Planning Inspectorate

Appeal Decisions

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by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal A Ref: APP/Q9495/C/25/3371365
Appeal B Ref: APP/Q9495/C/25/3371366
Land at Haveriggholme, Torver, Coniston, LA21 8BU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Neil Griffin and Appeal B is made by Mrs Lorraine Griffin against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 9 July 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 domestic garden to a separate independent residential unit facilitated by the siting by a self-contained residential caravan.
- The requirements of the notice are to discontinue the separate independent residential use of the land.
- The period for compliance with the requirement is two months from the notice taking effect.
- Appeals A and B are proceeding on the ground set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Procedural Matter

2. The appellants have pleaded ground (b) of section 174(2) of the Act, i.e., that the matters comprising the alleged breach of planning control have not occurred. If it is argued as part of an appeal made on ground (b) that an alleged change of use was not 'material', the correct approach is normally to treat this as pertaining to a hidden ground (c) appeal. The appellants' statement of case does indeed relate to a claim made that the alleged breach of planning control does not constitute a material change of use of the land. Following my intervention, the main parties agreed that the appeals should proceed on grounds (b) and (c) of section 174(2) of the Act. The banner heading above reflects that agreed position.

Ground (b) and (c) appeals

3. The appeals made on ground (c) are that the matters alleged do not constitute a breach of planning control. The appeals made on ground (b) are that the matters comprising the alleged breach of planning control have not occurred. These are interlinked matters and so I have dealt with the respective grounds of appeal together.

4. There is no dispute between the parties that a caravan has been sited on the appeal land or that it is being lived in. Moreover, there is common ground that it falls within the curtilage of Haveriggholme which is a dwellinghouse. The matter in dispute relates to the whether the caravan is being used as a separate or

independent residential use falling within its own planning unit. This is as distinct from being used for an incidental residential purpose in association with the primary use of Haveriggholme as a dwellinghouse.

5. It is noteworthy that a lawful development certificate (LDC) was issued for a residential caravan on the land on 26 May 2017[1]. The LDC caravan was intended to accommodate the mother of Mr Griffin, although it is understood that due to a deterioration in her health, she moved into Haveriggholme. Mr Griffin's mother continues to live in Haveriggholme. The evidence is that both she and Mr Griffin are disabled.

6. I have considered the reasoning of the Authority in respect of approving the LDC application and note that the officer reports states, *'the information submitted indicates the caravan / mobile home is to provide a residential annex with shared garden, parking and services (electricity, water, sewage) including clothes washing with the main house. It would not have a separate postal address. The caravan would provide bedroom, bathroom and living area with kitchenette facilities. There would be a degree of independence, but the occupier of the caravan would still be reliant on the dwelling to provide facilities. The caravan would be physically closely related to the dwelling house. I conclude that the caravan usage would be incidental to the dwelling house and would not create a new separate dwelling due to the interdependence of the caravan occupier on the main house*'.

7. Section 55(2)(d) of the Act provides that the use of land or buildings within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not development. Whether a use is incidental for section 55(2)(d) purposes, or indeed is part and parcel of the use of Haveriggholme as a dwellinghouse, needs to be considered with regard to this primary residential use, the type and size of the dwellinghouse and its curtilage, as well as the scale and nature of the claimed incidental activity. It is always vital that there is a normal functional relationship between the incidental and the residential use. The keynote is reasonableness.

8. It is necessary for me to assess the degree to which there are physical and functional links between the use of the residential caravan and Haveriggholme and to consider whether a separate residential use falling within a separate planning unit has been created, as a matter of fact and degree.

9. The evidence from the appellant is that the caravan is being occupied by an individual who has no functional family relationship with the occupiers of Haveriggholme. There is no suggestion that he shares meals with the occupiers of this property, or that he shares any facilities in the dwellinghouse in any material way. There is an absence of precise and unambiguous evidence from the appellants in terms of the frequency of laundry being carried out. I do not doubt that the appellants allow the occupier of the residential caravan to use laundry facilities without prior approval, but I am not persuaded that this alone is sufficient to demonstrate functional dependency.

10. The appellants state that the caravan is occupied by an individual who provides *'voluntary on-demand immediate care'* to Mr Griffin who is disabled. It is stated that Mr Griffin can need assistance in lifting himself which is difficult for his wife. It is also in this context that there is a claimed functional relationship with the use of

[1] LDC reference 7/17/5230

Haveriggholme. The appellants say that this is also sufficient for a decision to be made that the residential caravan is part and parcel of the primary use of the land as a single dwellinghouse and hence that it does not therefore amount to a material change of use of the land (i.e., an act of development) requiring planning permission.

11. The onus is on the appellants to provide precise and unambiguous evidence to support the legal grounds of appeal. The appellants do not provide precise details relating to the frequency of assistance that may be offered to Mr Griffin. In any event, the sort of assistance being offered is in my judgement similar to say a nearby neighbour *'lending a hand'* from time to time. The evidence does not support the contention that the occupier of the caravan provides a day-to-day main carer role to Mr Griffin. The evidence is that it is more likely than not that the main carer role function for Mr Griffinn, and his disabled mother, is one which is undertaken by Mrs Griffin.

12. I note from the planning contravention notice (PCN) response that the occupier of the residential caravan keeps birds on the wider landholding and that he also arranges shoots. The PCN response says that he *'has a lease relating to the agricultural land to be able to have bird feeders on the fields and to carry out a pheasant shoot on the land'* and that he *'works on the farm and carries out maintenance on the holiday lets as a self-employed worker'*. That may be the case, but it does not alter my conclusion above. In fact, it may suggest that the residential caravan has a functional relationship with an agricultural or recreational shooting type use.

13. I note the comments made that Mr Griffin is effectively *'self-funding care in the community'* and hence is *'of public benefit saving the Exchequer considerable financial resources'*. However, that this of no relevance to the consideration of the ground (b) and (c) appeals.

14. For the above reasons, and as a matter of fact and degree, I find that the breach of planning control constitutes a material change of use of the land. I find that the residential caravan is not part and parcel of, or incidental to, the primary use of Haveriggholme as a dwellinghouse. Instead, it is being used as a functionally separate unit of residential accommodation and falling within its own planning unit. In this regard, it requires planning permission. It does not accord with that lawfully permitted through the 2017 LDC.

15. I therefore conclude that the matters alleged constitute a breach of planning control. Therefore, the ground (c) appeal fails. Given this conclusion, I therefore find that the matters comprising the alleged breach of planning control have occurred. Therefore, the ground (b) appeal fails.

Conclusion

16. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR