



Appeal Decision

Site visit made on 24 June 2025

by Mr James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/A1530/C/22/3306915

Greenacres Farm, Vernon Road, Chappel, Colchester, Essex CO6 2DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Matthew Thorn against an enforcement notice issued by Colchester Borough Council.
- The notice was issued on 17 August 2022.
- The breach of planning control as alleged in the notice is “*Without planning permission, the use of land for the storage of caravans and motorhomes*”.
- The requirements of the notice are to: (i) cease the use of the land for the storage of caravans and motorhomes; and (ii) remove from the land all caravans and motorhomes stored thereon.
- The period for compliance with the requirements is within three months of the notice taking effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) 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 dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Ground D

1. Pursuant to ground (d), the appellant says that the alleged development is immune from enforcement, and therefore lawful. This is on the basis of s171B(3) of the 1990 Act, which says no enforcement action can be taken in respect of an alleged breach of planning control after ten years beginning with the date of the breach.
2. To succeed on this ground, the appellant would need to demonstrate that the use had been ongoing continuously and uninterrupted for a period of ten years prior to the date of the enforcement notice, being 17 August 2012 (or before). Planning merits are not relevant and the burden is on the appellant to demonstrate their case, on the balance of probability.
3. The appeal site is said to be used for the storage of up to 50 caravans and motorhomes. This use is concentrated within two secure fields to the south of the site, which are enclosed by perimeter fencing and hedging. The appellant says this storage use has always been part of the business operations on site, but says in recent years, the number of caravans and motorhomes has increased.
4. The evidence does appear to demonstrate that caravans and motorhomes were stored within the site as far back as 2012. Such evidence includes records and letters/emails from users of the site, a letter from the appellant’s accountant, bank statements, advertising information and aerial photographs.
5. It is also clear from this evidence that the number of caravans and motorhomes being stored within the site has steadily increased since 2012. This is perhaps made most clear from the dated aerial imagery of the relevant fields: the 2012 and 2013 images appear to show very few stored caravans or motorhomes; the 2016

and 2017 images appear to show approximately 13; and the 2018 and 2020 images appear to show approximately 24-30. Whilst these images are just snapshots in time, they are generally consistent with the trend of payments for caravan storage shown in the bank statements, which steadily increase throughout these years. This trend is also reflected in the letters and records of use which have been provided by users of the site.

6. Whilst the storage of caravans and motorhomes has undoubtedly resulted in a material change of the use (MCU) of the land, it is difficult to determine the point when this occurred. The evidence of use between 2012 - 2013 is relatively sparse, and suggests only a few vehicles were stored on the site around this time. This level of use is unlikely to have resulted in a MCU of the site, as its impact, particularly in terms of vehicular movements to and from the site, would have been very limited. From the evidence, it seems more likely that a MCU first occurred sometime after 2013, when the level of storage use had increased more significantly.
7. Moreover, it is likely that a further MCU of the site has also occurred at some point more recently, due to the continued intensification of the storage use. Notably, it was held in *R (oao Childs) v FFS & Test Valley BC [2005] EWHC 2368 (Admin)* that a change from four to eight caravans would be a material change of use due to the associated change in impact. In this instance, the number of caravans has increased much more significantly than this in recent years (including in those years preceding the notice), with the site now accommodating up to 50 vehicles.
8. As was the case in *Childs*, the impact of this level of use is likely to be materially different to the impact of use when the site accommodated fewer vehicles, particularly in terms of traffic movements. Irrespective of when a MCU of the appeal site may have first occurred, it therefore seems clear that the current use of the site for the storage of up to 50 caravans and motorhomes, had not been ongoing for a period of ten years prior to the date of the notice.
9. Overall, this means the appellant has not demonstrated, on the balance of probability, that the alleged use of the site for the storage of caravans and motorhomes had been ongoing continuously and uninterrupted for a period of at least ten years, prior to the date of the notice. In turn, the use was not immune from enforcement on the date of the notice.
10. The appeal on ground (d) therefore fails.

Ground A

11. The main issues in respect of the ground (a) appeal, being the deemed planning application for the matters alleged in the notice, are:
 - the effect of the development on highway safety;
 - whether the principle of development is acceptable; and
 - the effect of the development on the character and appearance of the area.

Reasons

Highway Safety

12. The site is accessed from Vernon Road, which is a single-track unclassified road. It connects to the A1124 to the east and the west, so users of the appeal site can access it from either direction. The road is said to be approximately 5 metres wide, but in places, narrows to approximately 3.2 metres. This reflects my observations during site visit. This means two-way vehicle movements are not generally possible without reliance on verge or passing places.
13. There are very few formal passing places along Vernon Road and users are therefore reliant on residential driveways to create space when meeting oncoming traffic. Whilst this may be common practice, private driveways should not be relied on for this purpose, as there are no guarantees they will always remain useable. There are also stretches of road without any adequate passing places, whether residential driveways or otherwise, particularly to the east of the appeal site.
14. The lack of adequate passing places poses safety risks to road users, as vehicles may be forced into difficult manoeuvres when meeting oncoming traffic. This is especially true where larger vehicles are involved, such as caravans and motorhomes. These manoeuvres heighten the risk of conflict or collision between road users, including drivers, cyclists and pedestrians. These dangers are exacerbated by the compromised visibility along certain stretches of the road, including the blind bend to the east of the appeal site entrance. The lack of footway further amplifies the safety risks to pedestrians.
15. Accident records for Vernon Road (and its surrounds) attest to these dangers. A serious accident was recorded in 2017 on the blind bend referred to above, just to the east of the appeal site entrance. This accident involved a reverse manoeuvre and caused serious injury to a pedestrian. Whilst less serious, a further accident was recorded in 2017 near the junction of Vernon Road and Spring Gardens Road to the west of the appeal site. These accidents demonstrate that the safety concerns identified are more than theoretical.
16. Use of the appeal site for the storage of caravans and motorhomes invariably introduces additional vehicle movements along Vernon Road. Indeed, paragraph 5.11 of the appellant's Highways Technical Note¹ (Highways Assessment) says in a peak hour, the additional proposed development would increase two-way traffic movements along Vernon Road from 22 to 34. This represents a 54% increase. Whilst acknowledging this assessment was based on a storage capacity of 100 vehicles and also encompassed traffic movements attributed to the existing camping and caravan provision, this increase is still meaningful (and would remain so even if storage capacity was capped at 50).
17. Given the constraints of the road, any increase in traffic movements within this area amplifies the possibility of conflict between road users. The increase is especially problematic in this instance, as much of it is attributed to larger vehicles such as caravans and motorhomes. In scenarios where two (or more) large vehicles were to meet head on, the risk of accident is particularly acute. Whilst an appointment-based system for the collection and drop-off of vehicles would

