



Appeal Decision

Hearing held on 9 July 2024

Site visit made on 9 July 2024

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/N1730/C/24/3340605

Land at Church Farm West, Bramshill Road, Bramshill, Hook, Hampshire RG27 0PS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act). The appeal is made by Mr Slavey Slavchev of EU Plants Limited against an enforcement notice issued by Hart District Council.
- The notice was issued on 8 February 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture, the stationing of caravans for residential occupation and the erection of six utility sheds used in association with the unauthorised residential use.
- The requirements of the notice are to:
 - i) Permanently cease the use of the Land for the stationing of six caravans used for residential occupation on the Land, identified on the attached plan.
 - ii) Permanently remove from the Land the six caravans used for residential occupation, identified on the attached plan.
 - iii) Permanently remove from the Land the six utility sheds associated with the unauthorised residential use of the Land, identified on the attached plan and photos.
 - iv) Permanently remove from the Land all paraphernalia associated with the unauthorised residential use of the Land including but not limited to picnic tables, bins and gas bottles.
 - v) Restore the Land to its former condition prior to the unauthorised use of the Land taking place.
- The periods for compliance with the requirements are:
 - For step i) above, six months after this notice takes effect.
 - For steps ii), iii), iv) and v) above, eight months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f), (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 Decision: The appeal is allowed and the enforcement notice is quashed.

Preliminary Matters

1. The description of the breach of planning control states that the previous lawful use of the land was agricultural. The parties agree that is the case. However, it has been suggested that it is not necessary to describe this in the breach of planning control on the notice. Section 176(1) of the Act allows me to correct any defect, error or misdescription in the enforcement notice. Whilst this phrase may not be necessary, it is accurate so cannot be considered as a defect, error or misdescription. Although this point was made as part of the appellant's ground (b) appeal and I accept that the phrase is not required so could be removed without injustice to the appellant or local planning authority, I consider it is not necessary to vary or correct the notice in this regard.

2. The enforcement notice states that the breach of planning control had occurred within the last ten years. The appellant has argued that if the sheds were buildings, they could become lawful after a period of four years in accordance with section 171B(1) of the Act, albeit they suggest the sheds are not buildings under the ground (b) appeal. However, the Council argue that the sheds are buildings ancillary to the use and that reflects the way the breach is set out in the notice. If they are ancillary to the use or if not buildings, the period would be ten years in accordance with section 171B(3) of the Act. This was accepted by both parties at the hearing. I will return this matter in the ground (b) appeal. However, there is no hidden ground (d) appeal.
3. The appellant suggests that the reasons for issuing the notice should specify the purposes of the requirements; whether they are necessary to remedy the breach of planning control or remedy any injury to amenity which has been caused by any such breach. This is not required by section 173 of the Act but may have assisted the appellant in knowing how to frame any appeal under ground (f). Whilst I agree that this would have been helpful to include, it seems unnecessary at this stage and is not, in any event, a defect, error or misdescription in the enforcement notice. I will not amend the notice in this regard.
4. It is suggested that corrections are necessary to the requirements of the notice. It was agreed at the hearing that requirements i), ii) and (iii) should refer to plans rather than "plan". If I were to uphold the notice, I would make that correction and will consider the appeal on that basis.
5. My attention has been drawn to the judgement of *People Over Wind, Peter Sweetman v Coillte Teoranta* in the Court of Justice of the European Union on 12 April 2018, case reference C-323/17. For clarity, I have taken this into account in coming to my decision.
6. I have been supplied with a planning history of the site and will take the application and appeal decisions into account in coming to my decision. In particular, an appeal was dismissed under reference APP/N1730/W/21/3281915 for the permanent siting of six seasonal worker accommodation units at Church Farm West. That development was the same as that subject of this appeal. In addition, there have been applications for siting of caravans to provide living accommodation for agricultural workers (references 16/01691/FUL and 16/03330/FUL) or for seasonal storage of caravans and utility sheds (reference 17/00098/FUL and 23/00604/FUL). Some of these were approved for a temporary period but have now expired.
7. Prior approval was granted under reference 19/00858/FUL for a cold store building. However, the building constructed differs from that subject of the prior approval. A subsequent planning application reference 22/02661/FUL has been submitted for development described as retention of agricultural cold store building featuring mezzanine office space with external staircase, retention of external plant, car parking and concrete pads and retention of detached single storey control room. I was able to view it on my site visit. However, the planning application has not yet been determined. As a result, I am able to take limited account of the existence of this development and its contribution to the agricultural business at Church Farm West.

