



Appeal Decision

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date 13 October 2025

Appeal Ref: APP/G5180/C/25/3366421

Land east of Holwood, Westerham Road, Shire Lane, Keston also known as Land lying to the north of Shire Lane, Keston

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr L Parsloe against an enforcement notice issued by the Council of the London Borough of Bromley on 25 April 2025.
 - The breach of planning control as alleged in the notice is: 'Without the required planning permission,
 - (a) The material change of use of the Land from agricultural Land in the Green Belt to Land used for the storage of motor vehicles including shipping containers, military type of vehicles, private motor vehicles and goods vehicles which are not associated with the permitted agricultural and the woodchip business use, the storage of paraphernalia, and which have been on the Land for less than 4 years and (b) The sitting of shipping containers with connecting metal sheet roofing unrelated to the permitted use of the Land, and (c) The operational development by the erection of several structures and the sitting of containers on the Land in the approximate position numbered 1, 2 and 3 on the Plan'.
 - The requirements of the notice are: (a) Remove from the Land any motor vehicles which are not associated with the permitted use of the Land and, (b) Remove from the Land all paraphernalia not associated with the permitted use of the Land and, (c) Remove all containers and structures that have been on the Land for less than 4 years and, (d) Cease the use of the Land for the storage of military type vehicles, private vehicles and goods vehicles. (e) Remove from the Land any resultant debris.
 - The period for compliance with the requirements is within four months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f), and (g) of the Act. 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 enforcement notice is quashed.

Reasons

2. I have not carried out a detailed inspection of the whole site, but I have passed through part of it when visiting adjacent land while considering this appeal. I am satisfied that there is no need for me to carry out a full inspection of the whole site, as it would have no effect on the outcome of the appeal.
3. I am required to get the notice in order, and to this end I have the power under section 176(1) of the Act to correct any defect, error or misdescription in the notice, or to vary the terms of the notice, if I am satisfied that doing so will not cause injustice to any party.
4. Firstly, I find the descriptions of the alleged breaches of planning control stated in the notice to be ambiguous. The notice lists three alleged breaches, (a) to (c).
5. Allegation (a) refers to a material change of use from agriculture to storage of motor vehicles ('including shipping containers, military type of vehicles, private

motor vehicles and goods vehicles') not associated with a permitted agricultural and woodchip business and 'paraphernalia'. As it is obvious that shipping containers are not motor vehicles, it would be a straightforward matter to correct allegation (a) to specify that it is alleged storage containers are stored on the land. However, it remains entirely unclear as to which storage containers may be stored where and what paraphernalia specifically is alleged to have been stored on the land in breach of planning control. Furthermore, the allegation seeks to make exceptions for motor vehicles and shipping containers stored on the land in association with a permitted agricultural and woodchip business, but none of those items are specified with sufficient clarity to provide reasonable certainty which items are intended to be exempt from the notice. The extent of any permitted agricultural and woodchip business is also unclear from the notice.

6. The second allegation then refers to 'the sitting of shipping containers with connecting metal sheet roofing unrelated to the permitted use of the land'. It is presumed that this refers to different shipping containers compared to those which are claimed to be stored on the land by allegation (a), but this is also not clear.
7. Allegation (c) relates to operational development in the form of 'several structures' and 'the sitting of containers' in three approximate positions annotated on the plan attached to the notice. It is unknown how many structures or containers this allegation intends to refer to, or how any containers which are claimed to comprise operational development can be differentiated from the shipping containers referred to by allegations (a) and (b). It may be the case that the structures and containers in the approximate positions 1, 2, and 3 marked on the plan are those referred to by allegation (c) only, but there is nothing to suggest that those referred to by allegations (a) and (b) are not in those approximate locations too.
8. The Council's statement of case refers to the alleged breach as 'the material change of use of the land from agricultural purposes to one used for general storage including motor vehicles, shipping containers, military and goods vehicles, and other paraphernalia not associated with the permitted agricultural or woodchip business use'. However, that is quite different to what allegation (a) actually says.
9. Moving onto the steps required to be taken by the notice, Steps (a) and (b) require the removal of all motor vehicles and paraphernalia which are not associated with the permitted use of the land. Although allegation (a) suggests the permitted use of the land is for agricultural and woodchip business purposes, it is only being alleged that motor vehicles not associated with that use and paraphernalia in general are being stored on the land. It is therefore excessive to require the removal of any other motor vehicles and paraphernalia, such as those not being stored.
10. Moreover, with regard to section 173(11) of the Act, the notice could be described as effectively granting planning permission for the storage of motor vehicles (except those which could be described as 'military type vehicles, private vehicles or goods vehicles') and paraphernalia which may be associated with whatever the permitted use of the land may be, as well as any containers and structures which have been on the land for 4 years or more. Despite these requirements, it remains unclear which structures or containers may have been on the land for at least four years, or which may have been stored on the land rather than comprise operational development. I do not need to explore what attributes may differentiate a 'military type vehicle' from any other vehicles in this decision, but this adds further uncertainty.

11. In summary, the description of the alleged breaches and the steps required to be taken are imprecise, ambiguous, and confusing. As such, I am unable to correct many of these serious errors without causing injustice to the parties. Had the notice been drafted correctly at the outset, the appellant may have pursued different appeal arguments, including those relevant to different grounds of appeal, and the Council may have included more or fewer alleged breaches. I am therefore unable to correct the notice without causing injustice and the notice should be quashed.

Conclusion

12. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breaches of planning control or the steps required for compliance. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the Act, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances, the appeal on the grounds set out in section 174(2)(a), (d), (f), and (g) of the Act and the application for planning permission deemed to have been made under section 177(5) of the Act do not fall to be considered.

L Douglas

INSPECTOR