



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/N0410/X/24/3349768

Cliveden Stud House Cliveden Road, Taplow, Maidenhead SL6 0HL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Mahadevan Krishnamohan against Buckinghamshire Council - South Area (South Bucks).
 - The application ref PL/24/0776/EU is dated 11 March 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is 'change of use of the land from a former agricultural use to a use as a caravan site'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. The Appellant, to be successful in this appeal, must have submitted sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the 'change of use of the land from a former agricultural use to a use as a caravan site' has subsisted continuously for a ten year period and has thus gained immunity from enforcement action. The Appellant claims that the two caravans that are the subject of the appeal have been on the land since 2004 but he admits that he "...is unable to produce any evidence relating to the occupancy of the caravans before...acquisition of the site in November 2013". The relevant ten year period is therefore that before the date of the application; 11 March 2014 to 11 March 2024.
4. Aerial photographs of 2004, 2008, 2013 and 2023 do indicate, on the balance of probability, that the two caravans have been on the land from before the ten year period. An Agreement for Sale dated 21 November 2013 includes a Schedule of Tenancies which indicates that 'Caravan 1' was tenanted to J Fieberg and Z Scott from 1 June 2013 on a 'week to week' tenancy. The same information is included in two submitted property schedules along with reference to 'Mobile House 2' being vacant. This evidence only indicates that Caravan 1 was, on the balance of probability, occupied from 1 June 2013 and gives no indication of how long the tenancy lasted or whether or when occupancy of Mobile House 2 commenced.

5. An Assured Shorthold Tenancy (AST) between the Appellant as Landlord and Plamen Georgiev Hristov as Tenant dated 9 April 2016 for 'Caravan 2' has been submitted in evidence. The AST is signed but does not indicate when the tenancy was to commence and for what term, only that it would be 'subject to a minimum occupancy of six months'. Another AST between the Appellant and Steve Bennett dated 1 September 2014 for 'Caravan 1' has also been submitted in evidence. This signed tenancy is for a term of one year and on the same date the tenant was issued with a Notice Requiring Possession on 31 August 2015.

6. Reference is also made to two further tenancy agreements for Caravan 2 and two tenancy agreements for Caravan 1 but, as for the two ASTs referred to above, they do not demonstrate continuous occupation of either caravan. There is also indication of a Council Tax liability for each caravan; one effective from 3 October 2014 and one effective from 28 February 2017. But there is no evidence of any Council Tax payments and no evidence of any rent payments. Reference to the land being in use as a caravan site in a delegated report about an application for 'two family homes in replacement for two existing static caravans' is not relevant.

7. The evidence submitted in support of the application and appeal is wholly imprecise and does not get anywhere close to demonstrating that the two caravans have been occupied continuously for any ten year period.

8. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for 'change of use of the land from a former agricultural use to a use as a caravan site' at Cliveden Stud House Cliveden Road, Taplow, Maidenhead was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector