
Appeal Decision

Site visit made on 8 December 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2026

Appeal Ref: APP/R1845/C/24/3346892

Land at Shatterford Farm, Bridgenorth Road, Bewdley, Worcestershire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Michael Carter against an enforcement notice issued by Wyre Forest District Council.
- The notice was issued on 30 May 2024.
- The breach of planning control as alleged in the notice is without planning permission the change of use of land from agricultural to a mixed use comprising agriculture and the stationing of caravans for residential occupation including the addition of decking, construction of an access track and laying of hardstanding.
- The requirements of the notice are to:
 1. Permanently cease the use of the Land for residential purposes and permanently remove the caravan (Labelled A and edged and hatched orange on the Plan) and decking around it from the Land.
 2. Permanently remove the concrete pad and all hardcore shown hatched blue (around caravan A) and track (shown in its approximate location by a broken blue line on the Plan) from the Land.
 3. Permanently cease the use of the caravan (Labelled B and edged and hatched black on the Plan) for residential purposes and not to allow any use of the said caravan other than for an agricultural storage use.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (e) of the Town and Country Planning Act 1990 (as amended). 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.

Summary of Decision The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Enforcement Notice

1. Paragraph 1 of the notice states that there has been a breach of planning control falling within section 171A(1)(a) of The Town and Country Planning Act 1990 as amended (the Act), which is the carrying out of development without the required planning permission. Development is defined in section 55(1) of the Act as including 'the making of any material change in the use of any building or other land'.
2. Whilst the enforcement notice (the notice) alleges the change of use of land, it does not allege that a *material* change in the use of the land has occurred. It therefore follows that the allegation in the notice would not constitute development for the purposes of s55(1) of the Act.
3. Section 57 of the Act provides that planning permission is required for the carrying out of any development of land. Because the breach of planning control as alleged in the notice does not constitute the development of land, it follows that planning

permission would not be required for it. The notice is defective in that respect.

4. However, having regard to the appellant's case, they have clearly understood the allegation was intended to refer to a material change of use. As such, I am satisfied that a correction of the notice to include reference to a *material* change of use would not cause injustice in this case.

The ground (e) appeal

5. The ground (e) appeal is made on the basis that copies of the enforcement notice were not served as required by section 172 of the Act.
6. The appellant contends that the copy of the enforcement notice served on them was not signed. However, the copy of the notice they have submitted that indicates it has not been signed has a different date, 18 April 2024, to the notice that is the subject of the appeal, which was issued 30 May 2024. A covering letter from the Council that accompanied the notice that is the subject of this appeal, dated 30 May 2024, clearly states 'The Notice issued on 18 April 2024 is now withdrawn'.
7. Given the above, there is no case that copies of the enforcement notice that is the subject of this appeal were not served as required by section 172 of the Act. The ground (e) appeal fails.

The ground (b) appeal

8. In appealing on ground (b) the burden of proof is firmly on the appellant to demonstrate that the alleged breach of planning control has not occurred as a matter of fact.
9. The appeal site includes two caravans that are used for residential purposes (one being occupied and the other currently used for residential storage). The land on which they are sited is in agricultural use. As the entire site forms a single planning unit, to which there is no dispute, the land is therefore in a mixed use comprising agriculture and residential, as alleged in the notice.
10. There is a track leading from Bridgenorth Road along the boundary hedge and up to the caravans with a hardstanding turning circle at the top. This track and hardstanding turning circle are constructed of hardcore, as alleged in the notice.
11. Therefore, the matters alleged in the notice have occurred as a matter of fact. The ground (b) appeal therefore fails.

The ground (c) appeal

12. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
13. The appellant contends that the land has remained in agricultural use, notwithstanding the siting of the caravans. However, the evidence before me indicates that the caravans are in residential occupation rather than being used for purposes ancillary to agriculture. Furthermore, the appeal site functions as a single planning unit, with no clear physical or functional separation between the land used for agriculture and the land associated with the residential occupation of the caravans.

14. In these circumstances, the introduction of residential use does not leave the agricultural use unaffected, but instead results in a mixed use of the land comprising agriculture and residential. This represents a departure from the former sole agricultural use of the site and constitutes a material change in the character of the use of the land as a matter of fact and degree.
15. Section 55 of the Act defines development as including the making of a material change in the use of any land. Accordingly, the change from an exclusively agricultural use to a mixed agricultural and residential use amounts to development for which planning permission is required. As no planning permission has been granted for this material change of use, the residential occupation of the caravans results in a breach of planning control.
16. With regard to the access track, the photographic evidence submitted by the appellant shows only a rudimentary earth or dirt track, with no discernible evidence that it was previously formed using hardcore or other engineered materials. The Council's photographic evidence clearly shows the track and hardstanding constructed to a formal, durable standard with hardcore. The laying of hardcore material therefore represents a material alteration to the character of the track rather than like-for-like repair or routine maintenance.
17. The works undertaken have served to formalise and consolidate the track, increasing its permanence and altering its visual and physical qualities. Such works go beyond what could reasonably be described as maintenance or repair and instead constitute engineering operations that materially affect the land. Consequently, the construction of the track using hardcore material amounts to development for the purposes of section 55 of the Act. As no planning permission has been granted for the track and turning circle, they represent a breach of planning control.
18. Therefore, I find the matters alleged in the notice constitute a breach of planning control. The ground (c) appeal fails.

