



Appeal Decision

Site visit made on 5 June 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2026

Appeal Ref: APP/V1505/C/24/3348737

Land North of Studland Avenue, Wickford, Essex, SS12 0JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Freddie Eastwood against an enforcement notice issued by Basildon Borough Council.
 - The notice was issued on 27 June 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the laying of hardcore and associated materials onto the Land forming an area of hardstanding.
 - The requirements of the notice are to:
 - i) Break up the hardstanding and permanently remove all resultant debris and materials from the land.
 - ii) Return the land to its condition prior to the unauthorised breach by levelling and reseeding to grass.
 - The period for compliance with the requirements is: Four (4) months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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.
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Summary Decision: The appeal is dismissed and the notice is upheld as varied in the terms set out below in the Formal Decision.

The Enforcement Notice

1. The requirements at paragraph 5(i) of the notice state “break up the hardstanding”. As the hardstanding comprises rubble and loose material, it does not require breaking up and I shall therefore vary the wording accordingly. The inclusion of the word “permanently” is also unnecessary having regard to the provisions of Section 181(1) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), which states that compliance with an enforcement notice shall not discharge that notice. I shall therefore delete this word.

Preliminary Matters

2. The revised National Planning Policy Framework 2024 (the Framework) was published during the course of the appeal. Both main parties had the opportunity to comment on this in their statements and final comments.
3. Since the appeal was made, two planning applications have been submitted to and approved by the Council. These permissions both relate not only to the appeal site, but also the adjoining land to the east of it. The parties were given an opportunity to comment on the relevance of these planning permissions, and the submissions made have been taken into consideration.
4. It was apparent from my visit that the site and its surroundings have changed since the notice was served. The site has been subdivided and part of it enclosed by fencing and gates, creating a plot that is narrower than that shown on the plan

attached to the notice. The plot now enclosed appears to correspond with that shown as plot 1 on the recent planning permission ref. 25/00646/FULL for three detached self-build dwellings and associated works. There are two caravans on the appeal site, one on either side of the new dividing fence, neither appear to be in the position shown on the appeal plan or the proposed plan. The land to the west has been developed and the land to the east has been cleared and is occupied by a further caravan. However, in determining this appeal I have only considered the breach of control as described in the notice.

The appeal on ground (a) and the deemed planning application

5. An appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

6. The main issues, having regard to the Council's reasons for issuing the notice, are:
 - Whether the development is inappropriate in the Green Belt, considering its effect on openness, the purposes of including land in the Green Belt, whether the development is on grey belt land, and the need for the development.
 - The effect of the development on the character and appearance of the area.
 - The effects on protected and priority species, habitats and biodiversity net gain (BNG).
 - If the development is inappropriate in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

7. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of several exceptions applies. One such exception is (h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, including (ii) engineering operations.
8. The development to which this appeal relates, comprises the laying of a large area of hardstanding, which I concur with the main parties is an engineering operation. The use of the hardstanding is not part of the matters before me.
9. Despite the fact that the hardstanding surface is at ground level, due to its large expanse and the absence of any established mature landscaping, it is visually prominent from the road and neighbouring properties. The amount of hardstanding significantly exceeds that necessary to site the lawful caravan upon or to provide access and parking for any established lawful use. The introduction of development of this scale into an area where previously there was none, has an urbanising effect that causes substantial visual harm to the openness of the Green Belt, and fails to assist in safeguarding the countryside from encroachment, which

is one of the five purposes of the Green Belt. The development does not therefore comply with criteria (h)(ii) of paragraph 154.

10. The main parties agree that the appeal site is grey belt as defined in the Framework, and I have no reason to reach a different view on this matter based upon the evidence before me and my own observations of the site and its surroundings. However, as the appellant has not shown that there is a demonstrable unmet need for this type of development (the hardstanding to which the notice relates) the exception under paragraph 155 of the Framework does not apply.
11. I acknowledge that the site benefits from a Lawful Development Certificate (LDC) Ref.23/01325/LDCE, issued on 25th October 2023, for “the existing use of the land for the stationing of a mobile home”. I do not agree that this means the caravan or the land it is sited on can be lawfully used for residential purposes. The LDC does not specify in its description what the land or the mobile home are used for and it is not for me as part of this appeal to establish what was sought or to widen the scope of what was granted by the LDC. Whilst I acknowledge that the caravan was described as a “mobile home” and that a caravan is by definition a structure designed or adapted for human habitation, most caravans are not occupied on a permanent residential basis. It is also entirely possible that a mobile home can be used for purposes other than as a home or human habitation, for example, for storage or as a shelter in connection with the use of the land.
12. My attention has been drawn to case law¹ in which it was concluded that an LDC for “the use of land as a caravan and camping site” including no limitations as to the type of caravan permitted, meant that any type of caravan could be stationed on the land and that they could be used for residential purposes. However, that case related to an established caravan and camping site, benefitting from a caravan site licence and associated infrastructure. It can therefore be distinguished from the appeal case before me.
13. The primary use of the land in this case is not a caravan and camping site and until recently appears, from the photographic evidence before me, to have had no hardstanding, services or other domestic paraphernalia that would normally be present in connection with a residential use. Even at the time of my visit the caravans on the site did not appear to be occupied, in use, connected to services, or to have been in recent use. Although water and electricity connections were present on site, their appearance and the Council’s submissions indicate that these are relatively new. The evidence before me confirms that a caravan site licence has been applied for and was refused, and as such the site does not benefit from any associated permitted development rights. The LDC is unambiguous and relates to the stationing of the mobile home and nothing more.
14. I therefore conclude that the hardstanding is inappropriate development in the Green Belt and it fails to accord with the Framework in this respect. As Policy BAS GB1 of the Basildon District Local Plan Saved Policies September 2007 (the local plan) only refers to the Green Belt boundaries shown on the Proposals Maps, there is no conflict with this.

