



Appeal Decision

Site visit made on 27 May 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2026

Appeal Ref: APP/R0335/C/24/3353445

**Land adjacent to and land at 124 Owlsmoor Road, Sandhurst, Berkshire
GU47 0ST**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Pierre Hatt against an enforcement notice issued by Bracknell Forest Borough Council.
 - The notice was issued on 11 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of the land from open space used for land within 400m of the Thames Basin Heaths Special Protection Area (TBH SPA) to the stationing of a mobile home as a self-contained unit of residential accommodation.
 - The requirements of the notice are: (i) Cease the use of the mobile home as a self-contained unit of residential accommodation. (ii) Remove the mobile home from the land in the approximate position specified on the location plan. (iii) Remove all residential paraphernalia from the land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has 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 has lapsed.
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Decision

1. It is directed that the enforcement notice is corrected by:

- In paragraph 2 ('the land to which the notice relates'), substituting '24' with '124'; and
- In paragraph 3 ('the matters which appear to constitute the breach of planning control') deleting '...from open space used for land within 400m of the Thames Basin Heaths Special Protection Area (TBH SPA)...'

and varied by:

- In paragraph 5 ('what you are required to do') deleting steps (ii) and (iii).

Subject to the corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The reference in paragraph 2 of the enforcement notice to 'land adjacent to and land at 24 Owlsmoor Road' not '124' is clearly a typographical error. The plan attached to the notice is headed 'Land adjacent to 124 Owlsmoor Road' and that land is accurately identified on the plan. Neither the appellant nor other persons served with a copy of the notice could have had any real doubt over which is the land affected. Therefore, I shall exercise the powers in s176(1) of the Act to correct

any defect, error or misdescription in the notice or to vary its terms, to refer to the right address in paragraph 2.

3. An enforcement notice alleging a material change of use need not recite the previous use but when it does so, the use specified should be correct. The notice describes the previous use as 'open space used for land within 400m of the Thames Basin Heaths Special Protection Area (TBH SPA)...'. However, there is no dispute that the appeal site previously formed part of the lawful residential garden of the dwelling at 124 Owlsmoor Road (No 124), prior to being sold off separately in recent years. A change in ownership is not, in itself, conclusive of a material change of use. The TBH SPA is not a use of land. The Council did not refer to any other factors which might have led to the use of the site as residential garden being extinguished. Consequently, there is little which might lead me to conclude that the previous use was other than as a residential garden. In the circumstances, I shall also correct the notice by deleting reference to the previous use in the allegation. There would be no injustice, either to the appellant or the Council, in making these corrections.

Ground (b) appeal

4. The ground of appeal is that the matter alleged in the notice has not occurred. The burden is firmly on the appellant to show why their appeal should succeed on this ground, the relevant test of the evidence being on the balance of probability.
5. The site is a roughly rectilinear plot of land. A mobile home, currently used for storing household items, is stationed at the site. Two freestanding residential outbuildings are also present, with the remainder of the site largely grassed or planted with maturing trees and shrubs. Solid timber fencing separates the site from the garden of No 124 and other neighbouring properties.
6. According to the appellant's Statutory Declaration, the mobile home was stationed at the site in or around September 2018, at which time the land still formed part of the residential garden of No 124. I am given to understand that initially, the mobile home and No 124 were occupied by members of the same family, living together as a single household. The appellant accepts however that following the sale of No 124, the mobile home was used for a period as a separate, self-contained unit of living accommodation.
7. The use of the mobile home as a self-contained unit of living accommodation might well have ceased around eleven months prior to the notice being issued, as the appellant claimed. The Council on the other hand referred to a site visit which suggested that the latest occupiers had moved out more recently, support in this respect being provided by an interested party in their representations made in response to the appeal. In any event, significant time can often elapse between a breach of planning control being detected and the issuing of an enforcement notice. Cessation of the use does not justify an argument that ground (b) should succeed because the use alleged was not in being at the date of issue. The mobile home has been used as a self-contained unit of living accommodation and that remains the position.
8. Therefore, the matter alleged in the notice has in fact occurred and the ground (b) appeal fails.

Ground (f) appeal

9. The ground of appeal is that the notice requirements are excessive.
10. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place, or it can have the purpose of remedying any injury to amenity caused by the breach. Although the notice does not state as such, its sole purpose must be to remedy the breach. The requirements-ceasing the use as a self-contained unit of living accommodation and removing the mobile home and residential paraphernalia from the site-clearly have that purpose in mind.
11. Even so, there is no dispute that the mobile home falls within the statutory definition of a caravan.¹ The stationing of a caravan and its use for purposes incidental to the use of the site as residential garden would not involve development. Similarly, the presence of 'residential paraphernalia,' which would include items such as the children's trampoline, inflatable paddling pool, garden furniture and barbecue currently at the site, would normally be regarded as incidences of a use as residential garden. It is well-established that the requirements of an enforcement notice must not purport to prevent an appellant from doing something they are entitled to do without planning permission, for example through relying on lawful use rights or any of the exceptions from the definition of development.
12. Therefore, the requirement in step (ii) to remove the mobile home is excessive to remedy the breach, as is the requirement in step (iii) to remove all residential paraphernalia. Step (i) provides a sufficient remedy, as ceasing use of the mobile home as self-contained living accommodation achieves the purpose of restoring the site to its condition before the breach took place. The consequences of these findings are that I shall also vary the notice to delete steps (ii) and (iii). There would be no injustice in doing so. The ground (f) appeal succeeds to that extent.

Ground (g) appeal

13. The ground of appeal is that the period specified for complying with the notice requirements falls short of what should reasonably be allowed.
14. The appellant's request to extend the compliance period relates to the timescale that would be involved in relocating the mobile home. As a consequence of my findings in the ground (f) appeal however, that is no longer required.
15. Therefore, I shall take no further action in respect of this ground of appeal.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

Stephen Hawkins

INSPECTOR

¹ The Caravan Sites and Control of Development Act 1960 & Caravan Sites Act 1968