



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant:	Susan Elgar
Site:	Bluebell Farm, Commonfield Lane, Barkham, Wokingham, RG40 4PR
Local Planning Authority References:	RFS/2022/087794 & 250051
Planning Inspectorate Reference:	APP/X0360/C/25/3358834
Date	10 th April 2025
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Appendices

- Appendix 1 – RFS/2022/087794 Enforcement Notice
- Appendix 2 – RFS/2022/087794 Planning Contravention Notice Response – Susan Elgar (11th April 2023)
- Appendix 3 - RFS/2022/087794 Planning Contravention Notice Response – Susan Elgar (18th June 2024)
- Appendix 4 - RFS/2022/087794 Expediency Report
- Appendix 5 – Examples of Caravan Storage businesses in proximity to the Appeal Site
- Appendix 6 – Suggested conditions should the Inspector be minded to allow the appeal

1. INTRODUCTION

- 1.1. This statement of case relates to the issuing of an Enforcement Notice (RFS/2022/087794) for an alleged breach of planning control at Land at Bluebell Farm, Commonfield Lane, Barkham, RG40 4RP. The alleged breach is outlined as follows:

“Without planning permission, the material change of use of the Land for the storage of caravans including associated fencing.”

- 1.2. The Enforcement Notice (**Appendix 1**) was hand delivered to the Appellant and posted onto the caravans at the appeal site on 4th December 2024. The Notice outlines the following requirements to ameliorate the alleged breach:

- 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.

- 1.3. The time for compliance with all the steps set out in paragraph 1.2 above is 3 months. A Copy of the Enforcement Notice Plan can be seen in figure 1 below.



Figure 1: Enforcement Notice Plan (RFS/2022/087794)

1.4. The grounds of appeal set out by the Appellant (in appropriate order) are as follows:

- Ground b) – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- Ground c) – that the breach of planning control alleged does not constitute a breach of planning control.
- Ground a) – that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning

permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.

- Ground f) – 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.
- Ground g) – that any period specified in the notice in accordance with section 173(9) of the Town and Country Planning Act 1990 falls short of what should reasonably be allowed

1.5. Each ground of appeal listed above will be addressed within this statement.

2. THE SITE

- 2.1. The appeal site is 0.57 ha in size and comprises a dwellinghouse and its curtilage (known as 'Bluebell Farm') accessed via the southern side of Commonfield Lane, a single carriageway road.
- 2.2. The site features a significant amount of hardstanding providing a driveway and forecourt to the main dwelling. The site features several incidental outbuildings and two caravans within the garden of the dwelling; both of which have recently been approved for additional residential accommodation under certificate application 242456. The caravans (hereafter referred to as Caravans 1 and 7) together with the dwelling operate as one household.

