



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 16 October 2025

Appeal Ref: APP/W1525/C/25/3361459

Seven Acre Farm, Crows Lane, Woodham Ferrers, Chelmsford, Essex, CM3 8RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Peter Evans against an enforcement notice issued by Chelmsford City Council.
 - The notice was issued on 21 January 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the making of a material change in the use of land to the storage of caravans, motorhomes, and other vehicles, along with the carrying out of facilitative operational development comprising the formation of hard surfaces, the construction of a building, and the formation of an earth bund.
 - The requirements of the notice are: (i) Permanently cease the use of the land outlined in red on the attached plan for the storage of caravans, motorhomes, and other vehicles, and remove those caravans, motorhomes, and other vehicles currently stored on the land; (ii) Break up/scrape clear and remove the hard surfaces outlined in blue at the approximate location on the attached plan; (iii) Demolish the building outlined in green at the approximate location on the attached plan; (iv). Demolish/remove the earth bund outlined in purple at the approximate location on the
 - attached plan; (v) Permanently remove from the land all building material, waste, inert material, and other debris arising from compliance with steps i) to iv) above; (vi) Restore the land affected by steps i) to v) above to its condition prior to the commencement/undertaking of the unauthorised development as alleged.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Application for Costs

2. An application for costs by Chelmsford City Council against Mr Peter Evans is the subject of a separate decision.

Preliminary Matters

3. There is no ground (a) appeal, and thus no deemed planning application, for me to consider. Furthermore, the two grounds of appeal under s174(2)(f) and (g) of the 1990 Act do not require any visual assessment of the appeal site to consider the effect of the development on, for example, the character and appearance of the area. As such, I was able to determine the appeal without the need to see the site. No appeal party has been prejudiced by this course of action.
4. In their grounds of appeal, the appellant casts doubt on the expediency of issuing the enforcement notice by referring to the alleged need for caravan storage within the Council's area and the difficulty that will arise in therefore finding new storage facilities. A consequence may be that the owners may take their caravans back home that may have adverse effects on the amenity of their homes and/or neighbours. However, these are matters of planning merit that I am unable to

consider for the reasons set out above. In addition, any challenge as to whether it was expedient for the Local Planning Authority (LPA) to issue the notice must be pursued by way of judicial review. I have no jurisdiction to determine whether the LPA complied with s172(1) of the 1990 Act. I shall therefore not consider the expediency point any further.

5. Since issuing the enforcement notice, retrospective planning permission (Ref: 25/00517/FUL) has been granted for separate development within the wider landholding. This relates to the change of use of part of a barn from a business/office use to a dwellinghouse, along with associated works (including the construction of a small extension) and the use of adjacent land as residential amenity space. It does not seem that this planning permission is affected by the enforcement notice, but if it is, s180 of the 1990 Act would mean that the notice would cease to have effect so far as it being inconsistent with that permission.

Ground (f)

6. An appeal on this ground is based on the claim 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.
7. In this case, the alleged breach of planning control is a material change of use of the land along with associated and facilitating operations. The notice, in short, requires the unauthorised use to cease, for the associated operational development to be removed and for the land to be restored back to its condition before the breach took place. On this basis, the purpose of the notice is to remedy the breach of planning control by discontinuing the use of the land and restoring it back to its condition before the breach took place under s174(4)(a) of the 1990 Act. On its face, the requirements of the notice do no more and no less than seek to fulfil this purpose.
8. It is frequently argued in ground (f) appeals that the requirements of the notice should be varied to allow for implementation of permitted development rights. Nevertheless, the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) does not grant retrospective planning permission. Therefore, allowing either the hardstanding or the building to remain in place for them to be used for agricultural purposes would not remedy the breach of planning control.
9. Moreover, Schedule 2, Part 6, Class B of the GPDO (agricultural development on units of less than 5 hectares) allows for certain specified development that is reasonably necessary for the purposes of agriculture within the unit. On the basis that the land would revert to a lawful agricultural use upon compliance with the enforcement notice, whilst there is reference to the hardstanding having a potential future agricultural use, there is nothing to show how that would be reasonably necessary within the unit, even if it came within the area permitted by the GPDO which is smaller than the hardstanding area attacked by the notice. Whether or not the building could be justified in planning terms, because it would cause no material harm, would be a matter for consideration via a planning application, which is not before me.
10. All in all, the requirements of the notice do not exceed what is necessary. Therefore, they are not excessive, and the ground (f) appeal fails.

Ground (g)

11. Appealing against the issuing of the enforcement notice suspends compliance with the notice. The appellant may also expect success on their grounds of appeal. However, in their grounds of appeal, it is confirmed that “In light of the enforcement notice, the Appellant is not accepting any new customers and/or entering into any new contracts for a fixed one-year period. Therefore, in 12 months’ time all caravans can, or should, be removed”. This shows a responsible and proactive approach by the appellant. Given that the time for compliance with the notice will be six months from the date of this decision, which will be around the middle of April 2026, there does not appear to be any impediment to ceasing the use of the land within the specified period with all the caravans being removed.
12. A gradual winding down of the storage use should also address the argument made by the appellant that an immediate cessation would see a “tidal wave” of caravans being stored on streets and front garden across the district. There is, in any event, no substantive evidence that this would happen anyway.
13. Based on this gradual wind down and the caravans being gone by early next year, I also see no strong reason why the hardstanding, building and bund could not be demolished as well within the specified 6 months and for the waste to be taken away. Without the caravans on the site, there should also be no need to continue the associated office use of the building. Whilst I would have no control over future decisions taken by the Council, the local planning authority does have the power under s173A(1) of the 1990 Act to waive or relax any requirement of an enforcement notice. In particular, it may extend the compliance period. That can be a useful tool if a Council sees that a bit more time for compliance would be reasonable if progress on meeting a notice’s requirements has been good. I repeat though, that would be a decision for the Council depending on the circumstances at the time.
14. I find that the period specified in the notice does not fall short of what should be reasonably allowed. Therefore, the ground (f) appeal fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Gareth Symons

INSPECTOR