



Appeal Decision

Site visit made on 20 April 2026

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 13 May 2026

Appeal Ref: APP/Z3635/C/24/3345013

Land to the south of Bedfont Road, Stanwell, Staines TW19 7LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by WVC Land & Developments Ltd against an enforcement notice issued by Spelthorne Borough Council.
- The notice was issued on 16 April 2024.
- The breach of planning control as alleged in the notice is *'the material change of use of the land to use as vehicle parking and storage'*.
- The requirement of the notice is to remove the vehicles from the land and permanently cease the unlawful use of the land for vehicle parking and storage.
- The period for compliance with the requirement is: 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. 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 Decision: The appeal is dismissed; the enforcement notice is varied as set out in the Formal Decision, then upheld and planning permission is refused.

Preliminary Matters

Enforcement Notice

1. Given the Council's evidence and the requirements of the notice, the notice pursues a material change of use of the land to use as vehicle parking and *[vehicle]* storage; not separate vehicle parking and vehicle storage uses, or some other storage use. The appellant otherwise progressed the appeal on this basis with no ground (b), (c) or (d) and the notice applies regardless of who undertakes the vehicle parking and storage or why. It was identified at my site visit that some of the land contains earth bunds but these are not pursued by the notice, nor is what is said to be hardstanding. Accordingly, the breach of planning control in the notice does not need to be corrected.

Appeal procedure

2. After the appeal was made, a revised National Planning Policy Framework was published in December 2024, then amended by corrections and clarifications in February 2025 (the NPPF). The Council also adopted the Spelthorne Local Plan, March 2026 (the LP). The main parties were given the opportunity to provide further evidence on both changes, and I have taken the responses received into account.
3. Because of these changes, the appellant urged the Council to withdraw the notice and issue another under the 'second bite' provisions¹ or be at risk of an application for costs. Nevertheless, the appeal remains to be determined in the context of the

¹ Section 171B(4) of the Act

updated policy and the parties' submissions in that regard. To that end, the appellant made detailed submissions and has, therefore, been able to adduce whatever additional evidence they had in these respects, including about hardstanding. In its submissions, the Council did not comment on the NPPF, it refers to the equivalent new LP Green Belt policy and did not mention hardstanding.

4. In these circumstances, there is no apparent reason why any of the evidence needs to be given on oath, requires legal submissions or must be tested at an inquiry². Accordingly, written representations remain appropriate and cause no prejudice or injustice to any party.

Ground (a)

5. Ground (a) is that planning permission ought to be granted for the breach of planning control set out in the notice, namely the material change of use of the land to use as vehicle parking and storage. The main issues are:
 - whether the vehicle parking and storage is inappropriate development in the Green Belt, having regard to the NPPF and development plan policy;
 - the effect of the vehicle parking and storage on the openness and purposes of the Green Belt; and
 - whether other considerations clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

Reasons

Whether inappropriate development

6. The NPPF sets out that development in the Green Belt is inappropriate unless an exception or other relevant provision applies. The exception at NPPF 154(g) and the provisions of NPPF 155 were put to me. The NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The LP sets out that full Green Belt policy can be found in the NPPF and local detail in equivalent provisions of LP Policy SP4 clearly align with the relevant provisions of the NPPF.
7. **NPPF 154(g)** is essentially for limited infilling or partial or complete redevelopment of previously lawfully developed land (PDL), including the curtilage of such land³. It is subject to the proviso that this would cause no substantial harm to the openness of the Green Belt.
8. In essence, the appellant contends that the parking and storage of vehicles on the land has been for more than 4 years and necessitated laying a hardstanding. The hardstanding is said to have existed in at least 2019, be clearly visible in a 2019 Google Earth aerial image and on this basis it is operational development lawful by passage of time. However, there is no statutory declaration or other photographs about a hardstanding which might add credence or I might give greater weight to. Nor has any lawful development certificate (LDC) been provided. These assertions

² Planning Inspectorate guidance - Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals, 5 August 2024

