



Appeal Decision

Site visit made on 10 February 2026

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 March 2026

Appeal Ref: APP/X0360/C/25/3358834

Land at Bluebell Farm, Commonfield Lane, Barkham RG40 4PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Susan Elgar against an enforcement notice issued by Wokingham Borough Council.
- The notice was issued on 4 December 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land for the storage of caravans including associated fencing.
- The requirements of the notice are to:
 - i) Cease the use of the Land for storage purposes.
 - ii) Remove from the Land all caravans, including those labelled 2-6 outlined in blue on the attached Plan.
 - iii) Disconnect all pipes and cables in connection with the supply of water, gas, electricity and foul drainage and the disposal of sewage in respect of the caravans identified at step ii) above.
 - iv) Remove from the Land the fencing in the approximate position marked by a black line on the attached Plan.
 - v) Remove any resulting materials from carrying out steps ii, iii and iv above from the Land.
 - vi) Restore the Land to its former condition before the breach took place.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed, the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

1. The enforcement notice (the notice) refers to the postcode of the appeal site as 'RG40 4RP'. However, the correct postcode is 'RG40 4PR'. I have used the correct postcode in the determination of the appeal and shall correct the notice accordingly.
2. At the time of my site visit, there was a variety of domestic paraphernalia surrounding each of the caravans identified as caravans 3-6 on the plan attached to the notice. Whilst I did not have access into the caravans, there was a indication that these caravans were occupied in some capacity. The use of the caravans for residential purposes does not form part of the alleged matters as set out in the notice. Nevertheless, the expediency report submitted by the Council that relates to the issuing of the notice states that on 14 May 2024 the caravans were not occupied. Reference to a further site visit on 23 October 2024 does not mention the caravans being occupied, only that 'associated service connections remain on site'.

3. Therefore, although not explicitly confirmed, I have determined the appeal on the basis that at the time the notice was issued, the caravans pertaining to the notice were not occupied. There is no evidence to suggest otherwise. Accordingly, the notice does not need correcting to include the residential use of the caravans.

The ground (b) and ground (c) appeals

4. The ground (b) appeal is the alleged breach of planning control has not occurred as a matter of fact. However, the basis on which the ground (b) appeal has been made means it is intrinsically linked to the ground (c) appeal in that the description of the alleged breach of planning control as alleged in the notice should reflect the appellant's contention that caravan 2 is in ancillary use to the dwelling and therefore is not development. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
5. The appellant contends that caravan 2 is used for recreational purposes associated with the dwellings on Bluebell Farm. It is stated that it is used for travel and holidays. However, it is a static caravan. It would require significant logistical planning, likely involving a large lorry and possibly a crane to lift it, to transport the caravan to its holiday destination. Such efforts would unlikely take place regularly, if at all, for the sake of using the static caravan for travelling/holidays, particularly when a touring caravan would be far more suited, and indeed designed specifically for, such purposes.
6. I also noted during my site visit that caravan 2 was connected to what appeared to be foul waste drainage that was also linked to the other four caravans. It was also plugged into an electrical supply. Whilst these connections could be removed to enable the moving of the caravan, they support the Council's case that the caravan is not used for travel/holiday purposes. There is no case made that the caravan is used for any other ancillary purpose.
7. Based on the evidence before me, it has not been demonstrated that, on the balance of probabilities, caravan 2 is used for ancillary purposes associated with a dwelling at Bluebell Farm. Accordingly, on the balance of probabilities, I find that it is being stored on the land as part of the alleged use of the land for the storage of caravans.
8. Consequently, the alleged breach of planning control has occurred. The ground (b) appeal therefore fails.
9. The material change of use of the land for the storage of caravans and fencing is development under s55 of the Town and Country Planning Act 1990 for which planning permission is required. As no such permission has been granted, the ground (c) appeal also fails.