The Appeal on Ground (b)

8. An appeal on this ground is that the matters described in the notice have not occurred. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.
9. The appeal on this ground is in two parts: whether the caravans are used ancillary to agriculture and whether the sheds are buildings.

Ancillary to agriculture

10. The appeal site comprises an agricultural enterprise used for the propagation and supply of fruit to the soft fruit industry, including crop growing areas, access/circulation routes and two reservoirs in the southwest corner. This comprises the current agricultural use of the site. The six caravans are used for the accommodation of up to approximately 30 workers for that enterprise, although those numbers vary considerably over time.
11. Staff of the enterprise spend almost all their time on site, apart from short periods to go food shopping. They are foreign workers from as far afield as Nepal, often sourced through an agency. They require visas to work in the UK, which are sponsored by the appellant and mean they are unable to work elsewhere unless their sponsorship were transferred to another employer, although I understand that has never happened. Each individual stays for six months before returning to their home country. That six month period may vary by worker, which means numbers of workers occupying the caravans varies over time, taking account of the seasonal nature of the work. The residential accommodation in the six caravans by those workers is closely related to the agricultural use taking place at the farm.
12. Nevertheless, the definition of agriculture within section 336 of the Act does not mention any residential use. Whilst I accept that, in this case, the residential accommodation is closely related to, and would not occur without, the agricultural use, it is nevertheless more than could be considered ancillary or incidental and has resulted in a mixed use of the land. Consequently, there has been a material change of use that comprises development as defined under section 55 of the Act.

Sheds

13. The sheds are located on wooden pallets next to each of the caravans. I understand that they contain a washing machine and storage for the occupiers of the caravans. They are clearly used ancillary to the residential use. I understand they were bought from Amazon and delivered to the site. They were then assembled on site.
14. The sheds are modest in size and, once emptied, would be simple to move from one location to another. They are held down by their own weight and that of their contents (principally the washing machines). As a matter of fact and degree, and taking account of their size, permanence and physical attachment, I consider that they are not buildings.
15. In terms of changes to the notice, as I have set out in preliminary matters, the description of the breach of planning control is somewhat ambiguous as to whether the sheds are built development or part of the mixed use. Given there was some degree of assembly on the site, it is not inaccurate to refer to their

“erection”. For these reasons, the notice does not need varying, although any subsequent reference to the sheds within my decision will deal with them as not being buildings.

Conclusion

16. For these reasons, I conclude that the appeal under ground (b) should fail.

The Appeal on Ground (c)

17. An appeal on this ground is that “those matters” (the matters stated in the alleged breach of planning control) do not constitute a breach of planning control. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.

18. I have concluded under the ground (b) appeal that the change of use to a mixed use constitutes development within the meaning of Section 55 of the Act. Planning permission is required for that change of use.

19. Planning permission has previously been granted for the siting of a caravan to provide living accommodation for seasonal agricultural workers (reference 16/03330/FUL) and for the use of land for seasonal storage of 4 caravans and 4 utility sheds (reference 17/00098/FUL). Both planning permissions were granted on a temporary basis and have since expired. As a result, no planning permission exists for the use of the land for the mixed use.

20. The appellant suggests that the use of land as a caravan site is “permitted development” granted planning permission by virtue of Article 3 and Class A, Part 5, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Article 3(1) of the GPDO grants planning permission for the classes of development described as permitted development in Schedule 2, subject to the Conservation of Habitats and Species Regulations (Habitats Regulations). I will deal with Schedule 2 of the GPDO and the Habitats Regulations separately.

Schedule 2 of the GPDO

21. Class A, Part 5, Schedule 2 of the GPDO enables the use of land for residential occupation of caravans in accordance with paragraphs 2 to 10 of Schedule 1 of the Caravan Sites and Control of Development Act 1960 (the 1960 Act). Paragraph 7 of Schedule 1 of the 1960 Act refers to the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.

22. There is no dispute that the occupants of the caravans in this instance are employed in the farming operations on this land operated by the appellant. However, the use described at Paragraph 7 of Schedule 1 of the 1960 Act only allows occupation on a seasonal basis. My understanding is that, in order to be seasonal, the use is limited to part of a year, i.e. for less than 12 months. When not in use, in effect that means the caravans need to be removed from the site.