³ NPPF Annex 2: Glossary

- are therefore largely unfounded, despite the opportunity given to submit further evidence. An application for a LDC would provide a formal determination.
9. For the purpose of this appeal, I saw that the land is mainly bare earth with some remnants of previously more extensive ground cover vegetation. Much of the bare earth, though to varying degree, has been consolidated by patches of material (such as road scalplings, stones and brick or concrete rubble) it appears loosely deposited and largely compacted by vehicle parking and storage activity on it.
 10. It is usually understood that a hardstanding results in a significant change to the physical nature of land itself, such as by engineering operations or other tangible, permanent operational development. By comparison with the nature of what I saw, which is largely disaggregate in substance and inconspicuous unless next to or near it, there is little evidence that a hardstanding exists on the land in these terms. Nor to counter that if something of this sort had existed or still does, then it has mostly blended into the landscape. On the face of it, even the 2019 aerial image shows just bare earth in a central cleared slot with deep, dense vegetated margins along most edges of the land and over all of the southern end of it.
 11. I acknowledge that the appellant's evidence does not necessarily need to be corroborated by independent or objective evidence to be accepted. Notwithstanding this, the onus is firmly on the appellant. I also appreciate that the Council submitted little evidence of its own in this respect or to the contrary. But given little more than the 2019 aerial image, the appellant's submissions are not sufficiently precise or unambiguous. This undermines what the appellant claims and renders the appellant's version of events less than probable.
 12. Consequently, the appellant has not demonstrated, on the balance of probabilities, that the land is lawfully developed as a hardstanding or is, therefore, PDL. Accordingly, the exception at NPPF 154(g) does not apply for this reason alone.
 13. **NPPF 155** includes that commercial development in the Green Belt is not inappropriate provided all three of criteria a., b. and c. applicable in this case are met. There is no dispute that vehicle parking and storage is commercial development.
 14. For criterion a., in this appeal the land is not PDL so not grey belt land for this reason⁴. It is common ground that purpose (b) of the Green Belt to prevent neighbouring towns merging into one another and purpose (d) to preserve the setting and special character of historic towns are not offended. This leaves purpose (a), to check the unrestricted sprawl of large built-up areas.
 15. Commercial or housing development borders the land on three sides. The extract from the LP Policies Map provided to me shows land to the south allocated for housing development. The land is therefore likely to be surrounded by the built-up area of Stanwell.
 16. Nevertheless, this development appears to result from a planned, controlled expansion of Stanwell within its built confines; a purposeful, objectively evidenced decision to use this other land for these purposes rather than the land. I have not been informed that the LP allocates it for any commercial use or that it is within a designated employment area or next to one. Nor that the LP supports the principle

⁴ NPPF Annex 2: Glossary

of vehicle parking and storage on the land. Consequently, while this use has taken up a gap between this other development, it does not check the unrestricted sprawl of this large built-up area, at odds with purpose (a), which in my view the land otherwise inherently strongly contributes to. It is therefore not grey belt land for this reason.

17. The Council does not suggest that vehicle parking and storage on the land fundamentally undermines the purposes (taken together) of the remaining Green Belt across the area of the development plan. Nor that policies relevant to NPPF footnote 7 (other than Green Belt) provide a strong reason for refusing this use of the land. I have no reason to find otherwise in these regards but despite this, it does not utilise grey belt land, so criterion a. is not met.
18. Even if there is a demonstrable unmet need for vehicle parking and storage (criterion b.) and the land is in a sustainable location (criterion c.), all three criteria are not met. As a result, the provisions of NPPF 155 do not apply.
19. For these reasons and as a matter of principle, vehicle parking and storage use on the land is inappropriate development in the Green Belt.

Effect on openness and purposes of the Green Belt

20. NPPF 142 includes the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and that openness is an essential characteristic of the Green Belt. NPPF 143 sets out the five purposes of the Green Belt. Whether harm is caused to the Green Belt by the vehicle parking and storage use on the land is a matter of planning judgement.
21. I have not been informed that the land contained any significant authorised pre-existing three-dimensional permanent built form when it was more vegetated, nor even after it has been largely cleared and consolidated at ground level. It is otherwise a flat, wide and long single parcel with extensive surface area and the vehicles I saw on it were nearly all large white commercial vans. I appreciate that each vehicle has a transient presence on the land (parked or stored for shorter or longer periods) and that in number or extent may vary at any instance.
22. However, the land was virtually full of a vast number of these vans spread across most of it, closely spaced and regimented, each with notable individual box-like form. Though over a uniform horizontal plane, without further vertical projection above ground level, their sheer collective presence and arrangement had significant cumulative innate three-dimensional scale and massing, with little evidence that what I saw is not generally representative. Nor to counter that the churn of individual vans (one replacing another) does not disrupt the underlying extent and sustained use of the land for vehicle parking and storage sought in this appeal. This substantial adverse visual and spatial impact means the land is no longer open in any equivalent or comparative sense than it was.
23. I have already considered purposes (a), (b) and (d) of the Green Belt and found vehicle parking and storage on the land conflicts with purpose (a). For purpose (c), I saw that pockets or fingers of vegetated undeveloped open land amongst or between built form in this area, even if vacant or private, have a natural or semi-natural state similar to countryside. The extract of the LP Proposals Map also shows the land as coloured green and the 2019 aerial image shows the natural vegetated state of a large part of it had characteristics of countryside. Whether the

land is formally designated as countryside or not, vehicle parking and storage does not assist in safeguarding it from this encroachment.

