



Appeal Decision

by Julie de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/08/2026

Appeal reference: CAS-04666-R1L0N7

Site address: Land at Llangovan, Monmouth, NP25 4BU otherwise known as Roots Farm,
Trecastle Lane, Llangovan, NP25 4BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Emma Roberts against an enforcement notice issued by Monmouthshire County Council
 - The enforcement notice, numbered E25/197, was issued on 14 October 2025.
 - The breach of planning control as alleged in the notice is: Unauthorised material change of use of the land from agriculture to residential use including the associated siting of a mobile home & associated foul drainage apparatus.
 - The requirements of the notice are:
 1. Cease the residential use of the land edged in red on the attached plan (appendix A).
 2. Remove the mobile home in its entirety from the land edged in red on the attached plan.
 3. Remove the associated foul drainage apparatus in its entirety from the land edged in red on the attached plan.
 - The period for compliance with the requirements is six months from the date that this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have 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 as amended have lapsed.
 - A site visit was made on 13 July 2026.
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Decision

1. It is directed that the enforcement notice (the notice) is corrected and varied as set out below:
 - In Schedule 2 (Alleged breach of Planning Control) change 'Unauthorised material change of use of the land from agriculture to residential use including....' to

‘Unauthorised material change of use of the land from agriculture to a mixed use comprising agriculture and residential including...’.

- In schedule 4 (Time for compliance) change ‘Six Months’ to ‘Twelve months’.
2. Subject to this correction and variation, I dismiss the appeal and uphold the enforcement notice.

The notice

3. The plan accompanying the notice includes two separate but adjoining plots of land that comprise the planning unit. The Local Planning Authority’s (LPA) evidence does not suggest that there is any residential use of the easternmost parcel of land; from my site inspection, it appears to be in wholly agricultural use. The residential use of the adjoining field does not extend to its entirety.
4. I have a duty to get the notice in order and s176(1) of the Act grants powers to (a) correct any defect, error or misdescription in the enforcement notice, provided it would not result in injustice to the appellant or the Council. I am mindful that case law has established that it is not open to a LPA to divide up a planning unit artificially so as to achieve a more restrictive effect than would result from a notice directed at the unit as a whole. Therefore, I understand the LPA’s rationale for the extent of land shown within the red line on the map accompanying the notice. However, in light of the foregoing observation, I consider it necessary to amend the description of the alleged breach of planning control to ‘Unauthorised material change of use of the land from agriculture to a mixed use comprising agriculture and residential including...’. I discern no injustice to either party in so doing.

Preliminary matters

5. The appeal on ground (a) lapsed. Consequently, the planning merits of the alleged unauthorised development, including the issues of precedent and location, siting and design of the ‘mobile home’, are not for my consideration. If the appellant wishes to have its merits considered, an application for planning permission for the development, would need to be made.
6. Planning legislation provides the basis for determining this appeal. The Caravan Sites and Control of Development Act 1960 (CSCDA) and Caravan Sites Act 1968 (CSA) provide the definition of what constitutes a ‘caravan’. They are relevant in so far as they link to and inform planning legislation.

Application for costs

7. An application for costs has been made by Emma Roberts against Monmouthshire County Council. This application is the subject of a separate Decision.

Background

8. The field with two road frontages is predominantly in pasture. In one corner is a unit in residential use that the notice refers to as a ‘mobile home’, so I shall also refer to it as such. It has a pitched roof. At one gable end is an open-sided utility/storage area with a suspended tarpaulin ‘roof’. Amongst other things, the site subject of the notice accommodates freestanding solar arrays, firewood storage, children’s play equipment, outdoor seating, firepit, dog run, polytunnel, vegetable patch, various enclosures and structures for housing livestock and fowl and storage of a tractor, trailers, quad and other agricultural machinery. At the site’s upper end, adjoining the entrance off the public road, is an open storage area with a variety of items including pallets, stakes, insulation, drainage pipes, glass panels in wooden frames, metal components and water butts.

9. The LPA previously considered three determinations for prior approval relating to the site subject of the notice. It determined that prior approval was not required in one instance (DM/2025/00565) that proposed:
- A 144 sq.m. enclosed barn for storage of equipment, feed and vehicles, height to ridge 7m and to eaves 5m;
 - A 108 sq.m, cold frame for growing vegetables with a ridge height of 3.7m and height to eaves 2.4m; and
 - A 108 sq.m. green house for growing fruit with a ridge height of 3.7m and height to eaves 2.4m.
10. The notification was submitted to the LPA on 30 April 2024 and was deemed acceptable subject to, amongst other things, a condition that required the development to be carried out within 5 years of that date.