23. The appellant suggests that the enforcement notice was issued while the caravans were occupied in accordance with Class A, Part 5, Schedule 2 of the GPDO. The Council accept that the caravans were occupied by persons employed in farming operations on land in the same occupation on the date the enforcement notice was issued. It is common ground that the caravans are not

removed from the site when not in use. The appellant accepted at the hearing that if I were to allow the appeal on ground (c) and quash the notice, that another enforcement notice may be issued in different terms under second bite provisions at Section 171B(4)(b) of the Act.

24. On this basis, I consider that the use of the site described in the enforcement notice was in accordance with Class A, Part 5, Schedule 2 of the GPDO at the time the notice was issued. The notice does not deal with whether the use is seasonal, but the evidence demonstrates that the caravans are only occupied on a seasonal basis; whether they are removed from the site outside those periods is not dealt with by the notice.

Habitats Regulations

25. Article 3(1) of the GPDO, as amended by regulation 52, Part 2, Schedule 6 of the Conservation of Habitats and Species Regulations 2017 (2017 regulations), refers to the 2017 regulations. Regulations 75-78 of the 2017 regulations relate to considerations as to whether the development is likely to have a significant effect on a European site, in this case the Thames Basin Heaths Special Protection Area (SPA).
26. However, regulation 75 of the 2017 regulations makes clear that those regulations relate only to development subject of a general development order made after 30 November 2017. The GPDO was made in 2015. The previous Conservation of Habitats and Species Regulations 2010 (2010 regulations) were revoked by Schedule 7 of the 2017 regulations with certain exceptions, including regulation 73 so far as it relates to planning permission granted by a general development order made before 30 November 2017. In turn, regulation 73 of the 2010 regulations refers to regulation 75 of the 2010 regulations. The status of regulation 75 of the 2010 regulations is unclear, as it both appears to be revoked and is referred to by a section that has not been revoked. However, it is clear that regulation 74 of the 2010 regulations has been revoked.
27. At the hearing, I was referred to the Habitats Regulations 1994. However, these were revoked by regulation 133 of the 2010 regulations. For clarity, regulations 60-64 of the Habitats Regulations 1994, regulations 73-76 of the 2010 regulations and regulations 75-78 of the 2017 regulations are essentially the same.
28. The appellant has entered into correspondence with Natural England relating to certain conditions of occupation of the caravans. If it had not been revoked, regulation 74 of the 2010 regulations would state that an application may be made in writing to the appropriate nature conservation body, in this case Natural England, for their opinion as to whether the development is likely to have a relevant effect. It went on to state that if the opinion of the appropriate nature conservation body was not likely to have a relevant effect, that is conclusive of that question for the purpose of reliance on the planning permission granted by the GPDO. The emails from Natural England are somewhat vague and do not explicitly state there would be no likely significant effect. The latest email simply says that the approach of the appellant is "agreeable" subject to secure and enforceable conditions. The conditions are provided within a unilateral undertaking that is secure and enforceable. Nevertheless, I consider Natural England's opinion is not sufficiently precise to meet the requirements of regulation 74 of the 2010 regulations, had they still applied.

29.Regulation 75 of the 2010 regulations and regulation 77 of the 2017 regulations state that development shall not be begun until the developer has received written notification of the approval of the local planning authority. The developer has not received such approval. As a result, the development has not met the terms of paragraphs 73-76 of the 2010 regulations or regulations 75-78 of the 2017 regulations. It follows then that the development is not in accordance with Article 3 of the GPDO.

Conclusion

30. For these reasons, I conclude that the development is not permitted development subject of the planning permission granted by Article 3 of the GPDO. On that basis, the appeal under ground (c) must fail.

The Appeal on Ground (a) and the Deemed Planning Application

Main issues

31.The main issues are:

- Whether the residential use of the caravans is in a suitable location in terms of access to services and facilities, or whether there is an essential need for workers to be accommodated at the farm;
- The effect of the caravans and utility sheds on the intrinsic character and beauty of the landscape;
- The effect of the development on the Bramshill Site of Special Scientific Interest (SSSI) and Thames Basin Heaths Special Protection Area (SPA); and
- Whether there are other material considerations (such as need for seasonal accommodation for agricultural workers) that would outweigh any harm.

