



Appeal Decisions

Site visit made on 10 February 2026

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal A Ref: APP/X0360/C/25/3366608

Appeal B Ref: APP/X0360/C/25/3366609

Land to the rear of The Furze, Dunt Avenue, Hurst, Wokingham RG10 0SY

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Edward James Smith and Mr D Drew against an enforcement notice issued by Wokingham Borough Council.
- The notice was issued on 14 May 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of land and building to a vehicle storage (including caravans) and sales business.
- The requirements of the notice are to:
 - i) Cease the use of the Land edged red for vehicle storage (including caravans) and sales.
 - ii) Excavate the hardstanding in the approximate position hatched in black on the attached plan and return the Land to its former condition.
 - iii) Disconnect and remove all external lighting from the Land.
 - iv) Remove all signage, vehicles, caravans, materials, goods or items of any sort associated with the vehicle storage (including caravans) and sales business from the Land.
 - v) Remove the resultant materials from carrying out steps (i) to (iv) from the Land.
- The period for compliance with the requirement is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision The appeals are dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Appeal C Ref: APP/X0360/W/25/3363774

The Furze Workshops, Dunt Avenue, Hurst, Wokingham RG10 0SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr E Smith against the decision of Wokingham Borough Council.
- The application Ref is 250109.
- The development proposed is described as 'change of use to the storage and sale of motor vehicles (amendment of commercial use 43103)'.

Summary of Decision: The appeal is dismissed

Appeals A and B – the ground (b) appeal

1. In appealing on ground (b) the burden of proof is firmly on the appellant to demonstrate that the alleged breach of planning control has not occurred as a matter of fact. S174(2)(b) of the Town and Country Planning Act 1990 (the Act) is worded in the past tense, and the question is whether the breach had occurred by the date of issue of the enforcement notice (the notice). If the alleged activities or structures had been on the site, an appeal on ground (b)

cannot succeed simply on the basis that the activities or structures were removed.

2. The appellant contends there are no caravans stored on the appeal site and no related sales business. However, the Council's expediency report includes a photograph dated 11 February 2025, which depicts a caravan near to the entrance of the appeal site. At the time of my site visit, there appeared to be a caravan in an identical position on the site, albeit covered-up.
3. The appellant refers to a motorhome. However, there is no evidence before me of this motorhome. In any event, a motorhome can fall within the definition of a caravan under the Caravan Sites and Control of Development Act 1960 (the Caravans Act). Accordingly, as a matter of fact, at the time the notice was issued, a caravan had been stored on the site.
4. The parties agree there is the storage of only one caravan and that no caravan sales are taking place on the appeal site. Accordingly, I shall correct the alleged breach of planning control to 'the material change of use of land and building to a vehicle storage (including a caravan) and vehicle sales business'. The parties have had the opportunity to comment on this corrected allegation and raise no objection to it. I shall also vary requirement i) under paragraph 5 of the notice to reflect this. I am satisfied that making such a correction would not result in any injustice to the parties.
5. I therefore find the ground (b) appeals succeed insofar as there is a single caravan stored on the appeal site and no caravan sales have taken place. I shall correct the notice accordingly.

Appeals A and B – the ground (f) appeal

6. 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.
7. 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)). In this case, the notice requires that the unauthorised use should cease; the hardstanding be removed; the external lighting be removed; items associated with the unauthorised use be removed; and all resultant material from the works be removed. I therefore consider that the purpose of the notice is to remedy the breach of planning control rather than remedy the injury to amenity.
8. The appellant contends the storage of a single motorhome is not injurious to amenity and such caravans are regularly stored in rural areas. Similarly, it is argued that the hardstanding and external lighting are required for the effective operation of various uses on the wider site and for health and safety.
9. However, these submissions relate to the planning merits of the case and therefore cannot be considered when the notice's purpose is to remedy the breach of planning control, rather than the injury to amenity, and there is no appeal on ground (a).

10. I therefore find the steps required by the notice to be taken and the activities required by the notice to cease do not exceed what is necessary to remedy the breach of planning control. The ground (f) appeals fail.

Appeals A and B – the ground (g) appeal

11. This ground of appeal is that the period for compliance is unreasonably short.
12. The period for compliance with the requirements of the notice is 6 months. The appellant contends that having to relocate from a previous site to the existing took over 18 months. They suggest a period of 12 months would be more reasonable.
13. However, no evidence has been provided to indicate why 18 months were needed to relocate to the current site. Nor is there any evidence to indicate that it would take more than 6 months to relocate, including why there would be difficulty in finding an alternative site.
14. I have had regard to the previous appeal decision¹. The Inspector allowed the ground (g) appeal and extended the period for compliance to 12 months, which was initially 3 months. However, there is nothing to suggest that 6 months was considered unreasonable.
15. On the evidence before me, I am satisfied that a period of 6 months is not unreasonably short to comply with the requirements of the notice, including finding an alternative site. The ground (g) appeals fail.