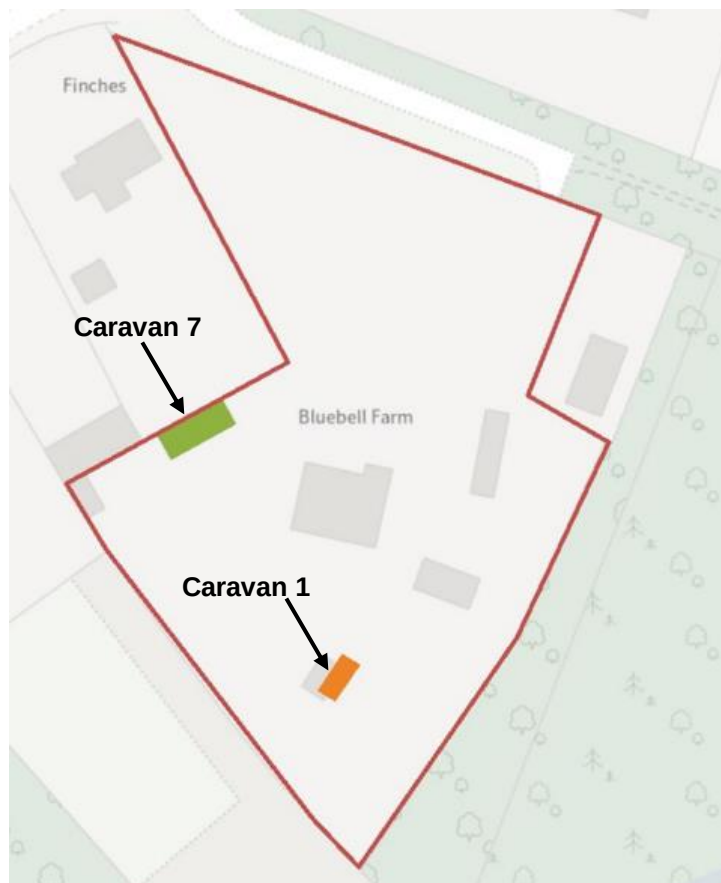


Figure 2: Application 242456 – Certificate of Lawfulness Plan



Figure 3: Location of Appeal Site along Commonfield Lane

- 2.3. As highlighted in yellow on figure 3 above, the south-eastern part of the site was previously in use as a camping and caravanning site which fell under part 5 of the General Permitted Development Order 2015 (as amended). This use has since ceased and the storage of the caravans on site is the subject of the Council's Enforcement Notice.
- 2.4. The Land subject of this Appeal is predominantly laid with hardstanding/shingle and is accessed via a northern access and winding driveway. It is enclosed on the western boundary with standard 6ft close boarded/trellis fencing to separate it from the main garden at Bluebell Farm. Servicing and utility connections are also present, consisting of water, gas, electricity and foul drainage connections.
- 2.5. The appeal site is not located within a settlement boundary and is located within the Countryside in local plan policy terms.

3. PLANNING HISTORY

Application No.	Description	Decision & Date
F/1995/63171	Proposed demolition of existing dwelling and erection of replacement 3no.bedroom dwelling	Refused 05/03/1996
F/1997/65373	Proposed single storey side and rear extensions to dwelling	Approved 07/05/1997
F/1997/66278	Proposed erection of replacement dwelling	Approved 21/11/1997
F/1998/67969	Proposed erection of dwelling – amendment to F/1997/66278	Approved 24/08/1998
F/2000/2015	Proposed erection of detached double garage and installation of velux windows in roof of dwelling (Retrospective)	Approved 04/09/2000
152107	Application for a certificate of existing lawfulness for the use of existing chalet or mobile home as separate residence to the main dwelling.	Refused 08/01/2016 Appeal Allowed 20/01/2017
222373	Application for a certificate of existing lawful development for change of use of land to a caravan site.	Refused 06/10/2022
223783	Full application for the proposed erection of 1no. replacement dwelling and car port, following demolition of existing dwelling.	Approved 10/03/2023
231330	Full application for the proposed change of use of land for stationing no. 14 static mobile home caravans for permanent residential use following demolition of existing dwellinghouse.	Refused 16/08/2023
232420	Application for submission of details to comply with the following conditions of planning consent 223783 dated 10/03/2023. Condition 3 relates to materials, 6 to electric vehicle charging, 7 to cycle parking and 9 to tree protection.	Approved 16/11/2023
240788	Full application for change of use of the land for stationing of 9no. mobile homes for permanent residential use for people over the age of 55 years	Refused 28/05/2024
242456	Application for a certificate of existing lawful development for the stationing of 1no. caravan and 1no. mobile home for use as additional residential accommodation within the curtilage of the main dwelling.	Approved 19/02/2025

4. GROUND B) APPEAL

- 4.1. The ground of appeal alleges that the matters in the notice have not occurred.
- 4.2. The Enforcement Notice relates to Caravans 2-6, located in the south-eastern corner of the site. The Council allege that these are all stationed on site for storage purposes but contrary to this, the Appellant asserts that Caravan 2, the caravan sited in the most southern corner of the Land, is “used by the tenants of one of the residential dwellinghouses on Bluebell Farm for travel and on various holidays.”.
- 4.3. The Appellant’s claim is therefore that no material change of use has occurred in the storing of Caravan 2 since it is used on an ancillary basis to the residential use of Bluebell Farm.
- 4.4. The Council contest this assertion for two main reasons; firstly, when responding to the Planning Contravention Notices (PCNs) issued in April 2023 (**Appendix 2**), the Appellant provides the following answers to questions about the occupation of caravans 2-6:

Question	Appellant answer
5. Are 1-6 permanently kept on the land or are pitches rented? If pitches are rented, what is the maximum length of stay of a caravan / mobile?	Not permanent – Max 28 days
6. Are the caravans/mobile homes numbered 1 -6 on Plan 2 for permanent occupation? If Yes, how long have 1-6 been on the land and used in this way. If No, please state the maximum length of time they are occupied and whether this is on a rental basis. If rental, please state	No – 28 days holiday lets, daily

the maximum length of time they are rented for.	
11. Who currently occupies each of the caravans/mobile homes numbered 1-6 on Plan 2 and on what date did they first occupy them? Please state the full name of each occupant.	Not occupied, holiday lets regular short stays
16. Are there any tenancy agreements for the occupiers of the caravans/mobile homes numbered 1-6 on Plan 2, if so, please provide details?	Not applicable
17. Do any of the occupiers of the caravans/mobile homes numbered 1-6 on Plan 2 have any medical or social needs?	Not occupied N/A
20. Please advise if any caravans other than those numbered 1-6 are permanently kept on the land or are pitches rented? If pitches are rented, what is the maximum length of stay of a caravan / mobile?	Caravan 1 & 7 - Permanent
21. Please advise who currently occupies any of the caravans/mobile other than those numbered 1-6 and on what date did they first occupy them? Please state the full name of each occupant.	Sarah Elgar 17 th April 2010 – Caravan 7

