Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal Ref: APP/D3125/C/26/3377615
Land at 28 Flexneys Paddock, Stanton Harcourt OX29 5RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Amanda Fox against an enforcement notice issued by West Oxfordshire District Council.
- The notice was issued on 9 January 2026.
- The breach of planning control as alleged in the notice is Without planning permission:- The erection of an outbuilding with associated raised steps and patio area in the approximate position shown by the blue rectangle on the plan accompanying this notice.
- The requirements of the notice are to (i) Remove from the land edged red on the accompanying plan the outbuilding and associated raised steps and patio area; and (ii) Remove from the land edged red on the accompanying plan all materials and waste arising from carrying out step (i).
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (d) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Application for costs

1. An application for costs was made by Mrs Amanda Fox, against West Oxfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

2. The appeal was originally also made on ground (a), that planning permission ought to be granted. However, the appellant confirmed that this appeal ground has now been withdrawn. As such, the merits of the development, including whether there are any benefits or harms arising, are not before me for consideration. This includes the appellant's personal circumstances and considerations under Articles 1 and 8 of the Human Rights Act 1998.

3. The appellant has pleaded ground (d), namely that when the enforcement notice was issued no enforcement could be taken in respect of the breach of planning control, due to the passage of time.

4. The information submitted in support of this ground refers to the Council having acted unreasonably in serving the notice, because a lawful development certificate was previously granted in relation to the development. However, this relates to whether the structure is lawful on the basis that it would not constitute development. This matter therefore goes to ground (c) rather than ground (d), and I have therefore considered the matter in this context. The ground (d) appeal cannot succeed.

5. The appellant also suggests that removing or altering the associated steps and patio area would address any residual concerns, without the need for more

intrusive enforcement measures. It seems to me that this constitutes a 'hidden' ground (f) appeal, which I have dealt with accordingly below.

6. By way of background, the Council granted a lawful development certificate (LDC) to the appellant, regarding the proposed siting of a caravan for ancillary use at the property[1].

The appeal on grounds (b) and (c)

7. The appeals are respectively that the matters alleged to constitute the breach of planning control have not occurred as a matter of fact (ground b); and that those matters (if they occurred) do not constitute a breach of planning control (ground c). There is a degree of overlap between these grounds in the appellant's case.

8. An important principle to bear in mind is that these appeal grounds are regarded as legal grounds, in relation to which the onus rests with the appellant to demonstrate their case, on the balance of probability.

9. The enforcement notice alleges the erection of an outbuilding with associated steps and patio. Essentially the appellant argues, the structure targeted by the notice is a caravan rather than an outbuilding; also that the caravan is not in breach of planning control, as confirmed by the previous LDC granted by the Council.

10. Whether the structure is a building or a caravan is therefore pivotal to how this case should be assessed, and I shall therefore proceed to analyse this question.

Building or Caravan?

11. The meaning of development is set out in s55(1) of the 1990 Act and includes the carrying out of building, engineering, mining or other operations in, on, over or under land. The Act states that for the purposes of this Act "building operations" includes (a) demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to buildings; and (d) other operations normally undertaken by a person carrying on business as a builder. A building is defined in s.336 of the Act as including any structure or erection.

12. It is settled case law that the appropriate criteria for determining whether a structure constitutes a building are size, permanence and physical attachment[2]. It is necessary to apply all three tests and to make a fact and degree assessment, with no one test necessarily being determinative.

13. There is no dispute between the parties that the structure was entirely constructed on the appeal site, by joining together multiple prefabricated component parts, delivered to the property in kit form, using a variety of tools and with the project taking two operatives some eight weeks to complete. Also, that externally, the structure measures some 12 metres in length by 5 metres in width. It is apparent from photographs of the construction work in progress, that the structure is formed from a substantial timber framework and chipboard panels. It appears to me that this resulted from building operations, which the finished size of the structure meant were more practical to perform on site, rather than having to transport the

[1] The LDC is dated 16 April 2024.
[2] *Skerritts of Nottingham Ltd v SSETR (No.2) [2000] 2 PLR 102.*

completed item. I therefore consider the structure to be of sufficient size that it could constitute a building.