24. In the appeal form, the appellant claimed to own the land. However, the Council maintains it is the owner and that the land is purposed for public open space. This is not challenged and there is little evidence it was derelict, so evidently it has practical or useful purpose. Even if its previously undeveloped state frustrated employment use of it, there is no apparent need for it and little evidence that using it for vehicle parking and storage assists urban regeneration by encouraging the recycling of derelict or other urban land elsewhere under purpose (e).
25. Overall, vehicle parking and storage causes considerable urban sprawl on the land and openness, albeit of this small part of the Green Belt, is manifestly not preserved. There is also significant conflict with purpose (a) of the Green Belt and some incompatibility with purposes (c) and (e). Accordingly, there is substantial overall harm to the Green Belt.

Other considerations

26. The land is conveniently located for secure vehicle parking and storage by Wheels Van Centres Heathrow (WVCH)⁵, including that it allows better operational use of its adjoining premises to repair and prepare vehicles for resale. I have not been informed about any LP employment policies which might support vehicle parking and storage use on the land or if they differ from previous development plan employment policies. Nor the extent to which 2022 objectively assessed need for employment land in the Council's area remains up-to-date, including because of any LP allocations and implemented or extant planning permissions.
27. Even if this opportunistic incursion onto the land means WVCH has not had to find or pay for equivalent land or premises elsewhere (including meet transport costs), avoids road congestion and saves natural resources, there is little evidence that this expansion has sustained a faltering or otherwise unviable business. Nor is claimed growth in the business shown by an objective measure, such as financial appraisal or new employees. There is also little guarantee that if planning permission were granted, WVCH would or could continue to use the land.
28. Given the fundamental in principle objections to use of the land for vehicle parking and storage, conditions could not make this development acceptable.

Green Belt balance

29. As required by the NPPF, I give substantial weight to intrinsic harm to the Green Belt, in this case because use of the land for vehicle parking and storage is inappropriate development and to the substantial harm this causes to the Green Belt, having regard to openness and purposes. The absence of other harm, no matter in how many respects, is a neutral factor in my decision.
30. I accept that vehicle parking and storage on the land is advantageous to WVCH and indirectly to the people employed. This local business also likely helps to support the local economy. These outcomes align with aims of the NPPF to help businesses invest, expand and adapt. As the NPPF requires, I give significant weight to the need to support economic growth and it is an important consideration. But little objective evidence of this, and that these benefits otherwise appear to

⁵ Which may be one in the same as the appellant, or part of it

arise largely due to the personal circumstances or preferences of the appellant, mean these considerations have limited weight.

31. The other considerations do not, therefore, individually or collectively clearly outweigh the totality of the Green Belt harm. Accordingly, the very special circumstances necessary to justify the vehicle parking and storage use do not exist. Consequently, this use of the land is at odds with the relevant provisions of the NPPF for the Green Belt set out earlier and is contrary to the equivalent provisions of LP Policy SP4 for the Green Belt.

Planning balance and conclusion

32. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole⁶. Consequently, for the reasons given above, the material change of use of the land to use as vehicle parking and storage is unacceptable and planning permission should not be granted for it. Accordingly, ground (a) fails.

Ground (g)

33. For ground (g) to succeed, the appellant must demonstrate that the 1 month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
34. The initial spread of vehicle parking and storage onto the land was more limited when the site was first investigated by the Council in August 2018 (or likely even when the notice was issued in April 2024) and was no doubt established relatively quickly. I accept that removing each vehicle individually from the land would still be a relatively simple singular act, but this use is now considerably more intensified.
35. Albeit by a blatant endeavour of unlawful development, I accept that to remove all vehicles from the land would now be an appreciable logistical exercise requiring some planning and coordination. For example, to reduce the stock of vehicles to fit within WVCH's authorised premises or relocate to suitable land or premises to be found elsewhere. Also, without unduly abrupt, adverse impact on the continued operation of this business and those it employs.
36. In light of this, I am concerned that the 1 month period in the notice is not much time to, respectively, achieve or avoid these outcomes. I am also mindful that planning enforcement should be remedial, not punitive and note that the Council did not object to the appellant's request for 6 months. While this would perpetuate harm to the Green Belt, it would not continue for an excessive or permanent period.
37. Consequently, I consider that a period of 6 months for compliance with the requirements of the notice would be reasonable and proportionate in this case, so I will reflect it in the time period of the notice. The 1 month period given by the notice therefore falls short of what is reasonable, so ground (g) succeeds.

Overall Conclusion

38. Ground (a) fails but ground (g) succeeds, so the appeal succeeds to this extent.

⁶ Section 38(6) – Planning and Compulsory Purchase Act 2004, as amended

Formal Decision

39. It is directed that the enforcement notice is varied as follows:

- Schedule 4 – delete ‘1 month’ as the period for compliance and replace with ‘6 months’.

40. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan

INSPECTOR