



Appeal Decision

Site visit made on 27 May 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal Ref: APP/R0335/C/25/3371640

Nestings, Jigs Lane North, Warfield, Bracknell RG42 3DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Robin Benke against an enforcement notice issued by Bracknell Forest Borough Council.
 - The notice was issued on 23 July 2025.
 - The breach of planning control as alleged in the notice is (1) Without planning permission, the material change of use of the land from agriculture to storage; and (2) Without planning permission the formation of hardstanding.
 - The requirements of the notice are: 1) Cease the use of the land shaded yellow on the plan attached to the notice for the siting of metal containers, motorhomes, caravans, trailers and all forms of motor vehicles not associated with the agricultural use of the land; 2) Remove from the land shaded yellow all metal containers, motorhomes, caravans, trailers and all forms of motor vehicles; and 3) Remove from the land shaded yellow all concrete and brick rubble and all materials used to form [the] area of hardstanding associated with the unauthorised use. 4) Restore the land shaded yellow to its' original condition before the breach took place by levelling the ground and re-seeding it with grass.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the 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 varied by in paragraph 6, substituting 'three months' with 'six months' as the period for compliance. Subject to the variation the enforcement notice is upheld.

Ground (g) appeal

2. The ground of appeal is that the period specified in the enforcement notice for complying with its requirements falls short of what should reasonably be allowed.
3. The notice attacks the use of part of a field to store touring caravans, motorhomes, other motor vehicles, trailers and shipping containers, along with the formation of a hardstanding. The field is situated to the west of an established commercial yard used by the appellant's storage business as well as some other firms.
4. The appellant sought to extend the compliance period from three months to a year. They argued that the longer timescale is necessary to organise relocation of the caravans prior to having contractors remove the hardstanding and so that the grass seed can be sown around the right time of year. However, as the appeal is made solely on ground (g), the compliance period is the only matter before me. As a result, the appellant cannot have any reasonable expectation of the notice being quashed. By making this limited appeal, they have already delayed the date the

notice will come into effect, with the certain knowledge that they would have to remove the caravans, motorhomes, other vehicles and containers along with the hardstanding and then sow grass seed.

5. As far as I was made aware, nothing which has happened since the notice was issued would have prevented the appellant from giving any required notice to owners of the caravans, motorhomes, other vehicles and containers. Nor would there seem to have been any impediment to the appellant securing the services of a suitably skilled contractor to remove the hardstanding during that time. A significant number of contractors will possess the necessary skills to carry out the remedial works. Such contractors should be able to carry out those works, given a reasonable period of advance notice. There is no firm evidence of a notable shortage in suitably skilled contractors or of unduly lengthy waiting times adversely affecting their availability. Also, there is little to indicate that the remedial works would be especially complex or time-consuming, or that the use of specialist plant or equipment would be involved. In my estimation, the remedial works are unlikely to take more than a month or so at most to complete.
6. In all the circumstances, I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice to extend the compliance period, but only to six months. Although sufficient time is already afforded by the notice for removal of the caravans, motorhomes other vehicles and containers along with the hardstanding, the extended timescale allows for the sowing of grass seed at a suitable time of year, following completion of the remedial works. This would therefore strike an appropriate balance between remedying the breach as soon as practicable, whilst also not imposing a disproportionate burden on the appellant's business. Any further extension to the compliance period however would do little more than perpetuate the breach.

Conclusion

7. For the reasons given above, I conclude that a reasonable period for compliance would be six months and I shall vary the enforcement notice accordingly, prior to upholding it. The appeal on ground (g) succeeds to that extent.

Stephen Hawkins

INSPECTOR