14. In terms of permanence, it is undisputed that the structure has been in place since it was constructed in 2024, without having been moved since then. Its purpose is to provide additional accommodation to support the ongoing living arrangements of an extended family. I am not aware of any intention to relocate the structure, and I am satisfied it has sufficient permanence to have a permanent character and to be regarded as a building.

15. In terms of physical attachment, it is undisputed that the structure is secured in place with the use of so-called 'Swift Foundations'. This involves securing a series of base and top stones to the ground (some 15 in number at regular intervals), in relation to which the timber base frame of the structure is then placed on a series of small metal plates by way of level-adjustable brackets. There is nothing to persuade me that this method of positioning, in combination with the considerable inherent weight of the structure would not be sufficient to enable it to stand securely on the ground.

16. I therefore consider, as a matter of fact and degree, that the relevant tests for building status are passed.

17. The patio and steps, which are situated adjacent to one of the side elevations, in order to facilitate level access, do not physically adjoin the structure. However, there is nothing to persuade me that these elements would not also constitute a building structure by virtue of size, permanence and physical attachment under its own weight. Even if I am wrong on this point, I nevertheless consider the patio and steps to be part and parcel of the residential accommodation building, due to their access facilitating purpose.

18. A caravan is defined at s29(1) of the Caravan Sites and Control of Development Act 1960 (CSCDA) as any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. It excludes (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

19. S13(1) of the Caravan Sites Act 1968 (CSA) defines twin-unit caravans thus: "A structure designed or adapted for human habitation which— (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.

20. S13(2) of the CSA confirms that, for the purposes of the CSCDA, in relation to twin-unit caravans, the expression 'caravan' shall not include a structure designed or adapted for human habitation, where its dimensions, when assembled, exceed any of the following limits: 20 metres in length; 6.8 metres in width; a maximum internal floor to ceiling height in relation to the living accommodation of 3.05 metres.

21. In summary, and on its face, the aforementioned legislation introduces a 'mobility test' that would apply to any case where there is a claim for caravan status. The CSA refers to a further 'construction test' and 'size test' which applies specifically to twin-unit caravans.

22. The Council does not seek to argue that the structure would fail to meet the maximum dimensions relevant to the size test. I have no reason to take a contrary view.

23. As set out above, in terms of construction, the appellant has confirmed the structure is comprised of multiple component parts, delivered to the site in kit form, then assembled bit by bit on site over a number of weeks. There is no evidence the structure was comprised of two separately constructed and joined together sections. This means the structure could not be regarded as a 'twin-unit' caravan, in accordance with the construction test, set out in the aforementioned statutory definition. However, neither does the appellant claim it to be such.

24. I acknowledge that, in itself, the construction method does not exclude the structure from being considered a caravan. However, this does not overcome my finding above that the assembly of the structure involved building operations.

25. In terms of mobility, the appellant maintains that in order to transport the structure it would not be necessary to first dismantle it. Rather, they say, it would be physically possible to move in one piece, by fitting lifting beams underneath, then lifting the structure by crane and transferring it to a motor vehicle ready for transportation.

26. The appellant has provided a structural calculation report with a view to supporting this stance. However, whilst I have no reason to doubt that the structure could be easily detached from service connections, and in principle lifted away from the metal plates, the submitted report appears to be a generic document. Although the appellant states that the report relates to a mobile home of similar size, I am not persuaded it reliably demonstrates the structure in that case was constructed sufficiently similarly, including in terms of scale, to mean that the report findings can be safely applied to the current proposal. Leading on from this, I am also not persuaded that it demonstrates with clarity and precision, on the balance of probability, that the specific structure subject to this appeal would be capable of being transported intact without breaking apart.

27. Notably the report refers only to lifting the structure in question, and not to moving it by vehicle. It seems to me that the ability to physically raise the structure, without materially harming it, does not necessarily translate into being able to transport the structure successfully, when potentially different and / or greater forces may come into play during such processes.

