



Appeal Decision

Site visit made on 5 September 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/Y3940/C/25/3362820

Land at Wyatts Lake Farm, 250 Westbrook Road, Bromham, Chippenham, Wiltshire, SN15 2EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr. Lance Beale against an enforcement notice issued by Wiltshire Council.
- The notice was issued on 18 February 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from agriculture and recreational fishing to the mixed use involving:
 - a) agriculture;
 - b) recreational fishing;
 - c) the importation, deposit, and open storage of waste;
 - d) storage;
 - e) and the stationing of caravans for residential occupation.
- The requirements of the notice are to:
 - 1) Cease the use of the Land for the importation and deposit of waste.
 - 2) Cease the use of the Land for the open storage of waste and remove all openly stored waste from the surface of the Land, inclusive of but not exclusive to green waste, soil, scrap metal, wood, stone, rubble, plastic and textiles.
 - 3) Cease the use of the Land for storage and remove all stored items from the Land, inclusive of but not exclusive to residentially unoccupied caravans; motor vehicles (other than agricultural motor vehicles reasonably required for the purpose of agriculture); canal boats, narrow boats and other types of boats (other than any small boat reasonably required in connection with the maintenance of the fishing lakes within the Land); metal framed teepee/wigwam type structures, tents and yurts; and building materials.
 - 4) Cease the use of the Land for the stationing of caravans for residential occupation and remove from the Land all associated caravans and associated operational development inclusive of but not exclusive to fencing, sheds, lean-to structures and lean-to extensions.
- The periods for compliance with the requirements are:
 - Within 1 month of the date that this Notice takes effect to carry out the actions detailed in step 1) of Section 5 of this Notice.
 - Within 18 months of the date that this Notice takes effect to carry out the action detailed in step 2) of Section 5 of this Notice.
 - Within 12 months of the date that this Notice takes effect to carry out the actions detailed in step 3) of Section 5 of this Notice.
 - Within 6 months of the date that this Notice takes effect to carry out the actions detailed in step 4) of Section 5 of this Notice.
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and, subject to corrections, the enforcement notice is upheld.

The Notice

1. Regardless of the outcome of the appeal, I have a duty to get the enforcement notice (the notice) in order. Section 3 of the notice sets out the alleged breach of planning control as being ‘...the material change of use of the Land from agriculture and recreational fishing to the mixed use involving:- a) agriculture; b) recreational

fishing; c) the importation, deposit, and open storage of waste; d) storage; e) and the stationing of caravans for residential occupation.’ However, none of the requirements of the notice under section 5 require the cessation of the mixed use.

2. The requirements of the notice, set out in section 5 of the notice, are set out as though they are seeking the cessation of four separate uses, ie, the use of the Land for the importation and deposit of waste; the use of the Land for the open storage of waste; the use of the Land for storage; and, the use of the Land for the stationing of caravans for residential occupation. However, the alleged matters refer to a single use – a mixed use comprising all of these activities, in addition to agriculture and recreational fishing. Therefore, the requirements do not align with the alleged breach.
3. However, within the four corners of the notice, it is clear that the notice intends to seek the cessation of the mixed use through the cessation of the use of the Land for the importation and deposit of waste; the use of the Land for the open storage of waste; the use of the Land for storage; and, the use of the Land for the stationing of caravans for residential occupation.
4. The appellant argues that correcting the notice to reflect this would cause them injustice because it would remove their right to be granted planning permission for the mixed use by virtue of section 173(11) of the Town and Country Planning Act 1990. However, the requirements of the notice would still prevent components of the notice from taking place. Given that the requirements already prevent the offending components of the mixed use from taking place, I find that the notice can be corrected without causing injustice by ensuring the requirements align with the allegation.
5. The appellant queries the two areas outlined in black on the plan attached to the notice. For clarity, these two areas fall outside the appeal site and therefore the notice does not relate to any uses taking place within them.

The ground (c) appeal

6. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
7. The appeal site covers a large area of land. There are numerous activities taking place across the land. There are two lakes that are used for recreational fishing and a small area of land for grazing goats. There is also a parcel of land in the southeast corner of the site used for growing crops to provide shelter for wild pheasants. The keeping of the goats and growing of these crops are the agricultural uses taking place on the site.
8. In addition to the recreational fishing and agricultural use, the site also has a number of other uses taking place across its extent. These include numerous people living in caravans, which clearly equates with the alleged stationing of caravans for residential occupation.
9. There is also the storage of a substantial amount of waste, including, but not exclusive of, household waste; soft and hard furnishings; scrap metal and wood; tyres; building waste; and, green waste. The waste is stored throughout the site in

various piles or in containers of varying designs. Due to the substantial amount of waste on the site, it cannot feasibly have all been created within the site and therefore some of it must have been imported and deposited onto the land. Accordingly, the importation, deposit, and open storage of waste has clearly taken place as alleged.

