



Appeal Decisions

Site visit made on 17 June 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/T0355/C/24/3349550

Appeal Ref: APP/T0355/C/24/3373053

Land at Old Coach House 26A Old Ferry Drive, Wraysbury, Staines-Upon-Thames TW19 5JT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Peter Court against two enforcement notices issued by Royal Borough of Windsor and Maidenhead.
 - The notices were issued on 4 July 2024.
 - The breach of planning control as alleged in notice 1 is: without planning permission, the material change of the use of the land to a caravan site for the stationing of a mobile home for residential purposes; with ancillary paraphernalia.
 - The requirements of notice 1 are:
 - a) Cease the use of the land as a caravan site.
 - b) Remove the mobile home from the land along with all associated paraphernalia including, but not limited to, garden table and chairs, sunscreen parasol, plastic storage boxes and/or sheds.
 - The period for compliance with the requirements of notice 1 is: 12 calendar months after this notice takes effect.
 - The breach of planning control as alleged in notice 2 is: without planning permission, the erection of structures off the northeast and southeast elevations of an existing single storey building using scaffold poles, timber frames and corrugated roof coverings; with metal containers sited on the land to facilitate the structure off the northeast elevation.
 - The requirements of notice 2 are:
 - a) Demolish the structures off the northeast and southeast elevations of an existing single storey building, as identified on the appended image marked BB1.
 - b) Remove from the land all materials resulting from compliance with step 1.
 - c) Permanently remove from the land the metal containers identified in the image marked BB2.
 - The period for compliance with the requirements of notice 2 is: 12 calendar months after this notice takes effect.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
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Decisions

1. The appeals are dismissed, the enforcement notices are upheld and planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matters

2. The parties referred to an earlier version of the National Planning Policy Framework, an important material consideration in the appeals. Whilst these decisions take account of the current version, I am satisfied that neither main party's case is materially affected as a result. Paragraph references to the NPPF are to the current version, December 2025.

3. One appeal form was submitted for both enforcement notices but did not distinguish in terms, issues relevant to the change of use notice from those related to the operational development notice. I have considered all matters raised by the appellant, including the various documents submitted with no covering statement, and read across the material according to their relevance to each appeal. Unless the context otherwise requires, reference to development is to the development comprised in both the alleged residential use and erection of structures on the site.

Background

4. In February 2021 the Council was informed that a caravan was stationed on the appeal site without planning permission. In April 2021 the Council officer confirmed that a mobile home was sited on the land, noting that an existing building in situ had been extended and containers brought onto the land. From December 2021 onwards several applications were made to erect a dwelling with an appeal being made against one of the application refusals. Following refusal of application ref. 24/00424/FULL on 3 May 2024 the enforcement notice was issued.
5. When I visited, the caravan was clearly for residential use with a kitchen area, bathroom area and so forth, being connected to electricity, water and mains drainage, however the appellant and his wife were not living in it at the time.

Ground (e)

6. The appeals on this ground allege that copies of the enforcement notices were not served as required by s172 of the 1990 Act. The appellant states that the notices were not signed for by either party. However, this is not a requirement of s172.
7. I am satisfied from the evidence that the notices were issued and served on 4 July 2024 in accordance with the requirements of s172 of the 1990 Act, all persons named in the notice having been served by recorded delivery. The Secretary of State may disregard a failure in service if the appellant has not been substantially prejudiced as a result (s176(5)). Clearly the appellant has been able to make his appeals and is not substantially prejudiced.
8. This ground of appeal fails.

Ground (b)

9. An appeal on ground (b) is that the breach of control alleged in the enforcement notice has not occurred as a matter of fact. Under this ground the appellant has commented on matters pertaining to ground (a) and ground (g) which are not relevant here. In his covering letter for both appeals, the appellant stated that the appeal property was not a caravan site as it was only used by 2 people. However, the meaning of a caravan site is generally taken to be as defined in Caravan Sites and Control of Development Act 1960, ie land on which a caravan is stationed for the purposes of human habitation and land used in conjunction with land on which a caravan is so stationed. The evidence is that on the balance of probability, what has been alleged in notice 1 has occurred as a matter of fact, ie the land has been used as a caravan site for residential purposes.
10. Furthermore, as the statements and photographs submitted by the Council indicate, the various structures as alleged in notice 2 were likely to have been in situ at the date of issue. The information provided by the appellant does not persuasively contradict the allegations of fact in the notices.