The appeal on ground (c)

11. An appeal on ground (c) is that the matters alleged do not constitute a breach of planning control. It is one of the 'legal' grounds of appeal whereby the onus is on the appellant to make out their case to the standard of the balance of probabilities. The appellant primarily relied on The Town and Country Planning (General Permitted Development) Order 1995 (as amended) [GPDO], Schedule 2, Part 5, Class A in claiming that the matters alleged in the notice do not constitute a breach of planning control.
12. Class A (Caravan Sites) permits the use of land as a caravan site in the circumstances referred to in paragraph A2. The latter cross-references to paragraphs 2 to 10 of Schedule 1 to CSCDA (Cases where a caravan site licence is not required).
13. I need to consider whether the 'mobile home' is a caravan as defined by s29 of the CSCDA, as modified by s13(1) of the CSA. Although some services have been installed, the 'mobile home' is not affixed to the ground, it sits on metal stilts, the drawbar is intact at one end and at the opposite end are steps leading up to interior floor level. A photo appended to the Planning Contravention Notice (PCN) that the LPA served on the appellant's partner on 7 August 2025 showed the 'mobile home' in two parts and another showed them seemingly bolted together. In its evidence the LPA referred to the structure as a 'mobile home/caravan' and did not suggest that Class A could not, by definition, be relied on in this instance.
14. It was stated on the completed PCN that the structure was 12.1m long, 6.0m wide and the overall height of living accommodation (as measured internally from the floor at the lowest level to the ceiling at the highest level) was 3m. My observations on site did not cause me to question that evidence. Those dimensions do not exceed the limits set out in s13(2) of the CSA.
15. Notwithstanding the limited information that I have on the matter, the 'mobile home' appears to satisfy the definition of a twin-unit caravan. Therefore, I shall consider it as a caravan for the purposes of assessing whether the permitted development rights apply.
16. Paragraph 9 of Schedule 1 to the CSCDA provides that a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out if that use is for the accommodation of a person or persons employed in connection with the said operations. The provisions that operations "*are being carried out*" and "*a person or persons employed*" are stated in the present tense. Therefore, if persons are to be employed or where operations are to be carried out at some time in the future, the permitted development rights do not apply. They exist subject to a condition that the use shall be

discontinued when the specified circumstances cease to exist, and the caravan shall be removed as soon as reasonably practicable following completion of the operations.

17. I need to consider whether building or engineering operations were being carried out for construction of the development described in paragraph 9 above at the time the notice was served, and if so, whether the appellant was employed in connection with those works.
18. The appellant said that site entrance improvements had been made to accommodate HGVs, constituting building and engineering operations. According to the responses given to the PCN, the constituent sections of the mobile home were brought onto the site on 7 July 2025. If works to improve access to the site were carried out prior to service of the notice on 14 October 2025, they may have been to facilitate that delivery. On the balance of probabilities, those works alone are not persuasive that the development subject of the notice does not require express planning permission.
19. Whilst preparatory work such as acquiring and preparing equipment and building materials and getting associated consents may be required prior to the commencement of development, in accordance with s55 of the Act, they do not constitute building or engineering operations and do not justify residential use of the site. The appellant cited other preparatory works that they considered to satisfy the definition of development but there is no evidence that those works had commenced on or before 14 October 2025 and that they continued in any sort of systematic way thereafter. The prior approval decision was issued on 28 May 2025. In the 4+ months from that permission being granted to issue of the notice, there was no persuasive evidence that building or engineering operations in connection with the development subject of prior approval had commenced. In the interim, the mobile home became the appellant's sole residence in mid-August 2025.
20. An Interested Party's (IP) evidence is noted in this respect where they said that the works subject of the prior approval had not begun when the notice was served. Additionally, in their submitted final comments of 20 January 2026, the appellant said that '*engineering works are planned to begin imminently*'.
21. At the time of my site visit the south-western portion of the roadside field had been fenced off. This extended to an area approximately 30m x 50m, consistent with the siting of the structures for which prior approval was not required. A digger was being operated, and grass and topsoil had been removed from the area. When I arrived at the site and he came across the field to show me into the mobile home, the digger operator introduced himself as the appellant's partner. He returned to this task whilst I conducted the remainder of my site visit.
22. The extent of work that had been carried out at the time of my site visit suggested that it is more likely than not that building or engineering works for the structures covered by the prior notification had not commenced prior to service of the notice. Apart from my observation that the appellant's partner was, on the day of my visit, operating a digger on site in the location of the proposed agricultural buildings, there is scant persuasive evidence as to: what operations he and the appellant have been employed in since taking up residence on the site; the frequency and duration of those works; what operational tasks they will be employed in for the remainder of the construction period; and its likely duration.
23. Reference was made to the precedent value of cases throughout the UK, but this was not accompanied by associated evidence.
24. Although referred to in the context of the appeal on ground (f), the appellant also cited the need for accommodation in association with the use of the land for agriculture. The

placing of a mobile home on land in agricultural use, for example, to provide necessary storage and/or occasional or seasonal welfare/shelter and sanitary facilities for agricultural workers, could be considered as incidental to the lawful use of the land for agriculture. In such circumstances a breach of planning control would not occur. However, in this instance, in response to the PCN, the appellant's partner advised that the mobile home was the family's primary residence. Therefore, mindful of the provisions of s55(2)(e) of the Act, I am not persuaded that development subject of the notice is incidental to the site's use for agriculture.

25. For the reasons set out above, on the balance of probabilities, the development subject of the notice does not benefit from permitted development rights or express planning permission. Therefore, it constitutes a breach of planning control and the appeal on ground (c) fails.