28. As set out above, it appears the structure has not previously been moved since being constructed on site, and there is not even therefore any anecdotal evidence that such an operation would be successful.

29. Accordingly, the structure does not pass the aforementioned mobility test.

30. Whilst I have no reason to doubt that a functional connection is maintained between the use the structure and use of the main dwelling, drawing the above considerations together and based on the evidence before me, the structure does

not meet one of the statutory tests for being a caravan. As such it is not a caravan.

31. As a matter of fact and degree, I consider, having applied all three relevant tests, that the structure comprises a building, and conclude that it amounts to operational development; building operations having taken place.

32. For the reasons given above I conclude, on the balance of probability, that the structure is a building and is not a caravan. The appeal on ground (b) should not therefore succeed.

33. I have had regard to the various case law and appeal decisions that have been referred to by the appellant, in support of their case. However, it seems to me those cases may be distinguished from the current appeal on the basis of the specific circumstances not being or not appearing to be sufficiently similar. Notably, several cases involved the construction of twin-unit caravans, whereby the final act of assembly on site by bolting together two sections was undisputed. Furthermore, in several of the cited cases, the mobility test was accepted by the Inspector as having been passed. Another case involved a smaller structure. I am not therefore bound to follow these decisions.

34. Reference has also been made to favourable decisions made by other Councils, which apparently involved caravans constructed by the same methods as in the present case. However, I have been provided with few details, and as such am unable to undertake a meaningful comparison of the circumstances.

The significance of the LDC

35. I have already concluded above that the structure constitutes development that has been formed by building operations.

36. As set out above, the Council previously granted an LDC in relation to a proposed caravan on the appeal site. It is undisputed that this was proposed to be some two metres shorter than the structure that has actually been built there. It is also the case that it was explicitly stated on the application form for that development, that no building or other operations were proposed, with the supporting information referring to the ‘stationing’, ‘placing’ and ‘siting’ of the mobile home.

37. It was not therefore unreasonable for the Council to reach the view that what had been constructed on site, was materially different to and at odds with the structure that had been certified as lawful, on the basis it was larger, and critically, that it involved building operations. Officers also took the view that the aforementioned mobility test was not satisfied. Indeed, the accompanying notes to the LDC set out that any operations that are materially different from those described may result in enforcement action. I should highlight that the claim on the application form that no building or other operations were proposed does not sit comfortably with the facts.

38. The appellant has also referred to a letter from the Council’s building control manager[3], advising that the structure was considered to be a mobile home for the purpose of the building regulations, and therefore exempt from those regulations. However, how a structure is categorised under other regulations does not have a

[3] Letter dated 13 December 2024.

bearing on the relevant considerations for assessing whether that structure comprises development for the purposes of the 1990 Act.

39. For the reasons given above I conclude, on the balance of probability, that the structure comprises development for which planning permission would be required. I have not been provided with any information to suggest the structure would have been 'permitted development' in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The appeal on ground (c) should also therefore not succeed.

The 'implied' ground (f) appeal

40. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173 (4) (a)) or to remedy injury to amenity (s173 (4) (b)). The Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.

41. With regard to the unauthorised development, the objectives of the notice are to secure its removal and therefore to restore the land to its condition before the breach took place. It follows that the purpose of the notice is to remedy the breach of planning control.

42. Given that the purpose of the notice is to remedy the breach of planning control, this can only therefore be achieved by the removal of the unauthorised development and consequently the restoration of the land to the condition it was in before the breach took place. To require this does not, therefore, exceed what is necessary and the implied appeal on this ground must fail.

43. The appellant suggests that removing or altering the associated steps and patio area would address any residual concerns, without the need for more intrusive enforcement measures. As set out above, the appellant is not progressing a ground (a) appeal, that is to say that planning permission should be granted for the development. In the absence of a ground (a) appeal, and a deemed planning application, I am unable to consider the merits of the development which are not therefore before me. These considerations do not therefore bear on the question of whether the development should be retained in whole or part.

Overall Conclusion

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

Formal Decision

45. The appeal is dismissed, and the enforcement notice is upheld.

R Merrett

INSPECTOR