



Appeal Decision

Site visit made on 30 July 2025

by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI)

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/J0405/C/24/3337324

Land off Little Horwood Road, Nash, MK17 0EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Margaret McCarthy against an enforcement notice issued by Buckinghamshire Council - North Area (Aylesbury).
 - The notice was issued on 19 December 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land to a mixed use of agricultural and the open storage of caravans and the laying of hardstanding.
 - The requirements of the notice are:
 - (1) Permanently cease the unauthorised storage use of the Land.
 - (2) Permanently remove all non-agricultural materials and items from the Land, including but not limited to caravans.
 - (3) Permanently remove (demolish) the hardstanding from the Land and ensure all materials used in its construction are removed from the Land.
 - (4) Reinstate the Land to its condition prior to the unauthorised development taking place which consisted of untreated open agricultural land.
 - (5) Remove any debris from the Land that arises as a result of complying with steps 1, 2, 3 & 4.
 - The period for compliance with the requirements is 3 months from the date the notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (b), (c), (d), (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.
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Decision

1. 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.

The Appeal on Ground (b)

2. An appeal on ground (b) is made on the basis that the matters stated in the enforcement notice have not occurred as a matter of fact. The onus rests with an appellant to make their case on the balance of probability.
3. In this case, the notice alleges both a material change of use (MCU) and operational development in the laying of hardstanding. The hardstanding is clearly present on the site along the driveway and the base upon which the static caravan is situated. Thus, that element of the alleged breach has clearly occurred.
4. In terms of the alleged MCU the appellant's case appears to be that the site has been in continued use for occasional residential purposes, with the appellant staying on site for part of the year. If that is the case then the Council's allegation that the static and touring caravan are being stored on the land would not be correct because they would be in residential use, albeit not on a continual basis.

5. If the site was used for residential purposes in the manner suggested by the appellant it would still represent a breach of condition 2 of the temporary planning permission granted on appeal¹ in 2016 (the 2016 permission) but would not be a storage use and MCU alleged by the notice would not have occurred.
6. However, there is no evidence to substantiate the claim that the caravans were still being used for residential purposes at the time the notice was served. Photographs provided by the Council show that the static unit was tipped on its axle such that it wasn't level and no services appear to have been present which would make residential use difficult.
7. That remained the case at the time of my visit when an inspection revealed both caravans to be in a dilapidated condition. There were no beds in the static unit, light fixtures were hanging from the walls, the internal area looked overlain with years of dust and there were no domestic items, clothes, pots or pans or anything that would give the impression that the unit was in use. The same was the case of the touring unit which was in an even more untidy condition. The over-riding impression was that neither had been used for a significant period of time.
8. Rather, on the balance of probability, the evidence would indicate that the caravans are no longer in residential use but are stored on the land as alleged in the notice. It follows that the breach, as described, has occurred and that the appeal on ground (b) must fail.

The Appeal on Ground (c)

9. Little information is submitted in support of the appeal on ground (c) other than to suggest that the caravans are used for occasional residential purposes. Although not abundantly clear, the suggestion appears to be that the use is of such an occasional level would not amount to a breach of control.
10. However, an appeal on ground (c) is made on the basis that the matters alleged in the notice, if they have occurred, do not amount to a breach of planning control. For the reasons given above, there is no substantive evidence that the caravans have been used for residential purposes for a considerable period of time, even on an occasional basis and I have found that they are being stored on the land, as alleged.
11. I note reference to a historic siting of a caravan that was used in connection with an agricultural use on the land and considered to be ancillary to that use. That does not appear to be the case in respect of the current units which have no apparent functionality on account of their dilapidated condition.
12. The use of land for the storage of caravans is materially different to a residential use in terms of its characteristics and associated patterns of use and is not associated with any agricultural use. In a visual sense, the stored items have an impact on the character and appearance of the area and the matters alleged do represent a MCU in planning terms.
13. The laying of hardstanding also represents operational development for which permission would be required. Permission was granted for the laying of hardstanding in relation to the 2016 permission. However, under condition 5 of that permission the land is required to be restored at the end of the temporary 4

¹ Reference APP/J0405/W/15/3006453

year consent. The approved scheme of restoration included the removal of all hardstanding. In that respect, the hardstanding would amount to a breach of planning control on account of the failure to comply with that condition.

