents, holiday lodges and other associated buildings. The notice attacks the use of part of a former farm building at the premises as residential accommodation.

6. The appellant sought to extend the five-month period specified in the notice for ceasing the residential use and removing the associated kitchen and bathroom facilities to nine months. This it was stated would provide for the preparation and submission of a planning application for the residential accommodation with supporting documentation to the National Park Authority.

7. However, the prospect of a planning application being submitted is not in itself, a sound reason to extend the period for compliance, particularly as there can be no reasonable assurance that such an application would be successful. Also, to my knowledge no planning application has been submitted.

8. Besides, as the appeal is made on ground (g) only, it is appropriate to take the time which has elapsed since the issuing of the notice into account in assessing the reasonableness of the compliance period. The appeal was made solely to extend that period, in the full knowledge that the notice would be upheld and that the requirements would have to be complied with. In doing so, the appellant has already delayed the date the notice will come into effect.

9. Set in the above context, there is little sound reason before me to support a further delay to complying with the notice steps beyond the end of the five-month period specified in the notice. That period affords ample time for the steps in the notice to be taken.

10. Accordingly, the compliance period strikes an appropriate balance between remedying the breach as soon as practicable whilst also avoiding imposing a disproportionate burden on the appellant. Extending that period on the other hand would serve little purpose other than to perpetuate the breach.

Conclusion

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

Stephen Hawkins

INSPECTOR