¹ Technical Note, Ayen Consulting, 14 November 2022

certainly help, it does not overcome the risks altogether, as the system cannot readily be enforced.

18. The appellant's Highways Assessment also accepts that the carriageway section of Vernon Road to the east of the site is unsuitable for towed caravans. Whilst the appellant directs users to access and egress the site from the west, these arrangements are not readily enforceable without appropriate signage or traffic restrictions. In this instance, the Highways Authority says signage to restrict access to certain types of vehicles along parts of Vernon Road is not feasible, which means an adequate vehicle routing strategy to and from the site cannot be secured. Users of the site would therefore not be precluded from accessing or egressing the site from the east, which further amplifies the highway safety risks identified.
19. In terms of site access, the Highways Assessment says visibility splays of 2.4m x 37m can be achieved at both access points. However, at the western access, it appears the visibility envelope may encompass neighbouring private land. Without more detailed drawings to show the land ownership position and highway boundaries, it is therefore not clear whether adequate visibility can be achieved within the appellant's land. The Council also suggests a 90m splay is the standard requirement, which would mean the visibility splays may be inadequate in any event. Whilst additional evidence could have been requested on this issue, this exercise would have made little difference to the outcome of the appeal, given the other highway safety concerns identified.
20. Overall, the development risks harm to highway safety and conflicts with Policy DM21 of Section 2 of the Colchester Borough Local Plan (2017 – 2033). This policy says development will only be supported where there is the physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The development also conflicts with the highway safety objectives of the National Planning Policy Framework (2024).

Principle of Development

21. Policy DM6 of Section 2 of the Local Plan addresses economic development within rural areas and the countryside. This applies to the appeal site, as it is located outside of any defined settlement boundary, within the countryside.
22. On rural sites which provide an economic function, Policy DM6 says the storage of vehicles, including caravans, is considered acceptable in principle. In this instance, the wider appeal site includes a camping and caravan site, which undoubtedly provides an income stream to the appellant. The appeal site therefore provides some economic function, which means the proposed use is consistent in this regard.
23. More generally, the storage of caravans is a logical expansion of the appellant's existing business, as it clearly relates well to this existing use. It also makes sense that the use would be located on a site adjacent to the existing caravan site, as users could easily access both functions. Notably, the supporting text to Policy DM6 highlights that the countryside is a good location for some businesses, particularly those specific to rural tourism, which is applicable in this instance.
24. Overall, use of the appeal site for the storage of caravans and motorhomes is consistent with the broad objectives of Policy DM6, and is therefore acceptable in

principle. It is also consistent with the Framework insofar as it seeks to support a prosperous rural economy.

Character and Appearance

25. The appeal site includes a series of inter-connecting fields, and the caravans and motorhomes are stored within two of these fields to the south of the site. Each of these fields is bordered by tall and dense boundary treatments, which include trees, hedgerow and other foliage. Owing to these verdant boundary treatments, the storage use is largely screened from public view, which means it does not interfere with the open and rural character of the surrounding landscape.
26. Moreover, even where glimpsed views are possible, the caravans and motorhomes are appreciated within the context of the wider camping and caravan site. This allows the use to integrate effectively within its surroundings, without undermining the prevailing rural character of the area.
27. I am therefore satisfied that the development does not harm the character and appearance of the area. In this regard, the development is consistent with Policies ENV1 and DM15 of Section 2 of the Local Plan (2017 – 2033) and Policy SP7 of Section 1 of the Local Plan (2013 – 2033), which together seek to ensure new development responds positively to its local context and protects the intrinsic character and beauty of the countryside.

Ground (a) - Conclusion

28. Whilst the development is acceptable in principle and does not harm the character and appearance of the area, on the available evidence, it does pose unacceptable risks to highway safety. The development therefore conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
29. The appeal on ground (a) therefore fails.

Other Matters

30. As drafted, the steps of the notice require the removal of all caravans and motorhomes from the land. However, there are some caravan pitches within the site which are understood to be authorised. In turn, I have varied this requirement to ensure it only requires the removal of caravans and motorhomes associated with the storage use. Presumably this was the intention of the Council, so I am satisfied the minor variation will not cause prejudice.

Conclusion

31. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

32. It is directed that the enforcement notice is varied by:
 - (a) The deletion of step (ii) from paragraph 5 and its substitution with the following step (ii):

(ii) Remove all caravans and motorhomes associated with the storage of caravans and motorhomes use.

33. Subject to the variation, 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.

Mr James Blackwell

INSPECTOR