The ground (a) appeal and the deemed planning application

Main Issues

19. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - Whether the development is in a suitable location, having regard to the Council's housing strategy; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Inappropriateness

20. The appeal site is located within the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) confirms development in the Green

Belt should be regarded as inappropriate unless it complies with one of the exceptions listed. These exceptions are similarly reiterated in Policy DM.22 of the Wyre Forest District Local Plan 2022 (the LP)

21. There is no argument advanced that the development falls within any of the exceptions listed in paragraph 154 of the Framework or Policy DM.22 of the LP. On the evidence before me, I find no reason to conclude otherwise. As such, the development would be inappropriate development in the Green Belt, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances.¹ In accordance with paragraph 153 of the Framework substantial weight must be given to this harm.

Openness

22. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
23. Due to the undulating topography of the area, the caravans are sited on the top of the appeal site, which rises from east to west. Their elevated position results in them appearing as dominant features within the landscape. There are natural boundary hedgerows and trees that screen the caravans from views to some extent from the west and south. However, there is no physical boundary between the caravans and the open field in which they are situated, resulting in them being exposed to the north and east. Although they are not readily visible from public vantage points, they are nevertheless visible from within the site itself.
24. Moreover, the caravans are positioned some distance apart from each other. This results in their residential character spreading across a wider part of the site than if they were tightly positioned together.
25. In addition to the caravans themselves, their residential use and activities associated with them also has a harmful effect on the visual dimension of openness. The parking of domestic cars adjacent to the caravans, and domestic chattels and paraphernalia would exacerbate the visual intrusion of the caravans.
26. With regard to the track and hardstanding turning circle, due to their nature, they have a low profile and are not readily visible within the landscape.
27. In terms of the visual dimension of openness, the track and hardstanding are not harmful. However, the caravans are prominent features within the landscape and therefore represent a visual intrusion.
28. In terms of the spatial dimension of openness, the erosion of three-dimensional space arising from the introduction of two caravans onto the site and their use for residential purposes results in an erosion of openness.
29. I find that the visual intrusion of the use and its associated activities and the erosion, albeit moderate, of three-dimensional space arising from its associated activities, would result in the erosion of openness, which would conflict with

¹ Paragraph 153 of the Framework

paragraph 142 of the Framework which identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 143 of the Framework.

Location

30. The appeal site is located within the open countryside for the purposes of the development plan. Policy SP.2 seeks to focus most development in and adjacent to urban areas. The appeal site is neither within nor adjacent to an urban area. Policy SP.11 of the LP permits residential development in the open countryside, subject to it being a rural exception site, a rural worker dwelling or a replacement dwelling. The development is not a rural exceptions site nor a replacement dwelling.
31. The appellant contends that living on the site will benefit the farm and make it more successful. However, there are no details before me of what farming activities are taking place on the site. Consequently, there is insufficient evidence to demonstrate a rural worker dwelling is required.
32. Policy DM.4 of the LP permits the use of caravans and mobile homes for residential purposes, but only in specific circumstances. There is no evidence before me that any of these circumstances are met.
33. Given the above, the development is not located within a suitable location and therefore undermines the Council's housing strategy. As such, it is contrary to Policies SP.2, SP.11 and DM.4 of the LP.

Other Considerations

34. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from the inappropriate development in the Green Belt, the erosion of openness and the harm to housing strategy so as to provide the very special circumstances required to justify a grant of planning permission.
35. The appellant states that the reason for moving into the caravans was due to the personal circumstances of himself and his partner at the time, which led to them having no option but to leave their previous homes. However, there is no evidence before me that moving into the caravans was the only option available. I have no evidence before me that other forms of accommodation were considered or assistance in finding accommodation was sought.

Planning Balance

36. The development has harmful implications for the Green Belt in terms of inappropriate development, the erosion of its openness and the purposes of including land within it. Whilst the overall loss of openness would be moderate, the Framework establishes that substantial weight should be given to any harm to the Green Belt.

37. I acknowledge the personal circumstances of the appellant and their partner and children. However, it has not been sufficiently demonstrated that these circumstances represent the very special circumstances required to clearly outweigh the harm to the Green Belt and the harm to the Council's housing strategy. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt and Policy DM.22 of the LP.
38. In reaching my decision, I have considered Article 8 of the European Convention on Human Rights and Article 3(1) of the United Nations Convention on the Rights of the Child. While the outcome would interfere with private/family life and the children's interest in stability is a primary consideration, the action is lawful, proportionate, and pursues legitimate aims of Green Belt protection and effective planning control. On balance, the children's best interests and Article 8 rights do not clearly outweigh the substantial harm to the Green Belt and housing strategy, and do not amount to very special circumstances.

Conclusion on the ground (a) appeals and the deemed planning application

39. For the reasons given above, having considered the development plan as a whole and all material considerations, I conclude that planning permission should not be granted in response to the ground (a) appeal and the deemed planning application.

Formal Decision

40. It is directed that the enforcement notice is corrected by the insertion of the word 'material' immediately before the word 'change' under section 3 of the notice.
41. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A Walker

INSPECTOR