



Appeal Decisions

Site Visit made on 11 August 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2026

Appeal A Ref: APP/W9500/C/25/3367328

Appeal B Ref: APP/W9500/C/25/3367329

Land South of Crosses Farm, Harwood Dale

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mrs Beata Coldbeck (Appeal A) and Mr Nicholas Coldbeck (Appeal B) against an enforcement notice issued by North York Moors National Park Authority (the NPA).
- The notice was issued on 13 May 2025.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a timber stable building on the land.
- The requirements of the notice are: (i) remove the timber stable building from the land.
- The period for compliance with the requirements is: 3 months.
- The appeals are proceeding on the grounds set out in section 174(2)(b), (c) and (d) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Appeals on ground (b)

2. An appeal on ground (b) is brought on the basis that the breach of planning control stated in the notice has not occurred.
3. The appellants do not deny that there is a timber stable on the Land but argue that it is not a building and therefore no development has taken place. Such an argument goes to the question of whether the alleged breach constitutes a breach of planning control rather than the question as to whether it has occurred or not. The appellants accept there is a structure on the land. As such, the alleged breach has occurred as a matter of fact.
4. The appeals on ground (b) therefore fail.

Appeals on ground (c)

5. An appeal on ground (c) is brought on the basis that the breach stated in the notice does not constitute a breach of planning control. S171A(1)(a) defines a breach of planning control as the carrying out of development without planning permission. S55(1) of the Act defines development as including the carrying out of building, engineering, mining or other operations on land. S336(1) of the Act defines a building as “any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.”
6. What constitutes a building is a matter of fact and degree. In *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, endorsed by the Court of Appeal in *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102, three primary factors were identified as decisive of what was a building:

size, permanence and physical attachment. The NPA argues that *Skerritts* is “out-of-date”. However, *Skerritts* remains the relevant authority on such matters and the factors identified by the Court of Appeal in that case still apply and cannot be disregarded simply because time has elapsed since the judgement.

7. The appellants submit that the structure is a field shelter, rather than a building. It is said to measure around 3.65m (12ft) x 7.3m (24ft) in size, is constructed on metal skids and includes a metal towing bar allow for movement across the Land without the need for disassembly. Furthermore, it is said the shelter does not sit on any foundations and is not physically affixed to the Land.
8. The appellants also indicate that the structure was transported fully formed to the site and that it was not erected, constructed or assembled on the site. It is submitted that the shelter was transported to the current field from a different part of the appellants’ agricultural holding in a fully assembled state, without disassembly or modification at any stage.
9. The NPA’s response is to state that the siting of a stable building on land falls within the definition of development and that the stable is clearly on the Land. Thus, it says, without planning permission, the structure is unauthorised. However, that completely fails to address the matter of whether the structure constitutes a building and thus development for purposes of S55(1) of the Act. If the structure does not constitute development, it does not require planning permission.
10. The NPA cites a subsequent judgement of *R (oao Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin) where poultry units had been sited on land. There are some similarities in terms of the facts of the case to those here. The units were not fixed to the ground but on skids and capable of being pulled by a tractor and were capable of being moved regularly albeit they were not. However, there are also some significant differences in the facts in that case to those here. The units would house 1,000 hens and measured around 20m by 6m in size. They were thus of considerably greater scale than the structure before me here. Moreover, the structures could be assembled in a couple of days on the site and would need to be disassembled on site, as opposed to being transported fully formed on or off the Land as is the case here.
11. As it is, the Court in *Save Woolley Valley Action Group* found that the Council had failed to correctly apply the factors of size, permanence and physical attachment. Counter to the NPA’s submission, the judgement endorsed the authority of *Skerritts*.
12. In contrast to the facts in the case, the shelter before me here is relatively modest in scale. I was able to see on my site visit that it covers only a very small proportion of the field upon which it is sited, particularly in the visual and landscape context in which it sits. Indeed, it is of limited height and volumetric bulk in that context. Moreover, it was transported fully onto the site, there were no operations involved in its siting beyond its transportation. It was not put together on the Land. Furthermore, there is no evidence of any physical attachment to the ground at all. The shelter rests under its own weight. There is no evidence it is pegged in place during high winds as with the poultry shelters in *Save Woolley Valley Action Group*.
13. Furthermore, whilst the shelter could be maintained on the Land indefinitely, and therefore clearly has a degree of permanence, I find the weight I attribute to the

factors of size and physical attachment determinative in this instance. As a consequence, taking into account the relevant authorities above and having regard to the three factors of size, physical attachment and permanence, I reach the conclusion that the structure subject of the notice does not constitute an building for the purposes of S336(1) of the Act.

14. To that end, I am satisfied the no building operations have taken place for the purposes of S55(1) of the Act. Moreover, it is clearly not an engineering operation or a mining operation. Indeed, the NPA makes no submissions to that effect. The NPA states that the case of *Save Woolley Valley Action Group* is well documented, and refers to the fact that the Council in that case failed to consider if the poultry shelters were 'other operations'. However, the NPA does not submit whether it considers the structure subject of the notice here constitutes an 'other operation'. There is no evidence before me that it does. To my mind, the transportation and lifting onto the Land of the shelter and it's movement into place does not constitute an operation in the context of the Act. As a consequence, I find that the alleged breach of planning control subject of the notice does not constitute development for the purposes of section 55(1) of the Act.
15. The NPA cites two appeal decisions it says are relevant. The first is a decision from 2016 in the Peak District National Park where an Inspector determined that a horse shelter constituted development. Whilst the facts of that case were not identical to those here, indeed, the facts are not fully ascertainable from the decision itself, the Inspector determined that its permanence in particular resulted in the structure constituting a building. That is not the case here. I have found on the facts, that the size and lack of physical attachment of the structure, outweigh the degree of permanence in determining whether it constitutes a building. Ultimately, the weight to be attributed to the relevant factors is a matter for the decision maker, having regard to the facts.
16. The second is said to be an appeal against the issue of an enforcement notice in Dartmoor National Park. However, the decision itself is not before me. To that end I am unable to ascertain the full facts of the case and whether they are identical to those before me here. In any event, even if the two decisions cited highlight that the structures with an degree of permanence have been found to be development, I have found, having applied the relevant authorities correctly, that the siting on the Land of the structure subject of the notice here, does not constitute a building.
17. Ultimately, I find the NPA has failed to provide evidence which contradicts that of the appellants. Whilst it sets out other cases where the facts are different, it has not made substantive submissions which contradict the facts here and the appellant's case that, having regard to the relevant factors, the shelter does not constitute development.
18. Moreover, I find the appellants' evidence to be sufficiently precise and unambiguous. To that end, I am satisfied that the appellants have demonstrated, on the balance of probabilities, that the alleged breach of planning control stated in the notice does not constitute a breach of planning control within the meaning of S171A(1)(a) of the Act because it does not constitute development under S55(1) of the Act for which planning permission is required.
19. The appeal on ground (c) therefore succeeds.

Conclusions

20. For the reasons given above, I conclude that the appeals should succeed on ground (c). The enforcement notice will be quashed.
21. In these circumstances, the appeals on ground (d) do not fall to be considered.

J Whitfield

INSPECTOR