11. Consequently, this ground of appeal must fail.

Ground (c)

12. For ground (c) to succeed the appellant must demonstrate on the balance of probability that there has not been a breach of planning control, for example because permission has already been granted, or what is alleged to have occurred is permitted development.
13. The site is on the north side of Old Ferry Drive and south of Old Father Thames, immediately adjacent to 26 Old Ferry Drive. The site historically had links with the adjacent dwelling at No 26 and has the benefit of a lawful small boat house and a small animal enclosure. There is no suggestion that on subdivision, whenever that occurred, the appeal site retained or now retains, a separate primary residential use in its own right, or that it now has any functional connection to No 26.
14. On 11 May 2020 the appellant made a planning application, ref 20/00093/FULL for a detached two-bedroom dwelling, subsequently withdrawn. The Council officer visited on 9 July 2020, and it is noted from the photograph taken that the site was an overgrown parcel of land with no evidence of residential use.
15. It seems from the documentation submitted which is very piecemeal, that the appellant intended to use the original footings of the existing structures on site, ie a former animal pen close to the site frontage and a boat house/shed to the rear, to bring the property “back” into residential use. Whilst at some point the land may have been part and parcel of No 26, benefiting from a residential use ancillary to the main dwelling, the appeal site does not carry an established residential use in its own right. Given the clear functional and physical separation between the appeal site and No 26, any ancillary residential use attached to No 26 has ceased.
16. The appellant has not commented on the allegation in notice 1. It is undisputed that Council tax documents suggest that the alleged use occurred from 15 December 2021, and it is said by the appellant¹ that Council tax has been paid on No 26a since 1 April 2021. Use of the land as a caravan site includes the siting of a single caravan for residential use which amounts to development that requires planning permission. I find it likely on the information provided that the residential use of the appeal site was a material change in use of the land that required permission. As no such permission exists there is a breach of planning control.
17. Regarding notice 2, the appellant states that the work carried out was to protect the wall to the boathouse from collapsing, ie to preserve the existing building. The metal containers are said to store the appellant’s belongings and are separate to any other structure. However, the structures and metal containers are not temporary but large scale, rest on their own substantial weight and in combination with the existing building have a permanent appearance. As a result I am satisfied that they constitute operational development.
18. There is no planning permission expressly granted for the operational development described in notice 2. It might be considered whether the works amount to permitted development under the Town and Country Planning (General Development Order (England) Order 2015 (GPDO) (as amended). The part of the GPDO suggested to be relevant is Part 4, Class A (temporary buildings and

¹ Document (misleadingly) headed Delegated Officer Report, discussed further below.

structures), however such development must be in connection with operations being or to be carried out lawfully on the land and clearly is inapplicable here.

19. I find that the appellant has failed to discharge the burden to demonstrate on the balance of probability that, in relation to each notice, what is alleged to have occurred is not a breach of planning control.
20. Accordingly, the appeals do not succeed on this ground.

Ground (d)

21. The appeals on ground (d) are that, at the time the enforcement notices were issued, it was too late to take enforcement action against the matters stated in the notices.
22. For notice 1, issued on 4 July 2024, the relevant date is 4 July 2014, therefore the appellant must demonstrate that the material change of use had occurred and has subsisted without significant break for ten years prior to the date of issue of the notice. From the matters described above in relation to ground (c), the evidence suggests that the material change of use has occurred within the relevant period.
23. As far as concerns notice 2, also issued on 4 July 2024, the relevant date is 4 July 2020, therefore the appellant must demonstrate that the works alleged in the notice were substantially completed four years or more prior to the date of issue. Again, the evidence, including an image taken on a further site visit in April 2021, suggests that the development was not substantially complete by then. In any event the operational development occurred sometime after July 2020, resulting in the relevant period of immunity not being established.
24. Therefore, the appeals on ground (d) cannot succeed.

Ground (a)

Main issues

25. The main issues are:
 1. whether the proposal would be inappropriate development in the Green Belt, including the effect of the proposal on the openness of the Green Belt;
 2. character and appearance;
 3. risk of flooding;
 4. ecological impacts; and
 5. whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Whether inappropriate development and effect on openness

26. The land is located within the Green Belt in a relatively undeveloped area south of the river Thames, east of sporadically located single dwellings and west of the more urban part of Wraysbury forming Old Ferry Drive and Friary Road.