The ground (a) appeal and the deemed planning application

Main Issue

10. The main issue is the effect of the development on the character and appearance of the area.

Reasons

11. The appeal site is located within the countryside for the purposes of the development plan. It forms part of a wider site at Bluebell Farm, which comprises a large bungalow set within extensive grounds that also includes single-storey timber buildings, a static caravan (in addition to those that pertain to the appeal) to the west of the bungalow and a touring caravan within its own fenced off area to the northeast corner of the site. Surrounding the dwelling, timber buildings and caravans are extensive areas of hardstanding composed of tarmac and gravel as well as large lawned areas. The site is bounded to the east and north by trees, with there being an extensive woodland adjoining the eastern boundary of the site. Overall, the spaciousness and openness of the site and its sylvan setting make a positive contribution to the character and appearance of the area.
12. The appeal site is set back from the lane that serves Bluebell Farm and as a result public views of it are limited. Nevertheless, it is visible from private views from the adjacent properties and from within the wider Bluebell Farm site.
13. The siting of the static caravans on an otherwise open parcel of land that would be largely free from built form, other than hardstanding, significantly erodes the spaciousness and openness of the site. Moreover, it results in a significant increase in built form across the wider site, resulting in development encroaching into the countryside. The introduction of structures that, by their very design, are utilitarian in appearance, together with the commercial nature of the use, appears incongruous in this otherwise largely residential, semi-rural setting.
14. I acknowledge there are numerous other static caravans within the wider site and adjacent to the site. However, due to their residential occupation, these have a residential character that is more sympathetic to the surrounding residential environment. The caravans on the appeal site are sited much closer together, reflecting the incongruity of the commercial nature of the use.
15. I find therefore, the development significantly harms the character and appearance of the area. As such, it is contrary to Policies CP1, CP3 and CP11 of the Wokingham Borough Local Development Framework Core Strategy Development Plan Document 2010 (the CS), which, amongst other things, seek to maintain or enhance the high quality of the environment and protect the countryside from unsuitable development. It would also fail to comply with paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

16. I acknowledge the site is previously developed land, as defined in the glossary to the Framework, which promotes the development of such land, to which I attribute moderate weight. However, whilst the use of previously developed land is promoted, it should not conflict with other policies within the Framework.
17. The CS was adopted in 2010, prior to the adoption of the Framework. Policy CP1 of the CS states that 'Planning permission will be granted for development proposals that: 1) Maintain or enhance the high quality of the environment.' Policy CP11 seeks to maintain the quality of the environment. Policy CP3 seeks to

ensure development contributes to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings.

18. The appellant contends that these policies seek to maintain the character of the countryside and are therefore more restrictive than the Framework. However, neither Policy CP1, CP3 nor CP11 mention the character of the countryside, let alone require it to be maintained.
19. Seeking to maintain the high quality of the environment entirely aligns with the objectives of the Framework. It allows change to the character of an area, including the countryside, providing it maintains the high quality of the environment. Accordingly, and having regard to *Telford and Wrekin v Secretary of State for Communities and Local Government and ANOR* [2016] EWHC 3073, these policies are consistent with the Framework in this regard and therefore I attribute them full weight.
20. I note the appellant's argument that Policy CP11 relates to development outside development limits, including countryside and that because the spatial strategy is not informed by up-to-date housing targets the areas of countryside are out of date. Whilst reference is made to a development on the opposite side of Commonfield Road, there is no evidence before me that indicates that, even if Policy CP11 was out of date for this reason, the appeal site would not be located in the countryside.
21. No policies before me specifically prohibit the encroachment of development into the open countryside. Nevertheless, in this instance, the effect of doing so contributes to the harmful effect the development has on the character and appearance of the area, rather than it being contrary to any policy in and of itself.
22. I have had regard to the imposition of a temporary permission for a period of three years to find an alternative site to store the caravans. Whilst the appellant contends there are no alternative locations to store the caravans, the Council provides a list of several storage sites. Whilst it may be the case that some may not accommodate caravans, there is no evidence of why the other sites are not suitable or what attempts have been made to find alternative sites. There is no evidence before me to justify why it may take up to three years to find alternative sites for the storage of five static caravans.

Planning Balance and Conclusion on the ground (a) appeal and the deemed planning application

23. The development is sited on previously developed land, to which I attribute moderate weight. I also acknowledge that the storage of static caravans must take place somewhere, although there is little evidence to indicate why they must be stored on the appeal site and therefore I attribute this very limited weight. Individually or cumulatively, these benefits do not outweigh the significant harm the development has on the character and appearance of the area.
24. For the reasons given above, having considered the development plan as a whole and all material considerations, I conclude that planning permission should not be granted in response to the ground (a) appeal and the deemed planning application.

