



Appeal Decision

Site visit made on 16 September 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/J1915/C/23/3320580

Land at Plots 17, 18 and 19, Ford Lane, Aston, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Hoan Nguyen against an enforcement notice issued by East Hertfordshire District Council.
- The notice was issued on 12 April 2023.
- The breach of planning control as alleged in the notice is the material change of use of the Land to use for the stationing of a caravan for residential purposes (including provisions of residential equipment and paraphernalia) and the stationing of vehicles.
Operational development on the Land compromising the erection of buildings, the creation of a paved area and the erection of perimeter fencing and entrance gates.
- The requirements of the notice are to:
 - 1) Cease the use of the Land for the stationing of a caravan for residential purposes.
 - 2) Remove the caravan from the Land.
 - 3) Remove from the Land all equipment and other residential paraphernalia associated with the caravan use.
 - 4) Remove all vehicles from the Land.
 - 5) Remove from the Land the greenhouse.
 - 6) Remove from the Land the timber buildings.
 - 7) Remove from the Land the paving slabs, as laid.
 - 8) Remove from the Land the perimeter fencing and access gates.
 - 9) Remove from the Land all the resultant materials following compliance with 5,6,7 and 8 above.
 - 10) Restore the Land to its condition prior to the unauthorised development.
- The period for compliance with the requirements is: two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. At the site visit the appellant asked to submit new evidence to support his appeal. Given the timescale taken to determine the appeal it was agreed that the new evidence could be submitted and that the local planning authority would be given some time to consider and comment on it.

The appeal on ground (a)

2. The ground of appeal is that planning permission should be granted. The main issues are:
 - i. Whether the development is inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect on the openness of the Green Belt and on the character and appearance of the area; and

- iii. If the development is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Whether inappropriate development

3. The Government attaches great importance to the Green Belt and its essential characteristics of openness and degree of permanence. Substantial weight should be given to any harm to the Green Belt, including harm to its openness. In this case the allegation relates to a mixed use comprising stationing of a caravan for residential purposes, the stationing of vehicles and operational development.
4. Policy GBR1 of the East Herts District Plan October 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. The Framework states that development in the Green Belt is inappropriate, subject to a number of exceptions. These include 154 h) v material changes in the use of land provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. However, the courts have held¹ that residential uses do not fall into this exception. As such, the material change of use of the land for the stationing of a caravan for residential purposes (including provision of residential equipment and paraphernalia) is inappropriate development in the Green Belt. Therefore, since that part of the mixed use is inappropriate development in the Green Belt the wider mixed use the subject of the Notice must be inappropriate development.
5. Operational development comprising the erection of buildings, the creation of a paved area and the erection of perimeter fencing and entrance gates does not fall into one of the exceptions set out in paragraph 154 of the Framework and therefore must be, by definition, inappropriate development

Openness, character and appearance

6. Openness is an essential characteristic of the Green Belt. By introducing residential development comprising of the stationing of a caravan and residential paraphernalia, stationing vehicles and operational development where there was previously none the development reduces the openness of the Green Belt to some extent. I am mindful that visual impact is implicitly part of the concept of openness and note in this regard that the development is clearly visible from the surrounding countryside and thus is experienced visually.
7. Moving on to general character and appearance, a quite different concept from the openness of the Green Belt, I consider that the scale and visual appearance of the overall development is at odds with its rural surroundings. The locality is characterised by an open agricultural valley with hedgerow field boundaries and open fields. There are few buildings other than those which I understand to be unauthorised in the locality. The development comprising the caravan, residential paraphernalia, green house and other temporary and more permanent structures, concrete slabs, fencing and metal gate are intrusive features in the field which are unsightly, sporadic and incohesive intrusions into the otherwise attractive rural surroundings. I observed on site that there are other plots in the immediate vicinity which have been changed from their original condition, but that does not justify the

¹ RB of Kingston upon Thames v SSLUHC [2023] EWHC 2055 (Admin)

development the subject of this appeal. Consequently, I conclude that the development has a harmful effect on the openness of the Green Belt and on the character and appearance of the area.

Other considerations

8. I have been made aware of the appellant's personal circumstances, including his care responsibilities. My attention has also been drawn to his desire to grow fresh produce, donate profits to charities and provide an environment where his family can be given a good start to life. Although these are admirable objectives, these and other personal circumstances are not sufficient to demonstrate very special circumstances required to justify the development. As such they carry only limited weight in this case.

Conclusions

9. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. To be added to that harm is the harm to openness that I have identified and the harm to the character and appearance of the area. The Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist, unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have considered the other considerations put forward, but they carry only limited positive weight. I am not persuaded therefore, that the very special circumstances necessary to justify the proposal exist in this case. Accordingly, for the reasons set out above, I conclude on balance that the appeal on ground (a) should not succeed.

The appeal on ground (f)

10. The ground of appeal is that the steps required to be taken by the enforcement notice exceed what is necessary to achieve that purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the use of land for the stationing of a caravan for residential purposes to cease, removal of the caravan, all equipment and other residential paraphernalia associated with the caravan use, all vehicles, the greenhouse, the timber buildings, paving slabs and the perimeter fencing and access gates, remove all the resultant materials and restore the Land to its condition prior to the unauthorised development, the purpose is clearly to remedy the breach. Leaving any part of the development in place would not achieve that purpose. In this respect, the appeal on ground (f) fails.
11. Nonetheless I am mindful that enforcement action is intended to be remedial and not punitive. With a ground (a) included in the appeal it would be possible to grant planning permission for part of the development. In support of his appeal on ground (f) the appellant has suggested the retention of the greenhouse to protect vulnerable plants, disputes that there is a timber building on the land (although there is no appeal on grounds (b) or (c)) and states that the paving slabs are not permanent. In addition, he considers the requirement to remove the perimeter fencing and access gate is outrageous. However, he has not provided evidence of why the steps are excessive and how lesser steps would achieve the overall purpose of the notice to remedy the breach. Therefore, the appeal on ground (f) cannot succeed.

The appeal on ground (g)

12. The ground of appeal is that the time given to comply with the requirements is too short. I am satisfied that two months would be sufficient to cease the use of the land for the stationing of a caravan for residential purposes and to remove the various items from the Land, restoring it to its condition prior to the unauthorised development taking place. The appellant has not actually suggested what he considers to be a reasonable compliance period.
13. Therefore, the appeal on ground (g) fails.

Formal Decision

14. The appeal is dismissed and the enforcement notice upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990- Act as amended.

A A Phillips

INSPECTOR