Appeal C – the section 78 appeal

Preliminary Matters

16. The application site for the section 78 appeal, as defined on the location plan, drawing number MLP/01, is markedly different to the site that is subject of the enforcement notice pertaining to the section 174 appeals. The difference is that the section 78 appeal site includes the access road leading off Dunt Avenue; omits the building to the east of the row of buildings within the site; omits the parcel of land directly north of the building within the appeal site (where the caravan was sited during my site visit); and, omits some of the eastern part of the site, compared to the site identified in the enforcement notice.
17. Following the Council's determination of the planning application, the Environment Agency updated their flood mapping dataset, which now results in part of the appeal site falling within Flood Zones 2 and 3. The parties have been given the opportunity to comment on this matter.

Main Issues

18. The main issues are as follows:
- whether the development is located in a suitable location having regard to local and national planning policy;

¹ Appeal refs APP/X0360/C/22/3294935 & APP/X0360/C/22/3299591

- The effect of the development on the character and appearance of the area; and
- The effect of the development on flooding.

Reasons

Location

19. Policy CC02 of the Wokingham Borough Managing Development Delivery Local Plan 2014 (the LP) sets out that planning permission for proposals at the edge of defined settlements will only be granted where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape. The appeal site is not located within, nor near to, the development limits of a defined settlement.
20. Policy CP11 of the Wokingham Borough Core Strategy 2010 (the CS) permits development outside development limits subject to specific exceptions. Exception 1) of Policy CP11 requires development to contribute to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside.
21. Therefore, the use must be associated with a rural enterprise to satisfy exception 1). A car sales business has no defined link to the countryside and therefore is not a rural enterprise. Accordingly, it does not contribute to diverse and sustainable rural enterprises within the borough or contribute and/or promote recreation in, and enjoyment of, the countryside. It therefore fails to satisfy exception 1). Exception 1) is one step to achieving compliance with Policy CP11; exceptions 2) and 3) must also be satisfied.
22. Exception 2) allows for some encroachment or expansion away from the original building. The hardstanding extends beyond what was previously approved and extends further away from the original buildings. However, this extension is contained within the existing wider site, bounded by dense, high hedging, and therefore does not read as an extension of the site. Therefore, it is not considered to be excessive. Accordingly, it satisfies exception 2).
23. The development utilises an existing building that benefits from planning permission for a commercial use. Therefore, exception 3) is satisfied.
24. Notwithstanding the compliance with exceptions 2) and 3), the failure to comply with exception 1) results in the failure to comply with Policy CP11.
25. The appellant contends the accessibility of the site should weigh in favour of the development. The business is internet-based and operates on a pre-booked appointment basis, so customers do not just appear on an ad-hoc basis as with, for example, a car dealership.
26. I acknowledge that due to the nature of buying vehicles, customers may travel by public transport because they need to drive the purchased vehicle away. The appellant states that customers often travel by train and then travel from the train station to the site via taxi or a member of staff collects them. Whilst

there may be use of public transport, ie a train, in such circumstances, there is still a need for a car to travel from the train station to the site. Moreover, it is reasonable to conclude that some customers may travel to the site with a companion in a private car and the companion drives the private car/purchased car away, without any use of public transport. If the site was located in a more suitable location for such a use, ie an urban setting, it is likely that it would be in closer proximity to public transport links, possibly enabling the entire journey to be completed by public transport. Accordingly, I do not consider that, in terms of accessibility, the site is equally as accessible as an urban location.

27. There are no doubt similar businesses located in such rural locations. However, that does not mean that they are a rural enterprise for the purposes of Policy CP11. As I have not been presented with any examples of such businesses, I cannot make any direct comparison with the appeal before me.
28. I therefore find the development is not located in a suitable location and therefore undermines the spatial strategy of the development plan as set out in Policies CP1, CP3 and CP11 of the CS and Policies CC01 and CC02 of the LP, which, amongst other things, seek to ensure development is in existing settlements or allocated development sites; protects the quality of the environment; and, is located where there are or will be at the time of development choices in the mode of transport available.

Character and appearance

29. The appeal site forms part of a wider site comprising former agricultural buildings, some of which are in use for various commercial uses. Planning permission was granted in 1994² for the change of use of the poultry houses to light industrial use, what was B1 use at the time. These buildings are small in scale and during my site visit I observed that the uses taking place within them appear to be low key and largely contained within the buildings themselves.
30. The site is located within the countryside for the purposes of the development plan. The surrounding area comprises open agricultural fields interspersed with sporadic pockets of residential and agricultural development.
31. The development comprises the change of use of a building that benefitted from the 1994 planning permission for a B1 use. In addition, the land to the east of the building is used for the siting of vehicles in association with the current use. The full details of the 1994 planning permission are not before me. Nevertheless, I have been presented with a drawing (drawing number MLP/02) identifying various parts of the hardstanding. There is no dispute that only the north west section of the hardstanding area formed part of the 1994 planning permission.
32. The northern boundary of the hardstanding comprises a dense, high hedge. Similarly, the east and southern boundaries are also comprised of high, dense hedging, albeit consisting of deciduous vegetation. In conjunction with the siting of the appeal building and hardstanding being located at the end of the

² Council Ref: 43203

building complex, some distance from the entrance to the wider site, the appeal site is largely screened from public views.