4.5. At no point within the Appellant's answers to the PCNs do they outline that

caravan 2 is used on an ancillary basis in connection with the main dwellinghouse. The Appellant has also provided no details on who occupies/uses it and how, aside from the holidays and travel, it is ancillary to the main dwellinghouse. Rather, they explicitly outline within the PCN that caravan 2 was used for short stay holiday lets, in line with part 5 of the General Permitted Development Order 2015 (as amended). Also important to note is the fact the Appellant has not claimed within their Appeal statement that this short stay holiday let use has continued to occur.

- 4.6. Further to this, it has already been established that the site has two ancillary mobile homes on site within the main dwellinghouse's garden (caravans 1 and 7). It is unclear why a third was/is needed, especially considering the limited number of occupants of the site outlined in the Appellant's response to the PCN issued in late May 2024 (**Appendix 3**).
- 4.7. Turning to the Appellant's assertions as to how Caravan 2 is used, the Council question how it could be utilised for travel and holidays, as the Caravan is a static rather than a standard tourer that is commonly used for such purposes. Transporting static mobile homes of this scale would either require a wide load HGV, or a large vehicle to tow it. It is not common for static mobile homes to be transported regularly for holiday purposes, nor are holiday sites usually equipped to accommodate caravans of this size and nature. The very nature of the definition 'static' implies they are not transported around on regular occasions for leisure.
- 4.8. Caravan 2 is also stationed in the far southern corner of the site and is the furthest from the main dwellinghouse/garden in terms of accessibility, so the Council question why and how it is functionally used on an ancillary basis. Further to this, the caravan's asserted regular departure from site for holiday and travel purposes seems inefficient, with it being the most difficult to manoeuvre off site due to the presence of 4no. caravans in front of it, plus a narrow access and turning area.
- 4.9. Overall, the Council remain of the belief that the allegation within the

Enforcement Notice have indeed occurred on site. The Appeal therefore fails on Ground b).

5. GROUND C) APPEAL

- 5.1. This ground of appeal alleges that the breach of planning control does not constitute a breach of planning control.
- 5.2. The Appellant's statement on Ground c) is very short as their argument hinges on the determination of Ground b). From the Council's viewpoint, the Appellant's appeal on Ground b) is unfounded and it is clear that the caravans on site are for storage purposes, facilitated by operational development in the form of fencing and utility connections.
- 5.3. The storage of caravans represents a material change of use of the Land and the operational development requires planning permission, all of which is unauthorised. Therefore, the development subject of this appeal does constitute a breach of planning control and the Appellant's appeal on Ground c) fails.
- 5.4. Aside from the Caravans, it is important to highlight is that the Appellant has not made an appeal on Ground c) pertaining to the fencing, nor have they made an appeal on Ground d), as they have not provided any evidence to demonstrate that the fencing is immune from enforcement action. From the Council's viewpoint, with consideration for the *Murfitt* principle, the fencing erected on site and subject of this notice is considered to be associated works that are part and parcel of the storage use (this will be expanded on further in section 7 below).

6. GROUND a) APPEAL

- 6.1. This ground of appeal alleges that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- 6.2. Policy CP1 of the Council's Core Strategy states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design.
- 6.3. The site is located outside of development limits within the countryside and therefore Core Strategy Policy CP11 is applicable. CP11 states that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where proposals contribute to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes to and/or promotes recreation in, and the enjoyment of the countryside and does not lead to excessive encroachment or expansion of development away from original buildings.
- 6.4. The change of use of the land for the storage of 5no. caravans, service connections and associated fencing does not comply with any of policy CP11's criteria.
- 6.5. The storage of several caravans on an area of land previously in use as garden space for the main dwellinghouse is a form of excessive intensification of a modest residential site. Surrounding residential plots are generous in size with a sparse development pattern, which the caravan storage use would directly conflict with. The storage area's siting is also a visually inappropriate transition between built form and the open Countryside/Woodland to the

immediate east, to the detriment of the surrounding rural environment and thus contrary to Policies CP1, CP3 and CP11 of the Core Strategy.