27. A fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF at paragraph 154 establishes that the construction of new buildings is inappropriate in the Green Belt, subject to several exceptions, including at paragraph 154c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Borough Local Plan 2022 (BLP) Policy QP5 applies national Green Belt policy to development in rural areas.
28. I saw that the erection of the structures with the supporting metal containers has created an enlargement of the existing building in excess of 100% which is materially larger in scale and fails to meet the exception test in paragraph 154 c). The containers may be self-contained and, in that sense, separate to any other structure but they still weigh as disproportionately larger in scale.
29. The caravan and its accoutrements, including the several storage sheds, the domestic paraphernalia scattered around the site and parked vehicle combine to produce an adverse effect on the openness of the Green Belt both in terms of visual and spatial amenity. To the extent that it might be considered to be a form of limited infilling pursuant to paragraph 154 of NPPF, it would in my view cause substantial harm to the openness of the Green Belt. The appeal site is understood to be formerly part of a large residential garden where a large part has remained undeveloped. Furthermore, the appeal site is in a Flood Zone 3 area which is high risk, rendering it an unsustainable location for a vulnerable structure such as a caravan to be used for residential purposes.
30. I conclude that the development does not fall within any of the exceptions set out in section 13 of NPPF and is inappropriate development. The development also results in a substantial negative impact on the visual and spatial openness of the Green Belt. Inappropriate development is harmful to the function and purposes of the Green Belt. Accordingly, the unauthorised development is contrary to BLP Policy QP5 and Section 13 of the NPPF.

Character and appearance

31. The appeal site is considerably overgrown with vegetation. The unauthorised operational development is situated at the rear of the site. The ensemble of ad hoc additions to the existing building is unsightly, comprising a jumble of scaffolding, timber and metal canopies, open metal fencing and plastic sheeting supported by steel containers. The existing building is all but obscured by these structures. Their erection and the associated metal containers have a stark appearance causing unacceptable visual harm to the character and appearance of the site and its immediate surroundings.
32. The caravan has a rudimentary timber porch attached to it and is sited toward the front and side of the plot in a prominent position. Its residential use and appearance amid the other residential plots along Old Ferry Drive, which contain traditionally built dwellings, is out of place and incongruous. The caravan is also surrounded by much domestic paraphernalia including several sheds of plastic or other material that border the site adjacent to No 26A. This adjacent site contains a substantial and tall detached dwellinghouse from the upper windows of which the development could largely be seen over the boundary fence.
33. Reference was previously made to removal of the existing buildings that would, in the appellant's view improve the visual appearance of the area. If the appellant

seeks to replicate this point in the appeals he has not done so in terms but in any event the unauthorised structures rely on the existing boat house/shed for physical support. The appellant's submissions in this regard relate to the earlier rejected proposals to establish a dwellinghouse on the site, which are not before me.

34. I conclude that the operational development and the residential siting of the caravan together with the associated domestic apparatus, have considerably negative and urbanising impacts on the appearance of the land and the semi-rural character of the surrounding area. The harm caused is contrary to the aims of the BLP Policy QP3 in failing to respect the local, natural or historic character of the environment, or to achieve sustainable high-quality design.

Risk of flooding

35. The Council included in its reasons for issuing the notices its objection to the development of grounds of risk of flooding citing lack of proper assessments. The site lies to the south of the river Thames in an area designated as Flood Zone 3, at high risk of flooding. No site-specific flood risk assessment is submitted.
36. It appears that surveys were carried out and submitted to the Council over the years. However, the information submitted in these appeals is not up to date, is presented in a disjointed fashion and difficult to piece together. The letter of 23 March 2023 from the Council to the appellant is a circular letter to local residents updating them on measures to protect homes from flooding, not specific to the appeal property. It also appears that the appellant previously signed up to the government's flood warnings service so flood warnings or alerts will be received. This may be so, however neither this nor the circular letter provides reassurance that the flooding risk to the appeal site is reduced.
37. I am not satisfied that there are no other reasonably available sites appropriate for the development within an area with a lower risk of flooding, or that the proposal is appropriately flood resistant, incorporates a sustainable drainage system, does not increase flood risk elsewhere or has a safe access and escape route. As a result, the development is contrary to the aims of BLP Policy NR1 and the guidance set out in Section 14 of the NPPF.

Ecological impacts

38. Unfortunately, the Council has not taken the opportunity to explain the purport of the tree preservation order it submitted, which order is confusing with several crossings out. It clearly pre-dates subdivision of No 26 where a woodland area west of the appeal site is protected, rather than trees on the appeal site itself. In any event, the site is bounded by mature trees and whilst a tree survey appears to have been submitted with previous proposals for the site it was not submitted in these appeals. It was said that no trees or woodlands would be harmed as the development is situated away from the boundary. However, it was apparent from my visit that both the caravan and the extensions to the existing building are in close proximity to the boundaries of the site where, particularly in relation to the operational development, there is extensive vegetation and tree cover.
39. I appreciate that some new trees may have been planted but without a proper assessment I am not in a position to evaluate how the development, in relation to the vegetation on site, offers scope for creation, restoration, enhancement and connection of natural habitats as an integral part of the deemed applications.

