



Appeal Decisions

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal A Ref: APP/Y9507/C/22/3311332

Appeal B Ref: APP/Y9507/C/22/3311333

Appeal C Ref: APP/Y9507/C/22/3311334

Appeal D Ref: APP/Y9507/C/22/3311335

Land south of Christmas Cottage (Oakmoor Place), Green Street, East Worldham, Kingsley, Bordon

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Malekesh Cash, Appeal B by Mr Jeremiah Cash, Appeal C by Ms Scarlet Loveridge and Appeal D by Ms Nikita Loveridge against an enforcement notice issued by South Downs National Park Authority.
 - The notice was issued on 18 October 2022.
 - The breach of planning control as alleged in the notice is without planning permission and within the last 10 years a material change of use of land for the stationing of caravans for residential purposes, comprising of the siting of 1 mobile home, and 1 touring caravan, welfare unit, residential paraphernalia, including the creation of a hard surface, erection of fencing, shed and creation of vehicular access points.
 - The requirements of the notice are to:
 - (i) Cease the use of the land for the stationing of caravans for the purposes of human habitation/residential use.
 - (ii) To permanently remove all caravans (statics and tourers) and any other motor vehicle, from the land edged red on the attached plan.
 - (iii) To permanently remove all residential paraphernalia from the land edged red on the attached plan (including sheds, welfare/shower mobile unit, gas bottles, trailers and any other item associated with residential use).
 - (iv) Permanently remove all hard surfaces, in the approximate position hatched black on the attached plan, to dispose of resultant waste lawfully and to restore the land to its former condition.
 - (v) To permanently stop up the new access to the land cross hatched in black in the approximate position on the attached plan, and to permanently remove the associated gates and fencing.
 - (vi) To return the land to its condition prior to the breach of planning control taking place.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(e) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. It is directed that the enforcement notice is corrected by:
 - the deletion of the phrase 'and any other motor vehicle' from requirement (ii).
 - the deletion of the phrase 'to dispose of resultant waste lawfully and to restore the land to its former condition' from requirement (iv).
2. Subject to the corrections Appeals A, B, C and D are dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. The Council advise that the appeal site has been sold and a subsequent appeal (Appeal Ref. APP/Y9507/W/24/3349581) against a refusal of planning permission has been submitted by the new owner. This appeal has subsequently been allowed, and planning permission has been granted for a time limited period of up to 3 years or when the site ceases to be occupied by the appellant, who is the new owner, and his resident dependents whichever occurs first.
4. It was not necessary for me to carry out a site visit as I was able to determine the appeals on the basis of the evidence before me including confirmation by the Council that the appellants were no longer resident on the site.

The Notice

5. I have a duty to try to get the EN in order through correcting or varying the allegation and/or the requirements. Requirement (ii) refers to the removal of 'any other motor vehicle' from the land. As caravans are not 'motor vehicles' the reference to 'other' is inaccurate. Furthermore, the allegation does not refer to the parking or storage of motor vehicles. Consequently, this part of requirement (ii) does not align with the allegation. I can correct the EN by removing the phrase 'and any other motor vehicle' from requirement (ii) without causing any injustice to the parties.
6. Requirement (iv) also requires correction. It is unnecessary for the lawful disposal of waste to be included as waste disposal is controlled by a different legislative regime. Also the requirement to restore the land to its former condition duplicates to some extent, but is not as precise as, requirement (vi). I can correct the EN by omitting these elements of requirement (iv) without causing any injustice to the parties.

Main Issues

Ground (e)

7. The appeals on ground (e) are on the basis that the EN was not served as required by s172 of the Town and Country Planning Act 1990. The appellants consider that the notice was not properly served because it should have been served on the appellant for Appeal D and was not.
8. The appellants also point out that the site address on the EN does not align with the address where the notice was served. The site address for the EN is set out in the banner heading. The address of the appellants for Appeals A, B and C which is set out on the notice is given as follows:

Land south of Christmas Cottage (formerly Foxes), Green Street, East Worldham, Kingsley, Bordon

9. The Council ascertained the addresses for service of the EN by reference to the Land Registry and information contained in a planning application that was submitted in 2021 and on the basis of a meeting with the appellant for Appeal A.
10. The Council served four copies of the EN by attaching them to the gate at the site. These included one addressed to 'owner/occupier' and three others addressed to

the appellants for Appeals A, B and C. A further copy was posted to the appellant for Appeal C at a different address.

11. With regard to the lack of service on the appellant for Appeal D, I am satisfied that the Council made reasonable endeavours to clarify who might have an interest in the land before it served the EN. The information which it had from the planning application did not include specific reference to the appellant for Appeal D, but it did refer to a fourth individual who was living there. It served a fourth copy of the EN on 'the owner/occupier' which would have covered a fourth person. Furthermore, the appellant for Appeal D has not been prejudiced because she has had the opportunity to make her appeal and put forward her own case.
12. There is an inconsistency in the reference to Christmas Cottage between the EN and the addresses used for service of the EN. However, since Christmas Cottage is referred to in both and is only part of the address in order to identify that the site lies to its south, this inconsistency is not fatal to the proper service of the notice. Furthermore, the plan attached to the EN is clear, therefore notwithstanding any inconsistencies in the address, the appellants would have been aware of where the EN related to.
13. On the basis of the evidence, the EN was served as required by s172 of the Town and Country Planning Act 1990 and the appeals on ground (e) do not succeed.

Ground (g)

14. The appeals on ground (g) are on the basis that the timescale for compliance with the requirements of the EN falls short of what should reasonably be allowed.
15. The appellants seek an extension of the compliance period from 6 months to 24 months. In support of this request they cite the lack of availability of an alternative site and, at the time of making the appeal in November 2022, the presence of three children on the site with another birth expected within 6 months.
16. The basis of the appellants argument is that they need to stay on the site longer than the EN allows in order to secure an alternative site and to give the children a safe and settled environment, including access to education for the eldest child. However, as all of the appellants have now left the site this reason for extending the compliance period, for these particular occupiers, falls away and the appeals on ground (g) do not succeed.

Sarah Dyer

INSPECTOR