
Appeal Decision

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 July 2025

Appeal Ref: APP/D3640/C/23/3328661

Land at Browells Wood, Windlesham Road, Chobham, Woking GU24 8SN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Debbie Boon against an enforcement notice issued by Surrey Heath Borough Council.
 - The enforcement notice, numbered 20/0082/ENF, was issued on 19 July 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land has taken place without the benefit of the necessary planning permission from a mixed agricultural and equine use to a mixed use including agriculture and equine uses, the use of the land for the siting of a caravan occupied as residential dwelling, the use of land for keeping domestic pets and the use of the land for keeping animals related to a pet therapy business.
 - The requirements of the notice are:
 1. Cease the use of any part of the land for residential purposes.
 2. Excepting for horses or donkeys, cease the use of the land for keeping any creatures which are not for the production of food, wool, skins or fur, or for their use in the farming of the land.
 3. Remove the caravan sited on the land.
 4. Remove any associated residential paraphernalia from the land including any service connections or sewage treatment systems where applicable.
 5. Reinstate the land to its condition prior to the breach of planning control by reinstating any holes or ruts arising from the removal of the caravan or related paraphernalia with appropriate soil and reseedling of the related areas with an appropriate grass seed mix.
 - The period for compliance with the requirements is six (6) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld with corrections and variations as set out in the Formal Decision below

Procedural matters

1. The appeal has been made only on ground (f) as set out in Section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act), namely that the requirements of the notice exceed what is necessary. In these circumstances, there is no benefit to be gained from a site visit. I am therefore satisfied that I can determine this appeal on the written evidence that is before me.
2. Much of the evidence set out on the letter dated 29 August 2023 that accompanies the Appeal Form relates to matters that should properly be considered under an appeal on ground (a) as set out in Section 174(2) of the

1990 Act, namely that planning permission ought to be granted for the matters stated in the notice. For example, any community benefit that would arise from the operation of the pet therapy business. However, because an appeal has not been made on ground (a) and the requisite fee has not been paid, I am unable to take that evidence into account.

3. Chobham Parish Council submitted a representation dated 30 November 2023 objecting to the material change of use that has taken place on the grounds that, amongst other things, it constitutes inappropriate development in the Green Belt. For the same reason as stated above, I am unable to take that representation into account, other than insofar as it relates to the appeal that has been made on ground (f).

The Enforcement Notice

4. The breach of planning control alleged at paragraph 3 of the notice correctly refers to the material change of use as being 'without planning permission' but then repeats that the material change of use of the land has taken place 'without the benefit of the necessary planning permission'. That is clearly a typographical error and I shall correct the notice by deleting that second reference to without the benefit of the necessary planning permission.
5. The breach of planning control alleged at paragraph 3 of the notice includes, amongst other things, the material change in the use of the land to a mixed use that includes the use of the land for the siting of a caravan occupied as residential dwelling. Although it is apparent that the appellant has understood what is meant by the allegation, the breach of planning control ought properly to allege the stationing of a caravan for residential purposes. I will correct the allegation accordingly.
6. The requirement at paragraph 5.1 of the notice is to cease the use of any part of the land for residential purposes. This is different to the breach of planning control alleged in the notice as drafted, and is also different to the breach of planning control as I propose to correct it. I shall therefore vary the notice to make the requirement at paragraph 5.1 consistent with the breach of planning control alleged as I propose to correct it.
7. The breach of planning control also alleges a material change in the use of the land that includes the use of land for keeping domestic pets and the use of the land for keeping animals related to a pet therapy business. The attendant requirement at paragraph 5.2 of the notice requires that, excepting for horses or donkeys, cease the use of the land for keeping any creatures which are not for the production of food, wool, skins or fur, or for their use in the farming of the land.
8. I understand the intention that underpins the requirement at paragraph 5.2 of the notice. However, it is imperative that the requirements of a notice match as closely as possible the breach of planning control that is alleged. I shall therefore vary this requirement to require the appellant to cease using the land for keeping domestic pets and for keeping animals related to a pet therapy business.
9. The requirement at paragraph 5.3 of the notice is to remove the caravan sited (stationed) on the land. The Council accepts that the lawful use of planning unit is a mixed use that includes agriculture and equine uses. It is entirely

possible that a caravan could be used in connection with an agricultural use of the land. Requiring the caravan to be removed would prevent the appellant from using the caravan in connection with a lawful planning use of the planning unit. Ceasing the use of the caravan for residential purposes would be sufficient to achieve the purpose of the notice. I shall therefore delete this requirement in its entirety.

10. The requirement at paragraph 5.4 of the notice is to remove any associated residential paraphernalia from the land including any service connections or sewage treatment systems where applicable. I recognise that this requirement is necessary to achieve the purpose of the notice and is therefore not excessive. However, given that I propose to delete the requirement at paragraph 5.3 of the notice, this requirement ought to be amalgamated with the requirement at paragraph 5.2 of the notice as I propose to vary it. I shall vary the notice accordingly.
11. The essence of the requirement at paragraph 5.5 of the notice is to reinstate the land to its condition prior to the breach of planning control took place. However, as drafted, the requirement goes on to specify how this should be achieved. In doing so, it introduces an element of uncertainty through the use of the term 'appropriate' in terms of the soil and grass seed mix to be used. The difficulty is that the appellant has no way of knowing what the Council would accept as being 'appropriate'. Given the serious consequences that can result from non-compliance with an enforcement notice, that degree of uncertainty cannot stand. I will therefore vary the requirement to simply require the restoration of the land to its condition before the breach took place. This would be entirely consistent with Section 173(4)(a) of the 1990 Act.
12. I am satisfied that no injustice would arise from correcting and varying the notice in these respects.