40. It had apparently been suggested that matters raised in the previous ecological appraisal, not before me, could be dealt with by condition, said to be confirmed in a previous appeal decision but such decision is not submitted in these appeals.
41. In the absence of up-to-date biodiversity and arboricultural impact assessments, I cannot be confident that the development might not impact adversely on protected species including bats, badgers, reptiles, amphibians, hedgehogs and nesting birds, as well as trees within the site.
42. Therefore, the development is contrary to the aims of BLP Policy NR2, in failing to demonstrate that it would maintain, protect and enhance the biodiversity of the site including features of conservation value such as hedgerows, trees, river corridors and the presence of protected species. It also conflicts with Policy NR3 in failing to submit an appropriate tree survey, protection plan, and ecological assessment.

Other considerations

43. One submitted document is misleadingly headed Officer Delegated Report. It is rather a collection of excerpts from various sources, in some cases without clear attribution, cut and pasted into a uniform typeface. It was clearly prepared for a previous proposal for a detached dwelling. The very special circumstances argued for in that document, to the extent they can reasonably be read across to the current appeals, are not compelling. They do include that the proposal would bring a derelict site back into positive use which would benefit the area and deter anti-social behaviour. That is a relevant consideration here.
44. It is also said that the development (referring to the detached dwelling proposal), would not cause any harm to neighbouring properties. I note that no similar objection has been made in the current appeals although as I have pointed out above, the development has an unattractive appearance and has the potential to cause harm to the visual amenities of neighbours including future occupiers.
45. The submissions made by the appellant concerning self-build houses and housing land supply are not relevant here because the development under consideration is residential use of a caravan, not a self-build project. To support the Government's objective of significantly boosting the supply of homes, I recognise that it is important that a sufficient amount and variety of land can come forward where it is needed (see section 5, NPPF). The development would make a very modest contribution to increasing the supply of homes.

Summary and conclusion

46. The proposal constitutes inappropriate development in the Green Belt which would also cause harm to the openness of the Green Belt. I attach substantial weight to the associated Green Belt harm. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
47. Other harm exists because the development causes harm to the character and appearance of the area. Also, the appeal site has a high risk of flooding where residential use of caravans should be avoided. I am not satisfied that there are no other reasonably available sites appropriate for the development, within an area with a lower risk of flooding or that the proposal is appropriately flood resistant. In addition, without an appropriate tree survey and ecological assessment, the

development would unacceptably risk harm to features of conservation value such as hedgerows, trees, the nearby river corridor and presence of protected species.

48. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Taken together, the other considerations put forward carry at most limited weight. It follows that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations in this case. Therefore, the very special circumstances required to justify the proposed development do not exist. The proposed development would not accord with the NPPF or the Green Belt aims of BLP Policy QP5. Accordingly, I will refuse planning permission for the deemed applications for the change of use and the operational development.

Ground (f)

49. The appeals on ground (f) are that the steps required to comply with the requirements of the notices are excessive, and lesser steps would overcome the objections. Their purpose may be to remedy the breaches of planning control that have occurred, or any injury to amenity caused by the breaches.
50. The steps required to be taken are clearly to remedy the breaches of planning control alleged in each notice by requiring cessation of use of the site as a caravan site, removal of the caravan and associated domestic paraphernalia, and demolition of the structures off the existing building and removal of the materials and containers from the land.
51. In these appeals there is no clearly articulated alternative proposal to the requirements of either notice. In the appeal form it is said that the submissions made are for a replacement building. This clearly references notice 2 but also the historic proposals for a dwelling on the site. On ground (a), in neither appeal did I consider the historic proposals for a dwelling as an alternative to granting permission for the deemed applications, because they fall outside the parameters of s177(1)(a). I am not empowered to grant permission for matters stated in the enforcement notice as constituting a breach of planning control, if they do not relate to the whole or any part of those matters. There is no obvious alternative to the requirements of both notices that would achieve their aims at lesser cost.
52. The appeals on ground (f) therefore cannot succeed.

Ground (g)

53. Both notices require compliance with their respective requirements within a period of 12 calendar months. This is more than adequate a period in my view for the appellant to comply with those requirements. As noted above, the appellant and his wife were not currently living on the site at the time of site inspection. It is not persuasively demonstrated to me that there is no alternative accommodation available to them or that such accommodation might not reasonably be expected to be available to them within this period if required. No substitute period for compliance is requested.
54. Accordingly, the appeals on this ground fail.

Conclusion

55. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notices and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act (as amended).

Grahame J Kean

INSPECTOR