



Appeal Decisions

Site visit made on 12 May 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal A Ref: APP/M2840/C/24/3353639

Land south of Oakley Park, Ashley Road, Middleton, Market Harborough LE16 8YP

- Appeal A is made by Mr Thomas Doran under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act") against an enforcement notice ("Notice 1") issued by North Northamptonshire Council on 13 September 2024.
- The breach of planning control as alleged in Notice 1 is: Without planning permission, the material change of use of the land to use as a residential caravan site.
- The requirements of Notice 1 are to: (1) Cease the use of the land for the stationing of caravans for residential purposes; (2) Remove all the caravans from the land; (3) Remove all hardstandings, associated structures, physical infrastructure including, but not limited to foul drainage; water and electric supplies, from the land; (4) Remove all items of residential paraphernalia associated with the residential use of the land; (5) Remove the fence that defines the new stepped northern boundary to the site between the points marked A-B-C-D on the attached plan; (6) Reinstatement the field access and original boundary hedge[s] to Ashley Road by planting native hawthorn and elder; (7) Reinstatement the soil which has been scraped off the land and which is now forming a bund on the western boundary by spreading it across the land following compliance with steps (1) to (5) above; and (8) Restore the land to the condition it was prior to the unauthorised development.
- The periods for compliance with the requirements are: 1 month (1) and (2); 3 months (3), (4) and (5); and 5 months (6), (7) and (8).
- Appeal A is proceeding on the grounds set out in section 174(2)(b), (c), (f) of the Act.

Appeal B Ref: APP/M2840/C/24/3353640

Land south of Oakley Park, Ashley Road, Middleton, Market Harborough LE16 8YP

- Appeal B is made by Mr Thomas Doran under section 174 of the Act against an enforcement notice ("Notice 2") issued by North Northamptonshire Council on 13 September 2024.
 - The breach of planning control as alleged in Notice 2 is: (1) Without planning permission, the carrying out of engineering operations with the intention of facilitating the material change of use of the land to use as a residential caravan site; and (2) Without planning permission, material change of use of the land to use for the storage of caravans.
 - The requirements of Notice 2 are to: (1) Cease the use of the land for the storage of caravans; (2) Remove all the caravans stored on the land; (3) Remove all hardstandings, associated structures, physical infrastructure including, but not limited to foul drainage; water and electric supplies, from the land; (4) Remove the fence that defines the new stepped northern boundary to the site between the points marked A-B-C-D on the attached plan; (5) Reinstatement the field access and original boundary hedge[s] to Ashley Road by planting native hawthorn and elder; (6) Reinstatement the soil which has been scraped off the land and which is now forming a bund on the western boundary by spreading it across the land following compliance with steps (1) to (4) above; and (7) Restore the land to the condition it was prior to the unauthorised development.
 - The periods for compliance with the requirements are: 1 month (1) and (2); 3 months (3) and (4); and 5 months (5), (6) and (7).
 - Appeal B is proceeding on the grounds set out in section 174(2)(c), (f), (g) of the Act.
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Appeal A – Decision

1. The appeal is allowed and Notice 1 is quashed.

Appeal B – Decision

2. The appeal is dismissed and Notice 2 is upheld.

Appeal A – the appeal on ground (b)

3. The appellant submits that the caravans that were on the land when Notice 1 was issued were not stationed in connection with a residential use of the land but were being stored (as alleged in Notice 2, the subject of Appeal B). The Council accepts that was the case and that Notice 1 should therefore be quashed.
4. Some operational development that has been carried out on the land could facilitate residential use but there is no evidence that such use has occurred. The presence of that operational development and the storage of caravans does not amount to a use of the land for the stationing of caravans for residential purposes.
5. Appeal A should therefore succeed on this ground and Notice 1 will be quashed. The appeals on grounds (c) and (f) therefore do not fall to be considered in respect of Appeal A.