The appeal on ground (f)

13. The appeal on ground (f), as set out in Section 174(2) of the 1990 Act, 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.
14. It should be noted that the Appeal Form summarises ground (f) as the steps are excessive and lesser steps would overcome the objections. There is no reference to overcoming objections in Section 174(2) of the 1990 Act and accordingly I must determine this ground (f) appeal strictly on the basis of the wording of the statute, as stated above. I mention this here only because I note that the appellant's letter dated 29 August 2023 that accompanies the Appeal Form repeats the incorrect wording used on that form.
15. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice (as I propose to vary them) include ceasing

the of use of the caravan for residential purposes, as well as ceasing the of use of the land for keeping domestic pets and for keeping animals related to a pet therapy business. The purpose of the notice must therefore be to remedy the breach of planning control that has taken place.

16. The appellant submitted to the Council a Notification for Prior Approval for a Proposed Change of Use of Agricultural Building on the land to a Single Residential Dwelling under the Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The application was refused by the Council but a subsequent appeal was allowed, and Prior Approval was granted on 14 February 2025 (APP/D3640/W/23/3333861).
17. As I understand it, the intention is that the appellant would convert an existing agricultural building on the land to a dwelling for her own use, and thereby making the residential use of the caravan redundant. The caravan would be removed on completion of the conversion.
18. As the Inspector explains in his Decision, in this case due to the proximity of the site to the Thames Basin Heaths Special Protection Area the granting of Prior Approval is not the end of the matter. There is still another procedure under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 that the appellant must complete. I have not been advised as to what progress, if any, has been made in that regard.
19. In this respect, I am mindful that Class A, Part 4, Schedule 2, Article 3 of the GPDO provides that the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land is permitted development, where the operations are not mining operations and where planning permission has been granted or has been deemed to have been granted. This could potentially apply to the conversion of an existing agricultural building to a dwelling under Class Q, Part 3, Schedule 2 of the GPDO.
20. There is no evidence before me that the conversion of the existing agricultural building on the site is actually in progress or even is about to commence. I also have no information as to what role, if any, the appellant would have in the conversion of that building to a dwelling, such that their presence on the site would be required for that purpose. For those reasons, I consider that the continuation of the use of the caravan for residential purposes would not be permitted by Class A, Part 4, Schedule 2, Article 3 of the GPDO at this time and as such is not an obvious alternative to the cessation of that use as required by the notice.
21. The period of compliance stated in the notice is six (6) months. No appeal on ground (g) as set out Section 174(2) of the 1990 Act has been made, namely that the period for compliance specified in the notice falls short of what should reasonably be allowed. I therefore have no authority to extend that period of compliance, even if there is a compelling reason to do so. Consequently, the situation is that the use of the caravan for residential occupation can continue for six months following the date of this decision but must thereafter cease unless all the criteria under Class A, Part 4, Schedule 2, Article 3 of the GPDO are in place beforehand.

22. The use of the land for keeping domestic pets and the use of the land for keeping animals related to a pet therapy business would not be affected by any rights available to the appellant under Class A, Part 4, Schedule 2, Article 3 of the GPDO. These uses must therefore cease within six months of the date of this decision, irrespective of the conversion of the existing agricultural building to a dwelling under Class Q of Part 3 of the GPDO.
23. I have considered whether there are any other suitable alternatives to the requirements stated in the notice which would achieve the purpose of the notice with less cost or disruption to the appellant, but none are obvious to me. I therefore conclude that the requirements of the notice, as I propose to modify them, are not excessive. Accordingly, the appeal on ground (f) fails.

Conclusion

24. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

Formal Decision

25. It is directed that the notice shall be corrected by:
- in paragraph 2 of the notice, deleting the words 'without the benefit of the necessary planning permission'
 - also in paragraph 2 of the notice, deleting the words 'the use of the land for the siting of a caravan occupied as residential dwelling' and substituting there the words 'the use of the land for the stationing of a caravan for residential purposes'
26. It is directed that the notice shall be varied by:
- in paragraph 5.1 of the notice, deleting the words 'Cease the use of any part of the land for residential purposes' and substituting there the words 'Cease the use of the land for the stationing of a caravan for residential purposes, and remove from the land any associated residential paraphernalia including and service connections and/or sewage treatment systems'.
 - in paragraph 5.2 of the notice, deleting the words 'Excepting for horses or donkeys, cease the use of the land for keeping any creatures which are not for the production of food, wool, skins or fur, or for their use in the farming of the land' and substituting there the words 'Cease the use of the land for keeping domestic pets and for keeping animals related to a pet therapy business'
 - deleting the requirement at paragraph 5.3 in its entirety
 - deleting the requirement at paragraph 5.4 in its entirety
 - in paragraph 5.5 of the notice, deleting the words 'by reinstating any holes or ruts arising from the removal of the caravan or related paraphernalia with appropriate soil and reseeding area with an appropriate grass seed mix'.

27. Subject to the corrections and variations, the appeal is dismissed and the enforcement notice is upheld.

Paul Freer
INSPECTOR