33. Nevertheless, it is clearly visible from within the appeal site, itself composed of a number of businesses, which would have a number of staff and possibly customers coming and going. Therefore, it would be clearly visible to users of the wider site.
34. The hardstanding area is expansive and could accommodate a significant number of vehicles, as seen in photographs provided by the Council. The scale of the use is at odds with the significantly smaller scale of the neighbouring uses. Whilst I acknowledge the 1994 planning permission included part of the hardstanding area, this appears to have been for the purposes of providing a turning area for the wider site. I note there is no dispute a condition was imposed on the 1994 permission restricting storage of items to inside buildings only.
35. Although the area is well-screened by natural boundaries and might otherwise see little use, employing it for vehicle storage represents a marked intensification of the site's commercial activity. This undermines the previously small-scale, unobtrusive commercial character that sits comfortably within its rural setting and instead introduces a visually discordant feature more typical of an urban environment.
36. The appellant contends that much of the hardstanding is on an area identified for parking in the 1994 planning permission. However, there is no evidence before me indicating this. The approved plan for the 1994 planning permission as set out in the Council's statement of case identifies a number of parking bays throughout the wider site. None of these are identified within the appeal site. The only annotations for the current hardstanding area are 'Turning Area' and 'Manure Storage Compound'. Accordingly, I do not accept that the 1994 planning permission permitted the use of the hardstanding (part of) for anything other than a turning area.
37. I have considered the appellant's suggestion of restricting the number of vehicles stored to no more than 20, by way of imposing a condition. However, I consider the storage of even 20 vehicles would have an unacceptable harmful effect for the reasons given above.
38. I find therefore, the development has a significant harmful effect on the character and appearance of the area, contrary to Policies CP1 and CP3 of the CS, Policies CC01, CC02 and TB21 of the CS, and Wokingham Borough Council Borough Design Guide 2012, which, amongst other matters, seek to ensure development maintains or enhances the high quality of the environment and landscape; and are of an appropriate scale of activity and character to the area.
39. The Council also site Policy CP11 of the CS. However, I do not consider that the site represents an excessive encroachment or expansion of development away from the original buildings. Accordingly, I find no conflict with Policy CP 11 in this regard. The Council also cite Policy CC03 of the LP in their reasons for refusal. However, there is no evidence before me as to how the proposal effects green infrastructure, trees and/or landscaping. Accordingly, I find no conflict with Policy CC03.

Flooding

40. The appeal site is located within Flood Zones 2 and 3. The National Planning Policy Framework (the Framework) requires applications for development to be supported by site specific flood risk assessments, as well as a sequential test and exception test if applicable. The Planning Practice Guidance (PPG) states that the Sequential Test should be applied to non-major development proposed in areas at risk of flooding.
41. Notwithstanding the above, footnote 62 of the Framework confirms that changes of use do not require a Sequential Test to be carried out, except for changes of use to a caravan, camping or chalet site, or to a mobile home or park.
42. It is only the appeal building and a very small section of the access road that falls within Flood Zones 2 and 3. As these areas of the site that fall within Flood Zone 2 and 3 only involve a change of use of the land (and not new operational development), by virtue of Footnote 62, a Sequential Test is not required. The only operational development is the laying of part of the hardstanding. However, this part of the site falls outside Flood Zones 2 and 3. Accordingly, I do not consider a Sequential Test is necessary.
43. As a Sequential Test, and subsequent Exceptions Test and Flood Risk Assessment are not required, in accordance with the Framework, on the evidence before me, I find that the development would not have an adverse effect on flooding. As such, it complies with Policy CP1 of the CS, which seeks to ensure development avoids increasing risks of or from all forms of flooding.

Other Matters

44. The appellant refers to planning permission recently granted for the use of a building on the wider site for a sports therapy and massage business³. The Council also found that development to be contrary to Policy CP11 of the CS. However, it found no harm in respect of the effect on the character and appearance of the area and that the economic benefits outweighed the conflict with Policy CP11. Accordingly, there is a marked difference between that development and the appeal development before me as I have found that there would be harm to the character and appearance of the area. Accordingly, I find no direct comparison that weighs in favour of the appeal before me.

Conclusion on Appeal C

45. 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.

Formal Decision

Appeals A and B

46. It is directed that the enforcement notice is corrected and varied by:

³ Council reference 250055

- i. The deletion of the words “(including caravans) and sales business” under paragraph 3 of the notice and their substitution with the words “(including a caravan) and vehicle sales business”.
 - ii. The deletion of the words “(including caravans) and sales business” under requirement i) under paragraph 5 of the notice and their substitution with the words “(including a caravan) and vehicle sales business”.
47. Subject to the corrections the appeals are dismissed and the enforcement notice is upheld.

Appeal C

48. The appeal is dismissed.

A Walker

INSPECTOR