Reasons

Location

32.Church Farm West is located away from settlements in the countryside. There is limited access to services and facilities other than by private car. As a result, it is not within an area on which the development plan suggests development should be focussed. Nevertheless, Policies SS1 and NBE1 (p.91) of the Hart Local Plan (Strategy and Sites) (LP) states that housing will be permitted where it is essential for the proposal to be located in the countryside.

33.The site is in a relatively remote area with limited access to services and facilities, other than work, by private car. I note that there is limited need for farm workers at Church Farm West to be located close to services and facilities, given their infrequent access to them as set out above for the short time they live and work at the farm. The appellant has carried out a search of available properties within 1 mile of the site and suggests that none would be suitable accommodation for the workers. I consider that it may be possible for workers to commute more than 1 mile from the site, although it is unclear how a distance of up to 20-30 miles as suggested by the Council would be considered close to the place of work.

34.A previous appeal decision reference APP/N1730/W/21/3281915 considered whether there was an essential need for people to be accommodated at the site

to support the agricultural business. I have been supplied with limited additional information in support of the essential need for agricultural employees to be accommodated at the site. I note that the cold store building and associated infrastructure have now been built on site, but I am able to take only limited account of that for the reasons set out above. On that basis, I am unable to conclude other than in accordance with the previous Inspectors findings, that there is no essential need for staff to be accommodated on the site.

35. On that basis, I conclude that Church Farm West is not in a suitable location for the residential use of the caravans in terms of access to services and facilities. There is no essential need for workers to be accommodated at the farm. On that basis, the development conflicts with Policies SS1 and NBE1 of the LP.

Landscape

36. The countryside around Church Farm West comprises gently rolling hills with a mix of open fields and substantial areas of woodland, such as around the Bramshill SSSI. Nearby development comprises farms and individual houses, including some mobile homes similar in appearance to the caravans subject of the enforcement notice.
37. The development comprises five caravans to the rear of the site, opposite the entrance, and another caravan adjacent to the entrance. Each of the caravans are provided with a small utility shed for storage and a washing machine for use by the occupants.
38. There are a number of polytunnels on the site with the remainder largely covered with pots of young plants, with upright metal stands to provide support. Tracks provide access around the site, with substantial ponds located close to the five caravans. The cold store with supporting infrastructure is located in the centre of the site. This means that the site appears largely open with the built development and caravans distributed around the site, rather than concentrated in one location.
39. Bramshill Road runs to the front of the site, although substantial trees and hedgerow mean that views into the site from this direction are limited other than through the access route to the site. A footpath runs around two other sides of the site, slightly higher on the hillside to the side closest to five of the caravans and from which there are views over the site. Planting between that path and the site reduce views in to some extent during the summer, although the nature of the plants mean views across the site would be more extensive in winter. The roofs of the caravans were visible over the planting during my visit. Another public footpath runs through the site from the entrance to the cold store, where it turns to leave from the side of the site. From that path, the five caravans to the rear are partially hidden by a hedge, although the caravan by the entrance is easily visible.
40. As a result, although caravans aren't unusual in rural areas, these caravans appear somewhat incongruous in this location. Nevertheless, their location close to hedgerows helps disguise the caravans to some extent, such that they are less prominent in views than the polytunnels and cold store.
41. For these reasons, I conclude that the caravans and utility sheds harm the intrinsic character and beauty of the landscape. As such, they do not comply with the National Planning Policy Framework (the Framework) that states

decisions should contribute to and enhance the natural and local environment, including by recognising the intrinsic character and beauty of the landscape. They conflict with Policies SS1 and NBE1 of the LP that provide support for certain forms of development as set out above. Background to Policy NBE1 of the LP confirm that is in order to recognise the intrinsic character and beauty of the countryside.

42. My attention has also been drawn to Policy ED1 of the LP. That relates to new employment development defined as "B Use Class", which would not include these residentially occupied caravans.