The appeal on ground (f)

26. An appeal on ground (f) is that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
27. The notice requirements seek the cessation of the residential use of the land, removal of the mobile home and associated foul drainage apparatus in its entirety from the land. Therefore, it is clear that the purpose of the notice is to remedy the breach.
28. The appellant suggested that the development be allowed to remain pending the outcome of an associated planning application to retain it in association with the agricultural buildings subject of the prior notification. This is not a lesser steps argument, rather it is a request for more time within which to submit an application to seek planning permission. The matter of the time for compliance with the requirements of the notice is considered under ground (g).
29. As stated on the notice the foul drainage is 'associated' with the mobile home and is part and parcel of the unauthorised material change of use. To allow it to stay: pending determination of any subsequent planning application for a dwelling: or in association with any future use of or operational development on the land that might either not constitute development or require express planning permission, is not a lesser step that would remedy the breach.
30. The appellant also referred to the need for accommodation for seasonal workers and for shelter and washing facilities in association with the agricultural use of the land. On that basis, she considered it excessive that the mobile home and associated foul drainage be removed completely and ultimately replaced. However, such considerations are not obvious alternatives or lesser steps that would achieve the purposes of the notice. They would not remedy the breach and do not demonstrate that the requirements of the notice are excessive.
31. Reference was made to the Workplace (Health, Safety and Welfare) Regulations 1992. Notwithstanding that no citation was given for the quotation so that it could be considered in context to see whether it applied in this instance in conjunction with Regulation 3 thereof, that is a separate legislative regime and the appeal on ground (f) is concerned with remedying the breach of planning control.
32. In the absence of persuasive evidence that the steps required by the notice exceed what is necessary, I am satisfied that they are the minimum required to remedy the breach of planning control. Consequently, the ground (f) appeal fails.

The appeal on ground (g)

33. An appeal on ground (g) is that any period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
34. The first of the appellant's reasons for seeking the period for compliance to be extended from 6 to 12 months was to enable preparation, submission and determination of a planning application for retention of the mobile home and associated foul drainage apparatus.
35. Despite pleading ground (a), the appellant did not pay the prescribed fee within the specified period and the appeal on that ground and the deemed planning application lapsed. There is no indication that a planning application has been submitted to the LPA. Regardless of this, there is no surety that, even if an application were submitted, it would be approved. Evidence on how they considered the development to be consistent with Technical Advice Note 6 Planning for Sustainable Rural Communities could have been advanced in support of the deemed planning application. Therefore, on that basis, I am not persuaded that the period for compliance falls short of what should reasonably be allowed.
36. The appellant added that 6 months would not be enough time to find alternate accommodation that would be suitable in terms of: cost; enabling their eldest dependent to remain at their current place of education; and distance from the appeal site that would enable 'multiple times' daily visits to take care of livestock.
37. In my assessment of the facts, 6 months would be sufficient time to physically remove the unauthorised development. However, I need to consider the issues in the round.
38. The appellant and their family live on the appeal site and the notice requires the residential use to cease, necessitating them to find alternative accommodation. In such circumstances, the qualified rights of Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), would be engaged in any planning assessment. As set out above, cessation of the residential use is a necessary and proportionate response in order to meet the aims of planning policy. Nevertheless, in light of the HRA, I consider it reasonable to extend the period for ceasing the residential use and removing the mobile home and associated foul drainage apparatus to 12 months. This provides increased flexibility for the appellant to find suitable alternative accommodation and would better balance the competing public and private interests.
39. As I conclude that the period for compliance with the requirements of the notice falls short of what should reasonably be allowed, I shall extend it as set out in the decision. The appeal on ground (g) succeeds to that extent.

Other matters

40. The issue of expediency of serving the notice, rather than issue an enforcement warning notice that s173ZA of the Act provides for, was a matter solely for the LPA in accordance with s172(1)(b) thereof. The rationale for and reasonableness of that choice are not matters for me to review under this appeal.
41. The appellant mentioned a 'lawful development certificate' but there is no evidence that an application was made to or approved by the LPA under either s191 or 192 of the Act.
42. Passing reference was also made to Schedule 2, Part 5, Class B of the GPDO but, it is not relevant to the development subject of this notice.
43. Alleged noise nuisance from use of a mobile generator is an issue that the IP would have to pursue with the Council's Environmental Health Department. Similarly, allegations about unauthorised development outwith the appeal site, are also a matter for the LPA.

44. Concerns about the implications of a restrictive covenant for the land and development subject of this notice are a private legal matter. The comparative visual and environmental impact of any subsequent replacement for the mobile home are not pertinent to my consideration of this appeal.

Conclusion

45. For the reasons given above and having taken account of all the other matters raised insofar as they relate to the grounds of appeal being pursued, I conclude that the period for compliance set out in the enforcement notice falls short of what is reasonable. The appeal on ground (g) succeeds to that extent and I shall vary the notice prior to upholding it.

46. In reaching my decision, account has been taken of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with that Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives, as required by section 8 of the Act.

Julie de-Courcey

INSPECTOR