14. The Council could have decided to serve a breach of condition notice as opposed to the present enforcement notice but, irrespective of that, the hardstanding represents a breach of planning control and the appeal on ground (c) cannot succeed in that respect.
15. Consequently, for the reasons given, the breach of planning control does not benefit from planning permission and represents unauthorised development. As such, the appeal on ground (c) fails.

The Appeal on Ground (d)

16. The appellant contends that the siting of the static caravan and some of the hardstanding are exempt from enforcement action under the respective 4 and 10 year rules, as were in force at the time the notice was served. However, that position, in respect of the use of land, is based on the assumption that the MCU to a storage use, as alleged by the Council has not occurred. For the reasons given above I conclude that the MCU has occurred and the caravans were being stored at the time the enforcement notice was served.
17. The onus is on an appellant to make their case and very little evidence has been provided as to the activity and timeline of activity at the site. Whilst the 2016 permission appears to have been implemented, the extent of any residential use of the caravans in association with that permission is not clear from the information provided and may have been limited in frequency at best. When any residential activity ceased and the storage use commenced is not readily apparent.
18. Regardless of that the land was still in agricultural use at the time the previous Inspector visited in 2015 and he described an existing caravan on site as being associated with the agricultural use as opposed to forming part of the proposed residential use. In other words, no residential use had occurred by that point. That date was less than 10 years before the service of the enforcement notice. Consequently, the present storage use cannot have continued for a period of 10 years or more since that time. Although the precise timeline is not known what appears most probable is that the 2016 permission was implemented and that the caravans may have been occupied, albeit sporadically, before becoming disused and dilapidated, at which point they have been stored on the site as opposed to used for any residential purpose. Whatever the actual timeline it is clear that the storage use had not continued for a period of ten years prior to the service of the enforcement notice.
19. Moreover, the hardstanding on site was required to be removed by the terms of condition 5 of the 2016 permission. That temporary permission expired in February 2020 and the present enforcement notice was served in December 2023. As such it is clear that the hardstanding has been in breach for less than 4 years and significantly less than the 10 year period within which breaches of condition may be enforced.
20. Taking all of that together the information provided does not demonstrate, on the balance of probability, that no enforcement action could be taken against the breach of planning control at the date the notice was served as a result of the

passage of time, having regard to the time limits set out at s171B of the Town and Country Planning Act 1990. As such, the appeal on ground (d) must fail.

The Appeal on Ground (a)

21. An appeal on ground (a) is made on the basis that planning permission ought to be granted for the matters stated in the notice. In this case, the matters alleged relate to the storage of caravans and the laying of hardstanding. Much of the appellant's case on ground (a) is based on the premise that that the residential use of the site has been continuing and that permission ought to be granted for the continuation of a residential use on a permanent basis.
22. However, for the reasons set out in respect of ground (b), I have found that is not the case and that the site is in use for storage purposes, as alleged. Therefore, that sets the scope of the ground (a) appeal. The 2016 permission has expired and the residential use has since ceased. Should the appellant wish to occupy the site as a residential caravan site then an application for planning permission would need to be made to the Council for that purpose. It is not a matter for me to consider in respect of the present appeal and I must consider whether permission should be granted for the storage use, with hardstanding, as alleged.
23. It must be said that the appellant has made no case that permission should be granted for such a use but, for the sake of completeness, I shall address the main issues. Based on the stated reasons for issuing the notice those are the effect of the development on the character and appearance of the area; the effect on travel patterns; the environmental effect arising from any waste disposal; and the effect on protected species.
24. An additional reason for issuing the notice related to the Mineral Safeguarding Area but the parties agree that matter is no longer in dispute following the submission of an associated report and I see no reason to take a different view.