Thames Basin Heaths Special Protection Area

43. Much of the site, including five of the caravans, is located within 400m of the SPA, with the rest of the site located within the zone of influence. The SPA comprises a number of component sites, including Bramshill SSSI, that forms part of an extensive complex of lowland heathlands. These are agriculturally-unimproved heathland, scrub and woodland that support important breeding bird populations, such as ground nesting birds including nightjar, woodlark and the Dartford warbler that often nests close to the ground amongst dense heather and gorse. These comprise the qualifying features of the SPA. The conservation objectives are to maintain and restore the integrity of these sites, by maintaining and restoring the extent, distribution, structure and function of the habitats and the population and distribution of the qualifying features.
44. The qualifying features of the SPA are threatened by disturbance as residents in the surrounding area use the SPA for recreation and pets. New residential development leads to a likely significant effect on the SPA. As set out above, if the appeal were allowed, the caravans would be occupied by workers of the agricultural business on which they are located. Nevertheless, for this Habitats Regulations Assessment I need to consider unrestricted occupancy. On that basis, there is a likely significant risk of recreational effects on the integrity of the SPA. In addition, occupants could keep pets and the location within 400m of the SPA means that there is a likely significant effect from pets, in particular cat predation, within the SPA.
45. For these reasons, as the competent authority it would be necessary for me to carry out an appropriate assessment to determine the extent of those effects, whether they could be avoided or whether mitigation measures could remove or reduce the effects.

Appropriate Assessment

46. The appropriate assessment needs to consider the effect of the development on the integrity of the SPA and its qualifying features and species. Whilst the residentially occupied caravans would be likely to have a limited recreational effect on the integrity of the SPA, in combination with other developments in the area those effects could be substantial. Pets kept at the caravans in such close proximity are likely to have a significant effect on the qualifying features and species of the SPA.
47. In terms of the recreational effects of the development, in combination with other developments, harm would be mitigated if the measures identified in the unilateral undertaking to limit occupancy on a seasonal basis and to agricultural employees of the business were taken into account, or conditions applied to the

same effect. Occupation should be monitored by the appellant for inspection by the Council, which can be dealt with by condition. In addition, conditions should ensure removal of the caravans should the current agricultural use cease. The nature of the occupants means that they do not use the SPA recreationally. On that basis, this mitigates any recreational effects of the development on the SPA. This has been accepted by Natural England.

48. The unilateral undertaking at 13.1.3 specifies that the appellant will not keep, or permit to be kept, domestic pets on the land or within any caravan. That undertaking would be binding on the appellant and occupiers of the caravans. It is necessary in order to ensure pets aren't kept at the site in order to mitigate the risk to the integrity of the SPA and to the qualifying features and species of the SPA. It is directly related to the development, and fairly and reasonably related in scale and kind to the development, as required by the Framework. It is also secure and enforceable, as requested by Natural England. On that basis, I will take it into account in coming to my decision.

Conclusion

49. For these reasons, I conclude that there will be no adverse effect from the development on the Thames Basin Heaths SPA. It would comply with saved Policy NRM6 of the South East Plan and Policies NBE3 and NBE 4 of the LP that seek to avoid or mitigate any potential adverse effects of development, alone or in combination with other projects, on the integrity of the SPA. This is subject to appropriate conditions relating to occupancy of the caravans and taking into account provisions of the unilateral undertaking relating to the keeping of pets.

Other material considerations

50. Under the appeal on ground (c) I considered whether the development was in accordance with Article 3 of the GPDO. I concluded it was not, solely because of the implications of the Habitats Regulations. However, given my conclusions in relation to the SPA following appropriate assessment, it must be the case that if the appellant were to remove the caravans and apply for a determination under Regulation 73 of the 2010 regulations, that would be approved. On that basis, the return of the caravans for seasonal use would comply with Article 3 of the GPDO.
51. In order to take account of the requirements set out under Article 3 and Class A, Part 5, Schedule 2 of the GPDO the development would need to be restricted either by condition or obligation. In this case, the appellant has submitted a unilateral undertaking setting out a number of provisions that would limit occupancy of the caravans. However, Planning Practice Guidance (PPG) states that where a planning objection to a development proposal could be overcome equally well by imposing a condition on the planning permission or by entering into a planning obligation a condition should be used rather than seeking to deal with the matter by means of an obligation¹.
52. In this case, the restrictions on the occupancy and removal of the caravans when they cease to be required would be necessary and can be dealt with by condition. For this reason, I propose applying a condition limiting occupancy to persons solely working in the locality in agriculture and ensuring occupancy for no more than 10 months in any 12 month period. This reflects how the

¹ PPG Paragraph: 011 Reference ID: 21a-011-20140306

caravans are currently used. In addition, conditions are necessary to require the caravans to be removed, and the land reinstated to its previous condition, should the current agricultural use of the land cease in order to maintain the intrinsic character and beauty of the landscape.