The ground (f) appeal

25. This ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, 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.
26. As I have found under the ground (b) and ground (c) appeals, it has not been demonstrated that caravan 2 is not being stored as part of the alleged material change of use of the land, ie it has not been demonstrated that it is used ancillary to the residential use of Bluebell Farm. Accordingly, the removal of caravan 2 would not exceed what is necessary to remedy the breach of planning control.
27. Regarding the services, the requirements of the notice do not seek their removal. They only require the caravans are disconnected from these services. The inclusion of requirement iii) to disconnect the caravans from these services and then a subsequent requirement v) to remove any resulting materials adds some ambiguity as to whether requirement iii) actually requires the removal of the services. It is not clear what 'resulting materials' there could be from disconnecting the caravans from the services other than the pipes and cables that form part of the services. Nevertheless, the disconnection from these services would inevitably have to take place as part of the removal of the caravans from the site. Accordingly, requirement iii) and v) (in respect of its reference to requirement iii)) are not necessary to remedy the breach of planning control as the same result would be achieved from requirement ii) through the removal of the caravans. Consequently, for the avoidance of doubt, I shall vary the notice by deleting requirement iii).
28. The requirements of the notice also seek the removal of the fencing identified with a black line on the plan attached to the notice. This timber fence provides a boundary between the site and the main garden of Bluebell Farm. The appellant contends that this fence was ancillary to the previous lawful use of the site for the use of the site for touring caravans. The ground (c) appeal makes no reference to the fence and there is no ground (d) appeal before me.
29. It was held in *Murfitt*¹ that where an enforcement notice is issued in respect of a material change of use, and works were carried out to facilitate the material change of use, the enforcement notice may require that the 'ancillary' or 'incidental' works are removed in order that the site is restored to its previous condition and the breach is remedied. The Court of Appeal's judgement in *Caldwell*² clarifies the approach to be taken where the Council seeks to take action against a material change of use and, through the requirements, seeks to remove operational development that it alleges to have facilitated the unauthorised use. It was held that the *Murfitt* principle did not apply in circumstances where the operational development is itself the source of or fundamental to the relevant change of use. In particular, the principle does not extend to works that are more than merely ancillary or secondary and are instead fundamental to or causative of the change of use itself. Operational development carried out "in its own right", or "fundamental to or causative of" the change of use is not "ancillary" to, "secondary"

¹ *Murfitt v SSE [1980] JPL 598*

² *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council [2024] EWCA Civ 467*

to, “associated with” or “facilitative only of” that change of use, so falls outside the principle in *Murfitt*.

30. There is no dispute that the erection of the fence was not fundamental to or causative of the alleged material change of use. The appellant argues that the fence is ancillary to the lawful use of the land for the siting of touring caravans. However, there is no evidence before me to demonstrate this. Whilst that may be the lawful use of the site, that is not the current use of the site. The fence is clearly operational development that is ancillary to the existing use, ie the storage of caravans. Therefore, I find the *Murfitt* principle applies and its removal can be required.
31. Regarding requirement v) - Restore the Land to its former condition before the breach took place – the appellant should have the best knowledge of what the previous condition was, prior to the breach taking place. A notice cannot require an alternative use must be implemented, lawful or otherwise. Therefore, requirement v) is clearly referring to the physical characteristics of the site, rather than the previous use.
32. The appellant also refers to the hardstanding. However, the notice does not require its removal.
33. I find therefore, the ground (f) appeal succeeds insofar as it relates to requirement iii). However, it fails in all other regards.

The ground (g) appeal

34. This ground of appeal is that the period for compliance is unreasonably short.
35. The appellant contends three months is not sufficient to undertake the requirements as it would take longer than this to sell the caravans. However, the notice does not require that the caravans are sold. It simply requires their removal from the site. Whilst this could be achieved by selling them, it could also be achieved by moving them to an alternative storage site. Moreover, they would not all have to be stored at the same site. The Council has provided numerous storage companies that could potentially accommodate them.
36. I do not consider three months to be unreasonable to hire the services of a qualified person to disconnect all of the caravans from their services, even if such qualified persons are needed.
37. I find therefore the period for compliance is not unreasonably short. The ground (g) appeal fails.

Formal Decision

38. It is directed that the enforcement notice is corrected and varied by:
 - i. The deletion of “RG40 4RP” under paragraph 2 of the notice and its substitution with “RG40 4PR”.
 - ii. The deletion of requirement iii) under paragraph 5 of the notice.
 - iii. The deletion of the words “ii, iii and iv” under requirement iii) of paragraph 5 of the notice and their substitution with the words “ii and iv”.

39. Subject to the corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A Walker

INSPECTOR