Character and Appearance of the Area

25. Whilst the use is no longer residential, the visual impact of the caravans and associated hardstanding remains very much as assessed by the Inspector who determined the 2016 permission, who concluded that there would be a harmful effect on account of the angular caravans with modern materials that would be unrelated to the established rural character of the area. That assessment still holds true and the caravans, which are visible through gaps in the hedgerow do not compliment the prevailing greenery of surrounding paddocks, introducing an urban feel to the rural environment. The hardstanding adds to the sense of development bringing an urban flavour in amongst surrounding fields.
26. The appellant does accept that the development results in a degree of harm but considers it to be negligible. Whilst the caravans are set back from the road, they remain visible and incongruous. Whilst views are localised the effect is moderately harmful and certainly not negligible. Accordingly, the development is in conflict with the aims of policy BE2 of the Vale of Aylesbury Local Plan (2021) the Local Plan which, amongst other things, seeks to ensure that developments reflect the physical characteristics of the site and surroundings, local distinctiveness and the natural qualities and features of the area.

Travel Patterns

27. The second reason for issuing the notice refers to the likely effect on travel patterns and the remoteness of the site from surrounding facilities. Those matters would be more pertinent if the allegation related to a residential use but the present use relates to the storage of 2 caravans which appear to have very little use or associated activity. In reality it looks as though the caravans have been stored with maybe only occasional visits to check on the site and the main activity appears to be related to grazing in the surrounding paddock.
28. Consequently, any traffic generation associated with the storage use is negligible and I find no conflict with the aims of policy S1 of the Local Plan with regard to the aims of minimising travel and encouraging sustainable travel options.

Drainage

29. Similarly to the above, the effect of foul drainage would be more pertinent had the allegation related to a residential use. Given that the caravans are not connected to any services and have not been occupied for what appears to be a considerable period it is not evident that any foul drainage will arise and not clear why the Council has raised concerns in that regard.

Protected Species

30. The appeal site is within a Red and Amber Great Crested Newt (GCN) Risk Zone, which indicates that the surrounding habitat is highly suitable for GCNs. No surveys have been presented in respect of the appeal. However, the context is a site that has been developed through the temporary permission for a caravan site such that the caravans and hardstanding were already in situ before the material change of use to the storage use took place. Whilst I am mindful of the need to apply a precautionary approach, the habitat available for newts within the area in general has not been impacted by the recent MCU. If anything, the associated activity with any residential use will have reduced now that the vehicles are simply being stored.
31. Consequently, having regard to the specific circumstances of the site and its present condition, the development in question is highly unlikely to have resulted in a deterioration in the suitable habitat for GCNs and I am not satisfied that any clear conflict with policy NE1 of the Local Plan has been demonstrated.

Other Matters

32. The appellant has referred to a number of matters that would be relevant if the deemed application related to a residential use, including the need for traveller sites, personal circumstances, the Public Sector Equality Duty and rights established under Articles 8 and 14 of the Human Rights Act 1998. Those matters have little relevance to an application for a storage use. Furthermore, by her own admission, the appellant is not currently residing at the site as her main place of residence.
33. In fact, the residential use has already ceased and there is nothing to suggest that upholding the notice and requiring the removal of the caravans would impact upon the appellant's homelife or established way of life in respect of the PSED. Consequently, those matters do not have any bearing on the outcome of the ground (a) appeal.

Conclusion on Ground (a)

34. For the reasons given, the use of the land for storage and associated hardstanding does cause moderate harm to the character and appearance of the area and is contrary to the aims of the development plan in that respect. I find no particular harm arising in respect of the other issues raised by the Council, many of which would appear to be more relevant had the ground (a) appeal related to a residential use.
35. Similarly, the appellant's case was presented on the basis that permission ought to be granted for residential purposes and no information in support of the alleged storage use has been put forward. No specific reason why the caravans need to be kept on the site in an ever-deteriorating condition has been advanced. Consequently, no material considerations have been put forward to outweigh the harm and the conflict with the development plan and I shall dismiss the appeal on ground (a) and refuse to grant planning permission.

The Appeal on Ground (g)

36. The notice gives a timeframe of three months for the works to be completed. The appellant contends that was not sufficient on the basis of the time of year that the notice was served and the equipment needed to complete the work. No alternative timeframe has been suggested.
37. The notice was served in December whereas I am determining the appeal in August, with dry weather and a number of months before winter sets in. The extent of work required isn't extensive and it appears to me that the three month period is sufficient to enable it to be carried out. Accordingly, the appeal on ground (g) fails and I shall uphold the notice in respect of the time period for compliance.

Chris Preston

INSPECTOR