¹ Breckland DC v SSHCLG & Plum Tree Country Park Limited [2020] EWHC 292 (Admin)

Character and appearance

15. The photographic evidence before me indicates that prior to the development taking place the site comprised rough grassland bounded by mature trees and hedgerows, which was reflective of its mixed use, low density, semi-rural plot land surroundings. The appellant's statement refers to other hardstanding in the area and to the site being well screened by heavy landscaping. However, any landscaping that previously existed within or around the site has been removed and other hardstanding areas nearby typically comprise modest areas of land, used for incidental parking directly to the front or side of dwellings. The examples referred to are not comparable to the appeal site, which comprised a grass field and a caravan, or to the hardstanding in this case, which is not related to a lawful use of the land.
16. As a result of the extensive area of hardstanding laid, the site is now largely devoid of any natural features, other than a small strip of low-level planting at the northern end of the enclosed part of the plot.
17. I therefore conclude that the development, due to the loss of green space it has caused, and the amount of hardstanding introduced, has resulted in a negative urbanising effect, causing significant harm to the verdant character and appearance of the area. This is contrary to paragraph 135 of the Framework, which requires development to be visually attractive as a result of effective landscaping and to be sympathetic to local character including the surrounding built environment and landscape setting. As Policy BAS BE12 of the local plan relates specifically to new residential development and the alteration and extension of existing dwellings, I do not consider it to be relevant to this case.

Effect on Ecology and BNG

18. The site is located within a Priority Habitat for Deciduous Woodland and within a Great Crested Newt (GCN) Amber Risk Zone. Whilst there is no evidence before me to indicate that any protected or priority species have been directly harmed, the submitted photographs, aerial images, retrospective ecological report and comments from local residents, indicate that the development has resulted in the loss of nesting and foraging habitat for a variety of birds and mammals, including protected species such as bats and GCN. This is due to the removal of a large mature tree that may have provided bat roosting features, loss of hedgerows and scrub suitable for nesting birds and hedgehogs, and the presence of two nearby ponds and GCN breeding habitat. The development has also failed to provide any on site or off-site biodiversity net gains.
19. I therefore conclude that the development is contrary to paragraph 187 of the Framework, which seeks to enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

Other considerations

20. The material considerations that the appellant considers amount to very special circumstances are the lawful use of the site, permitted development rights and the caravan site licence application. As previously stated, the LDC for the siting of a caravan on the land does not establish a lawful residential use, the application for a caravan site licence was refused, and the site does not therefore benefit from permitted development rights relating to caravan sites.

21. Section 177(1)(a) of the Town and Country Planning Act 1990 provides that planning permission may be granted in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates.
22. The appellant has suggested an alternative scheme, which is that planning permission ought to be granted for a smaller area of the hardstanding. As this alternative scheme relates to part of the matters stated in the notice, I have considered this on ground (a). However, the extent of hardstanding proposed to be retained remains excessive and there is no evidence before me as to why such a long, wide access road and the parking and turning spaces shown are necessary in connection with the use of the land for the stationing of a caravan. The appellant has the option to apply for planning permission for the residential use of the land and the caravan together with a proportionate level of hardstanding to facilitate the parking and access requirements of such a use, supported by an appropriate scheme of landscaping and BNG, should they wish to do so.
23. Whilst I accept that if I were to grant planning permission for the reduced scheme, landscaping and BNG conditions could be imposed, which overtime would reinstate some of the wildlife habitat that has been destroyed, reduce views into the site and soften the appearance of the development from the road and nearby properties, this would not overcome my concerns regarding the amount of hardstanding that would be retained and its effect on the rural character and appearance of the area. Furthermore, the suggested conditions requiring the installation of bat and bird boxes on retained trees and the provision of BNG would be likely to pose difficulties given that there are no retained trees or buildings to fix these to and the pre-development biodiversity value is uncertain. It would also be unreasonable to impose conditions requiring new landscaping across the front of the site to screen the development from the road, or along the eastern boundary, if the appellant intends to implement the recently approved planning permission for a different scheme, which would require its removal.
24. I have had regard to the planning permissions that have recently been granted, but these relate specifically to self-build dwellings and the temporary siting of caravans to be used for residential/welfare purposes during their construction. Although the first permission was granted 2nd October 2025, I have not been advised that any applications to discharge pre-commencement conditions have been submitted to or approved by the Council. The second permission is conditional upon the first permission being lawfully implemented. Given the self-build nature of the first permission, and the requirement for the future occupiers of such properties to have been directly involved in their design, further applications may be required. Taken together, these factors could prevent or delay the delivery of the approved dwellings and their associated gardens and landscaping. Moreover, the hardstanding access and parking areas, and the landscaping shown on the approved drawings do not correspond with the alternative scheme of retained hardstanding, access and landscaping submitted with the appeal as the proposed lesser measures. Accordingly, I afford little weight to the extant planning permissions.
25. I appreciate that the planning status of the site has evolved since the appeal was submitted. However, in accordance with section 180(1) of the 1990 Act, the enforcement notice will cease to have effect insofar as it is inconsistent with any valid planning permission.