- 6.6. It is acknowledged that the paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, in these circumstances it will be important to ensure that development is sensitive to its surroundings, which the development fails to achieve. The development also fails to comply with paragraph 88 a) of the NPPF insofar that the development is not considered to involve the **sustainable** growth and development of all types of businesses in rural areas.
- 6.7. With the above in mind, if the Inspector were to allow this appeal, the development should be classed as an exception to the policy requirements given its Countryside location.
- 6.8. The unauthorised development does not involve a diverse and sustainable enterprise, does not involve the conversion/re-use of buildings and results in encroachment into the Countryside. It is a spatially inappropriate form of development in terms of the context of the area and subsequently causes adverse visual harm to the surrounding rural environment. Conditions would not be sufficient to overcome this harm; the Appellant notes that landscaping provision could be conditioned but it is well established that landscaping can only be secured for a temporary period by a condition; is transient in nature; and good native landscaping is ineffective in winter months due to the deciduous nature of native species. Any landscaping would not change the fact that the development negatively impacts the character of the area – landscaping is to compliment otherwise sustainable development rather than densely screening inherent adverse impacts.
- 6.9. The Appellant's only argument on Ground a) is that the site was previously in use as a camping and caravanning site which fell under part 5 of the General Permitted Development Order 2015 (as amended). The Appellant states that the storage use would not significantly differ from the previous holiday touring

caravan use. The Council contest this argument as this use has deemed consent due to permitted development legislation; it is immune from an assessment against the development plan and national policy whereas the storage of caravans is, and is subsequently contrary to. Also, part 5 relates to a transitional use and tends to be seasonal with the expectation caravans come and go. Static holiday lets would require planning permission as a permanent caravan site. The storage of caravans is neither a leisure or community use or a rural enterprise in NPPF terms.

- 6.10. Overall, the unauthorised development fails to comply with the Development Plan and conditions would not be sufficient to overcome these policy conflicts. The Appellant's appeal on Ground a) therefore fails.

7. GROUND f) APPEAL

- 7.1. This ground of appeal alleges 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.
- 7.2. The Appellant firstly asserts that the pipes and cables for the gas, electricity, water, foul drainage and sewage disposal were placed for the use of touring caravans, associated with the site's previous camping and caravanning use. It is unclear why the Appellant is contesting the requirement to **disconnect** the pipes and cables rather than remove them (not required), as if the Appeal is dismissed, the removal of the caravans from the site would undoubtedly result in their disconnection from the services listed above.
- 7.3. Turning to the fencing, the Appellant also asserts that the fencing required to be removed (seen on figure 1 above) is a separate issue to the caravan storage. Their reasoning surrounds the assertion that the fencing was originally erected to separate the site's main garden from the camping and caravanning site.
- 7.4. The Appellant has not made an appeal on Ground c) pertaining to the fencing, nor have they made an appeal on Ground d), as they have not provided any evidence to demonstrate that the fencing is immune from enforcement action. From the Council's viewpoint, with consideration for the *Murfitt* principle, the fencing erected on site and subject of this notice is considered to be 'associated works' that are part and parcel of the storage use, insofar in that it provides a clear demarcated boundary between the residential and storage uses on site. If the use ceased to exist, there would be no purpose in the fence's retention.
- 7.5. Overall, the Council remain of the view that the requirements outlined within the Enforcement Notice do not exceed what is necessary to remedy the breach of planning control. The Appellant's appeal on Ground f) fails.

8. GROUND g) APPEAL

- 8.1. This ground of appeal alleges that any period specified in the notice in accordance with section 173(9) of the Town and Country Planning Act 1990 falls short of what should reasonably be allowed. The Council has imposed a three month timescale for compliance with the Enforcement Notice but the Appellant is requesting a period of at least six months.
- 8.2. Firstly, with regards to disconnecting the caravans from the utility connections on site, it is unclear to the Council how the time required to complete this would exceed three months. The Appellant suggests that third-party specialists would need to be outsourced to disconnect the caravans but have not explained why and how the disconnection (not the entire removal of) of the utility connections is a complex and lengthy process. The Council would not anticipate the disconnecting works to exceed more than a day, let alone the three months previously imposed.
- 8.3. Turning to the caravans, the Appellant asserts that organising the removal of the caravans is dependent on third parties to be interested in either purchasing the caravans or disposed of if necessary. Whilst it is acknowledged that the sale of caravans can take time, this does not mean the caravans cannot be removed from the site in the meantime. Caravan storage businesses are numerous in the local area (15 within 50 miles of the application site, see **Appendix 5** for closest examples) which could be used to store the caravans whilst awaiting purchase/relocation.
- 8.4. Overall, the Council do not consider that the three month timescale for compliance originally imposed falls short of what should be reasonably allowed. Therefore, the Appellant's appeal on Ground g) fails.

9. CONCLUSION

- 9.1. Overall, the development subject of the Enforcement Notice is contrary to the development plan as a whole. It is a spatially inappropriate form development in terms of the context of the area and subsequently causes adverse visual harm to the surrounding rural environment and Countryside.
- 9.2. The Council considers that a breach of planning control has occurred and that the steps required in the notice are reasonable. As such the Council respectfully asks that the appeal is dismissed, and the enforcement notice is upheld as issued.
- 9.3. If the Inspector is minded to allow this appeal, a list of suggested conditions is outlined in **Appendix 6**.