



Appeal Decisions

Site visit made on 8 November 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal A and B Refs: APP/W1525/C/23/3335674 and 3335675

Land at southwest of Rivaside Maltings Road, Battlesbridge, Wickford SS11 7RG¹

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
- The appeals are made by Mr Grant Cobbing (Appeal A) and Ms Sharon Taylor (Appeal B) against an enforcement notice issued by Chelmsford City Council.
- The breach of planning control as alleged is a material change in the use of land to a mixed-use comprising storage and the siting of a caravan for residential purposes.
- The requirements of the enforcement notice are to:
 - i. Cease use of the land (shown outlined in red at the approximate location on the plan attached to the notice) for the siting of a caravan for residential purposes and for the purposes of storage.
 - ii. Remove from the land the caravan, lorry body, stored motor vehicles, moveable sheds, timber and other building materials, pieces of furniture, and any other items not used in connection with the lawful use of the land (shown outlined in red at the approximate location on the plan attached to the notice) for agricultural purposes.
 - iii. Demolish and scrape clear from the land the hard surface (shown outlined in blue at the approximate location on the plan attached to the notice).
 - iv. Demolish and remove from the land the entrance gates and fencing (shown outlined in black at the approximate location on the plan attached to the notice).
 - v. Demolish and scrape clear/remove from the land the hard surfaced vehicle crossover (shown outlined in green at the approximate location on the plan attached to the notice), including any foundations.
 - vi. Remove from the land all material and debris resulting from the actions taken in steps (ii), (iii), (iv) and (v).
 - vii. Restore the land affected by the works carried out in steps (i), (ii), (iii), (iv), (v) and (vi) to its former condition, and
 - viii. reinstate the hedgerow adjacent to the highway within the approximate location outlined in green on the plan attached to the notice.
- The period of compliance with the requirements is 3 months but by 31 March 2024 for last step
- The appeals are proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the 1990 Act. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decisions: The appeals succeed on ground (g) but otherwise fail as set out in the Formal Decision below.

Ground (c)

1. The onus is on the appellant to show that the matters alleged do not constitute a breach of planning controls. In this combined ground of appeal, the argument focuses on elements of the operational development alleged. No argument is made regarding the material change in the use of the appeal site. Clearly, that use requires express planning permission and it has not been obtained.

¹ I am also separately determining appeal refs 3335761 made by the same agent on nearby land at Two Oaks. The agent is the same and the written submissions overlap.

2. The Council confirm that the close-boarded fence to the east and west are not required to be removed. The appellant concedes, rightly in my assessment, the gates and fences erected to the front are adjacent to the highway and exceed the limitation set out in paragraph A.1 sub-section (a)(ii) of schedule 2, part 2, class A to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The fence and gates are in breach of planning controls because no express permission has been granted for them.
3. The vehicle crossover, access and the formation of a hard surface together alter the profile of the land, and their installation probably required some kind of technical knowledge and pre-planning. The work amounts to a significant engineering operation. Part 2, class B to the GPDO permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road. The formation of an access is permitted where it is required in connection with development permitted by any class in schedule 2. However, there is nothing before me to suggest the access is required in connection with permitted development. So, express permission is required for the vehicle crossover and access, and it has not been obtained.
4. The hard surfaced areas targeted by the notice cannot benefit from permitted development rights, because class F to part 1 relates to hard surfaces incidental to the enjoyment of the dwellinghouse and not a residential caravan site. The hard standing requires planning permission.
5. In a similar vein, permitted development rights set out in part 4 class A applies to temporary buildings and structures but only 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. There is no evidence to indicate such operations have been permitted or are under way.
6. Finally, part 6 permitted development rights do not apply either. This is because class B is only relevant if the land is comprised in an agricultural unit where the specified development is reasonably necessary for purposes of agriculture within the unit, which does not apply in this case.
7. Ground (c) must therefore fail.

Ground (f)

8. The challenge is that the steps required exceed what is necessary to remedy the breach of planning controls. However, I have already assessed the merits of retaining the building, gates, fences, hard standing and building in connection with any existing use of the land. I have also considered alternative scheme like granting planning permission for elements of the development, but they are not severable and are part and parcel of the unauthorised residential caravan site use.
9. In my assessment, given the reasons for issuing the notice, I do not consider under-enforcement would remedy the breach. The change in use of the land is unacceptable in principle given the planning harm caused. The latter is remedied by ceasing the mixed-use comprising storage and the siting of a caravan for residential purposes. Nothing short of total compliance with the notice would remedy the breach. I consider the steps required are proportionate and do not exceed what is necessary to the achieve the purpose behind the notice, which is to remedy the

breach by restoring the land to its condition before the breach occurred. Ground (f) fails.

Ground (g)

10. The appellant says that the period of compliance is too short because an alternative scheme would need to be worked up and submitted to the Council for its consideration. Given the level, nature and extent of the work needed to comply with the notice, I too agree 3 months is unreasonable. In addition, specifying compliance by a specific date is unclear. That said, 12 months is far too excessive given the identified planning harm. Given the requirements and the need to find alternatives, a suitable compromise is 8 months. Ground (g) succeeds to this limited extent only.

Overall conclusions

11. For all the above reasons, and having considered all other matters, the appeals on ground (c) and (f) fail. As I will vary the period of compliance, ground (g) succeeds to that limited extent.

Formal decisions

12. Appeal A and B - it is directed that the enforcement notice be varied in section 6, period of compliance, by the deletion of all the text and numerals and the substitution therefor by the following text: "eight months".
13. Subject to the variation, the appeals are dismissed, and the notice is upheld.

A U Ghafoor

INSPECTOR