53. These conditions would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. On that basis, I will not take the obligations set out at 13.1.1, 13.1.2 and 13.1.4 of the Unilateral Undertaking into account in coming to my decision.

54. I note that the requirements of the GPDO mean that the caravans would need to be removed when not seasonally occupied. However, the manner in which the caravans are occupied mean that they would each be unoccupied at different times and it is likely that 5 caravans would remain on the site all year (albeit which of the caravans would vary such that each caravan would be removed for a period). Taking account of my reasoning above, that means the effects on the intrinsic character and beauty of the countryside of having five caravans on the site would, essentially, be materially the same all year as if all 6 caravans were retained. On that basis, a condition in this regard would not be reasonable. As a result, it would not meet the tests for conditions set out in the Framework.

55. For these reasons, I consider that the fallback position under Article 3 of the GPDO must carry great weight in this appeal.

Conclusion

56. I have concluded that the residential use within the caravans is not in a suitable location in terms of access to services and facilities and that the caravans and utility sheds harm the intrinsic character and beauty of the landscape. As a result, I have found conflict with Policies SS1 and NBE1 of the LP. However, following appropriate assessment, I have concluded that any adverse effect of the development on the Bramshill Site of Special Scientific Interest (SSSI) and Thames Basin Heaths Special Protection Area (SPA) could be mitigated. The proposal does not conflict with Policy NRM6 of the SE Plan and Policies NBE3 and NBE4 of the LP.

57. Policy SD1 of the LP states that planning applications that accord with the development plan will be approved and sets out the circumstances should policies be out of date. I have no reason to consider that the policies most relevant to this development are out of date. Notwithstanding compliance with other policies, as the proposal is contrary to Policies SS1 and NBE1 of the LP, I consider that the development is also contrary to Policy SD1 of the LP and the development plan as a whole.

58. I have concluded that the permitted development rights under Article 3 and Class A, Part 5, Schedule 2 of the GPDO would be available to the appellant, subject to the requirements of the Habitats Regulations. Given my conclusions relating to the ground (c) appeal and the appropriate assessment, these are material considerations of great weight.

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. I consider that the fallback position

under Article 3 of the GPDO is a material consideration sufficient to indicate a decision other than in accordance with the development plan in this case.

60. For these reasons, I conclude that the appeal on ground (a) should succeed and planning permission should be granted subject to conditions on the deemed application under section 177(5) of the Act.

61. As a result of success of the appeal under ground (a) I will grant planning permission for the development and quash the enforcement notice. As a result, I do not need to consider the appeal under grounds (f) and (g).

Formal Decision

62. It is directed that the enforcement notice is corrected by the deletion of the words "plan" and its substitution with the word "plans" in paragraphs 5i), 5ii) and 5(iii) of What You Are Required To Do.

63. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the Land from agriculture to a mixed use for agriculture, the stationing of caravans for residential occupation and the erection of six utility sheds used in association with the unauthorised residential use at Land at Church Farm West, Bramshill Road, Bramshill, Hook, Hampshire RG27 0PS as shown on the plans attached to the notice and subject to the following conditions:

- 1) The occupation of the caravans hereby permitted shall be limited to a person solely working at the appeal site in agriculture as defined by 33(6)(i) of the Town and Country Planning Act 1990 (as amended).
- 2) The caravans shall not be occupied for a period of more than 10 calendar months in any 12 calendar month period. A Caravans Return Notice covering the previous 12 month period shall be supplied to the Council within 1 month of 10 September of every year that shall specify:
 - a. The number of caravans on the land;
 - b. The number of caravans occupied; and
 - c. The dates of occupation of each caravan.
- 3) The six caravans and utility sheds shall be permanently removed within one month of the current agricultural activities ceasing at the appeal site.
- 4) Within three months of the permanent removal of the six caravans and utility sheds in accordance with condition 5 the land shall be reinstated to its former condition.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Ashley Bowes	Barrister
Emily Temple	Director, ET Planning
Olivia Wojniak	Rural Planning Consultant, Reading Agricultural Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Louise Moore	Interim Team Leader, Planning Enforcement, Hart District Council
Sylvia O'Connor	Planning Enforcement Officer, Hart District Council
Miguel Martinez	Principal Planner, Hart District Council
Stephanie Baker	Development Management and Building Control Manager, Hart District Council
Mike Barry	Biodiversity Officer

INTERESTED PARTIES:

Cllr Philip Todd	Eversley Parish Council
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