26. I do not consider that the inclusion of the existing plans in the list of approved drawings grants permission for the existing unauthorised development. Those plans simply indicate what was existing at that time. The planning permission granted was for the development shown on the proposed plans (whether included in the description or not), which cannot lawfully commence until the relevant conditions have been formally discharged.
27. The appellant has suggested that if I consider the development and revised scheme to be inappropriate development in the Green Belt, that is not justified by very special circumstances, that consideration is given to granting a two-year temporary consent, to enable a caravan site licence to be sought. The evidence before me confirms that a caravan site licence has been applied for and was refused on 6 December 2024. As such, I see no justification for granting a temporary permission.
28. It is also evident from the Council's records that the appellant continued to lay additional hardstanding after being advised that this constituted a breach of planning control. The development of the land without planning permission was therefore, in part at least, intentional. This is a material consideration to which I afford only moderate weight, given that much of the harm had already been done by the time the Council had been able to contact the appellant. Part of the reason for seeking to deter intentional unauthorised development is to avoid prejudicing the opportunity to mitigate its effects, such as by imposing conditions to protect landscaping and wildlife.

Balance and Conclusion

29. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. As the development (both as existing and in its proposed reduced form) does not fall within any of the exceptions listed at paragraphs 154 or 155 of the Framework, it is harmful by definition. The scale of the development (existing and proposed) also results in harm to the openness of the Green Belt. In accordance with the Framework, I afford these harms substantial weight. The development (existing and proposed) has also resulted in harm to the character and appearance of the area and a loss of wildlife habitat and biodiversity, which I afford significant weight. I also afford moderate weight to the intentional unauthorised existing development of the site.
31. The other considerations put forward in favour of the development, do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified. Consequently, the very special circumstances necessary to justify the development do not exist.
32. For the reasons given above, the development, in both its existing and proposed reduced form, fails to accord with the Framework. The appeal on ground (a) therefore fails.

Appeal on ground (f)

33. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary to either (a) remedy the breach of planning control or (b) remedy any injury to amenity which has been caused by the breach.
34. Paragraph 1 of the notice states that it is being issued because it appears to the Council that there has been a breach of planning control, there is no reference to any injury to amenity. I therefore consider the purpose of the notice is to remedy the breach of planning control that has occurred.
35. The appellant argues that the second part of the requirement at paragraph 5(ii) of the notice, which requires the land to be levelled and reseeded to grass is excessive as the site was not grassland prior to the breach of planning control taking place. Submitted photographs, aerial images and the appellant's ecological report indicate most of the site was previously grass and scrubland with woodland edges and native hedgerows.
36. However, there is nothing before me to indicate that there has been any noticeable change to the site levels as a result of the development, or that this would be the case following the removal of the hardstanding.
37. Section 173(4)(a) of the act provides for restoring the land to its condition before the breach took place, nothing more. I therefore agree that the second part of requirement 5(ii), to level the site and reseed it with grass, is unnecessary. A requirement to remove the hardstanding from the land and to restore it to its previous condition would be sufficient to remedy the breach of planning control.
38. I shall therefore vary the requirements of the notice and the appeal on ground (f) succeeds.

Appeal on ground (g)

39. An appeal on ground (g) is made on the basis that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period specified in the notice is 4 months. The appellant has requested that this be increased to 6 months on the grounds that it would be difficult to carry out the removal of the hardstanding over the winter period.
40. From my own observations on site, and the photographs and statements submitted, it is evident that the hardstanding comprises gravel and loose material laid on top of brick and other rubble, which was laid within a short period of time. As it is now summer, I see no reason, based upon the evidence before me, why removing the hardstanding materials would not be straightforward. As such the 4 months specified would be a sufficient and proportionate period of time in which to remedy the breach of control.
41. The appeal on ground (g) therefore fails.

Conclusion

42. For the reasons given above, I conclude the appeal should succeed only in part. I shall uphold the notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

43. It is directed that the enforcement notice be varied by deleting the requirements at paragraph 5(i) and (ii) of the notice and replacing them with: 5(i) Remove all hardstanding and associated debris and material from the land and restore the land to its previous condition before the development took place.
44. Subject to the variation above, the appeal is dismissed, the enforcement notice is upheld as varied, and planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended for the breach of planning control alleged in the notice.

R Bartlett

INSPECTOR