



Appeal Decision

Site visit made on 22 September 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/M1520/C/23/3326722

Land at Corner of Bassenthwaite Road/Windermere Road, Thundersley, Benfleet, Essex SS7 3JG shown edged red on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Maris Kencis against an enforcement notice issued by Castle Point Borough Council.
 - The enforcement notice was issued on 27 June 2023.
 - The breach of planning control as alleged in the notice is without permission, a material change of use of land for the storage of a caravan.
 - The requirements of the notice are to:
 - (1) Cease the use of the land for the storage of caravans.
 - (2) Remove the caravan indicated in the approximate position marked with an 'X' and all items facilitating its siting, including but not limited to the steps and timber.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

2. The Council has confirmed compliance with the enforcement notice requirements, with the caravan having been removed. Indeed, I did not see a caravan on the land on my site visit.

Ground (c)

3. For an appeal to succeed on this ground, the burden of proof is upon the appellant to demonstrate on the balance of probabilities that the matters stated in the notice do not constitute a breach of planning control.
4. It is not disputed that a caravan has been stored on the land. Rather, the appellant says a caravan was only stationed there temporarily to store the equipment he was using to erect a fence around the land.
5. The appellant has not said when the caravan was first stationed upon the land, though the Council gives the date as 9 May 2023. The notice was issued on 27 June 2023 following an officer site visit on 23 June 2023 where it was observed that a barbed wire fence had been erected. At the time of the appeal (27 July 2023) the caravan was clearly still on the land, with the appellant's comments suggesting he had not completed erecting the fence and requesting 1-2 months to complete the work.

6. However, no other fence appears to have been erected since the Council's observation of the barbed wire fence on 23 June 2023.
7. As a matter of fact and degree, I find that the storage of a caravan on the open land in the Green Belt did represent a material change of use of the land due to the resulting change in its character of use, taking also into account associated impacts such as enclosing effects upon the Green Belt. This constituted a breach of planning control as there was no associated planning permission in place – either express or general.
8. Article 3(1) and Schedule 2, Part 4, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits *"the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land"*. However, based on the above facts, the operations (the barbed wire fence, there being no evidence of which I am aware of other operations) had already been carried out and completed at the date the notice. Therefore, that provision does not apply.
9. Accordingly, I am not satisfied on the balance of probabilities that the matters stated in the notice did not constitute a breach of planning control. Ground (c) does not succeed.

Ground (f)

10. Under this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose.
11. However, the appellant does not make a case that it is excessive to comply with the steps of the notice – only that more time is needed. Therefore, the appeal under ground (f) is misdirected and I will deal with the matter under ground (g).
12. Ground (f) does not succeed.

Ground (g)

13. For success on this ground, I must be satisfied that the compliance period falls short of reasonable.
14. As the appellant has already complied with the notice, in fact he needs no time following the issue of this Decision to comply. The compliance period of 1 month is therefore not unreasonable. Ground (g) does not succeed.

Conclusion

15. For the above reasons, the appeal does not succeed and I shall uphold the enforcement notice.

Andrew Walker

INSPECTOR