Appeal B – the appeal on ground (c)

6. The front part of the appeal site is within the red line of a planning permission granted in 2023 for use as a residential caravan site with 6 pitches, hardstanding, amenity buildings and access improvements (“the 2023 permission”).¹ The appellant does not contend that the matters alleged in Notice 2 are not development but considers them to be within the scope of the 2023 permission.
7. However, by his own admission, there has been a different material change in the use of the land affected by Notice 2, to a use for the storage of caravans. No evidence of any planning permission for that use of the land has been produced.
8. Aerial photographs taken in 2025 and submitted by a local group show 8 static caravans sited within the area of the 2023 permission, but adjacent to the part affected by Notice 2 and not on it. That appeared to still be the case at the time of my site visit. This number exceeds the express limitation of 6 such caravans (one per pitch) made by condition 4 of the 2023 permission, so it appears that a different residential caravan site development has been carried out.
9. Furthermore, there is now an enforcement notice in force on the adjacent land where the 8 static caravans are, requiring an unauthorised use of that land for the stationing of caravans for residential purposes to cease.² The notice came into effect with no appeal being made against it.
10. No evidence that a site with no more than 6 static caravans was initially laid out on the land subject to the 2023 permission has been produced. Even if it were argued that had occurred, or that the siting of 8 static caravans had been permitted (which I do not accept), it would be necessary to consider the other conditions of the 2023 permission. These included 6 under which details needed to be submitted and

¹ 20/00458/COU granted on appeal 18 April 2023.

² Land at Oakley Park South, Ashley Road, Middleton, Market Harborough issued 13 September 2024.

approved before development commenced. Those 6 conditions concerned the means of access from Ashley Road, the landscaping of the site, biodiversity measures, foul and surface water drainage, refuse and recycling storage and external lighting. I understand there has been no submission of the details required by those conditions and some of them, notably those relating to access and drainage, go to the heart of a permission for residential use of land.

11. Accordingly, it has not been demonstrated that there has been a lawful commencement of the 2023 permission on the land affected by Notice 2. Furthermore, condition 1 of the permission required the development to be begun not later than 18 April 2026, so a lawful commencement is no longer possible. Therefore, any potential similarity between the operational development affected by Notice 2 and what might have been approved under the terms of the 2023 permission, insofar as that can be speculated, is of no consequence.
12. The foregoing does not apply to the rear part of the land, which is outside the red line of the 2023 permission. The appellant does not claim that the matters alleged to have occurred on this part of the site are not development and no permission for any matter alleged in Notice 2 has been identified for that part of the land.
13. For these reasons, Appeal B must fail on ground (c).

Appeal B – the appeal on ground (f)

14. The appellant considers that requirements (3), (5), (6) and (7) should be varied to allow the retention of matters that accord with the 2023 permission. However, for the reasons set out above, that permission has not been lawfully commenced.
15. It is clear from reading the requirements of Notice 2 that its purpose is to cease the breach of planning control, including the identified operational development. Allowing that operational development to remain would therefore fail to remedy the breach of planning control.
16. For these reasons, Appeal B must fail on ground (f).

Appeal B – the appeal on ground (g)

17. The appellant seeks a longer period for compliance so that relevant details of the operational development can be submitted for approval under the terms of the 2023 permission. As I have already found, that is not feasible, so there is no prospect of anything affected by the requirements of Notice 2 being approved under the terms of the 2023 permission.
18. Since the land is in use for storage and not residential purposes, it follows that no persons are living there or required to vacate their homes. It has therefore not been demonstrated that any period for compliance set out in Notice 2 falls short of what should reasonably be allowed.
19. For these reasons, Appeal B must fail on ground (g).

Appeal A – Conclusion

20. For the reasons given above, I conclude that the appeal should succeed on ground (b). Notice 1 will be quashed.

Appeal B – Conclusion

21. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold Notice 2.

Mark Harbottle

INSPECTOR