10. In addition to the storage of waste materials, the site is also used for the storage of, amongst other things, a significant number of static and touring caravans; household items, such as furniture; plant and machinery; agricultural machinery; various vehicles including boats, buses, vans, lorries and cars; building materials, including block pavers and bricks; and, teepees and a yurt. Accordingly, the use of the land for storage as alleged is clearly taking place.
11. The appellant contends that the boats stored on the land do not require planning permission. However, there is no evidence before me that they are being stored ancillary to any lawful use of the site.
12. Given the above, all of the components of the alleged mixed use are taking place on the land. As these uses are spread across the site, with many of the uses intertwined with each other, they cannot clearly be identified as separate planning units. Therefore, they are considered to be a single planning unit in a mixed use.
13. Although the evidence before me does not explicitly state what the lawful use of the land is, descriptions of previous planning applications made to the Council, as provided in the Council's planning history for the site, suggest that it was in agricultural and recreational fishing use. Due to the nature and extent of the uses taking place across the land, it would amount to a significant change in character from the lawful use. Consequently, the change of use of the land to the mixed use results in a material change in the use of the land. As no planning permission has been granted for the material change of use of the land to the mixed use as alleged in the notice, a breach of planning control has occurred.
14. The ground (c) appeal therefore fails.

The ground (f) appeal

15. This ground of appeal 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.
16. I acknowledge that agricultural holdings may accumulate some material such as scrap metal, soil, green waste or wood to be reused or removed in bulk. However, the scale of the material stored on the appeal site, both waste and general storage, far exceeds what would normally be considered to be ancillary to an agricultural use. Therefore, I do not consider their removal exceeds what is necessary to remedy the breach of planning control.
17. The appellant confirms that a number of the vehicles are for his own personal use. However, given the sheer number of them and that many are in a state of disrepair, I do not consider them to be ancillary to the lawful use of the land.

18. The appellant also refers to the potential future use of stone stored on the site for use on a neighbouring property. Therefore, this is clearly not stored ancillary to the lawful use of the appeal property.
19. The requirements of the notice are clear and precise, setting out what needs to be done in order to remedy the breach of planning control. I do not consider them to exceed what is necessary to achieve this.
20. Accordingly, the ground (f) appeal fails.

Other Matters

21. The appellant raises a number of concerns relating to the Council's investigation into the alleged breach of planning control prior to issuing the notice. However, these matters have had no bearing on my consideration of the appeal before me.

Formal Decision

22. It is directed that the enforcement notice is varied and corrected by the following:
 - i) The deletion of requirements 1), 2), 3) and 4) under section 5 of the notice and substitute for the following:
 - 1) *Cease the mixed use of the Land comprising agriculture; recreational fishing; the importation, deposit, and open storage of waste; storage; and, the stationing of caravans for residential occupation by ceasing the use of the land for the importation, deposit and open storage of waste; storage; and, the stationing of caravans for residential occupation.*
 - 2) *Remove all openly stored waste from the surface of the Land, inclusive of but not exclusive to green waste, soil, scrap metal, wood, stone, rubble, plastic and textiles.*
 - 3) *Remove all stored items from the Land, inclusive of but not exclusive to residentially unoccupied caravans; motor vehicles (other than agricultural motor vehicles reasonably required for the purpose of agriculture); canal boats, narrow boats and other types of boats (other than any small boat reasonably required in connection with the maintenance of the fishing lakes within the Land); metal framed teepee/wigwam type structures, tents and yurts; and building materials.*
 - 4) *Remove from the Land all residentially occupied caravans and associated operational development inclusive of but not exclusive to fencing, sheds, lean-to structures and lean-to extensions.*
 - ii) The deletion of the first paragraph under section 6 of this Notice and substitute it for "Within 1 month of the date that this Notice takes effect to cease the use of the Land for the importation and deposit of waste detailed in step 1) of Section 5 of this Notice.'
 - iii) Under paragraph 2 of section 6 of this Notice, immediately following the words 'step 2)' the insertion of the words 'and cease the use of the Land for the open storage of waste as detailed in step 1)'.

- iv) Under paragraph 3 of section 6 of this Notice, immediately following the words 'step 3)' the insertion of the words 'and cease the use of the Land for storage as detailed in step 1)'.
- v) Under paragraph 4 of section 6 of this Notice, immediately following the words 'step 4)' the insertion of the words 'and cease the use of the Land for the stationing of caravans for residential occupation as detailed in step 1)'.

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

A Walker

INSPECTOR