



Appeal Decision

Site visit made on 4 June 2026

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2026

Appeal Ref: APP/V1505/C/24/3353645

Land West of Elizabeth Villa, Katherine Road, Bowers Gifford, Basildon, Essex, SS13 2JX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Scott Nicholls against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 16 September 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change in use of the Land to a mixed use for the stationing of a caravan for residential occupation (approximately shown edged and cross-hatched black on the attached notice plan) and the storage of non-agricultural motor vehicles, equipment and materials (including vehicle tyres, bricks and other associated building materials); the erection of structures including an outbuilding (approximately shown edged and shaded blue on the attached notice plan) and a Chicken Coop (approximately shown edged and shaded green on the attached notice plan); and the laying of hardstanding.
- The requirements of the notice are:
 - i Cease using the Land for the stationing of caravans for residential occupation.
 - ii Remove the caravan and its associated decking as shown edged and cross-hatched black on the attached notice plan and permanently remove all resultant waste materials and other residential paraphernalia from the Land.
 - iii Remove the outbuilding shown edged and shaded blue on the attached notice plan and permanently remove all resultant waste materials from the Land.
 - iv Remove the chicken coop as shown edged and shaded green on the attached notice plan and permanently remove all resultant waste materials from the Land.
 - v Remove from the Land all non-agricultural vehicles, equipment and materials (including vehicle tyres, bricks and other associated building materials).
 - vi Remove all other structures associated with the storage use from the Land, including the log store and the porta-cabin.
 - vii Break up the hardstanding and permanently remove all resultant waste materials from the Land.
 - viii 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 six (6) months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) 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.

Summary Decision: The appeal is allowed in part and planning permission for that part is granted, but otherwise the appeal fails and the notice is upheld as varied in the terms set out below in the Formal Decision.

The Enforcement Notice

1. Paragraph 5(i) refers to the stationing of “caravans”. I shall vary this to “caravan”, in line with the allegation described at paragraph 3 of the notice.
2. The allegation is the material change in use of the land to a mixed use (residential and storage), but the requirements are only to cease using the land for the stationing of caravans for residential use. As the requirements do include removal

of all items stored on the site, I am satisfied that the appellant has understood the need to cease the storage element of the mixed use too and would not be caused injustice by a variation to clarify this.

3. The requirements at paragraph 5 (ii), (iii), (iv), and (vii) of the notice include the word 'permanently.' This is unnecessary having regard to the provisions of Section 181(1) of the Town and Country Planning Act 1990 (the 1990 Act), which states that compliance with an enforcement notice shall not discharge that notice. I shall therefore delete this word.

Preliminary Matters

4. The postcode has been taken from the appeal form and added to the address in the banner heading for completeness.
5. The appellant confirmed that ground (f) was ticked in error on the appeal form, instead of ground (g). The appeal has been dealt with on this basis.
6. Although the revised National Planning Policy Framework 2024 (the Framework) was published after the appeal was submitted, the parties had the opportunity to comment on this in their statements and final comments.
7. Since the appeal was made, planning permission (Ref. 25/01463/FULL) has been granted for the construction of 2no. detached bungalows with associated parking and rear amenity and a non-material amendment to the original hard and soft landscaping proposals has been agreed (Ref. 26/00576/NMABAS). The parties were given an opportunity to comment on the relevance of these planning decisions, and the submissions made have been taken into consideration.
8. It was apparent from my site visit that further unauthorised development has occurred since the notice was issued, including the siting of a further caravan on the land and an extension to the original caravan, with the caravan and its extension both being in the process of being timber clad. The storage of materials on the site has also increased when compared to the photographs attached to the notice. However, that development is not relevant to the appeal before me and I am only able to consider the matters stated in the notice, which existed at the time the notice was issued.

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

9. 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

10. The main issues, having regard to the Council's reasons for issuing the notice, are:
 - Whether the development would be inappropriate in the Green Belt having regard to the revised Framework.
 - The effect of the development on the character and appearance of the area.
 - 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

11. The site comprises a single planning unit in a mixed residential and storage use. Paragraph 155 of the Framework provides exceptions to inappropriate development in the Green Belt where: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; and c) the development is in a sustainable location. The Golden Rules referred to in paragraph 155(d) are only relevant to major development involving the provision of housing and therefore do not apply in this case.
12. It has been accepted, in the Council's appeal statement and by the granting of planning permission ref. 25/01463/FULL, that the appeal site is grey belt as defined in the Framework, is in a sustainable location, and that there is a significant unmet need for housing in the area. I have no reason to reach a different view on these matters based upon the evidence before me and my own observations of the site and its surroundings.
13. The caravan and decking, as shown on the photographs attached to the notice, are small-scale, low-rise structures used for residential purposes. The outbuilding marked blue on the enforcement plan is a small timber summer house and the chicken coop marked green on the enforcement plan is an even smaller timber shed with a modest timber framed wire pen attached to it. There is a small grey portacabin sited in the northeast corner of the site, which according to the appellant's response to the planning contravention notice (PCN) is used for personal storage. These small structures, together with the timber log store, which is discreetly located against the fence, the modest area of hardstanding, and the parking of vehicles used by the occupiers of the caravan for their personal and/or regular business use, are domestic in appearance and incidental to the residential occupation of the caravan. I am therefore satisfied that these residential aspects of the development, considered as a whole, do not constitute inappropriate development in the Green Belt when assessed against paragraph 155 of the Framework.
14. The external storage of various building materials, equipment and disused vehicles, which are spread around the site but are primarily on the area of hardstanding extending along the eastern boundary and in the northeast corner of the site, do not appear to be incidental to the residential use of the dwelling. No details have been provided relating to or justifying this storage use, the scale and nature of which would be difficult to control by planning conditions in the absence of further information. As it has not been demonstrated that there is an unmet need for this non-domestic/non- agricultural storage use, and no appeal has been made on the ground that a storage or mixed use has not occurred or that the site is a live/work unit, this part of the development does not fall within any of the exceptions set out in paragraphs 154 or 155 of the Framework. Whilst paragraph

154(h(v) provides an exception for material changes to the use of land, this is provided that the use preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The external storage of building materials, equipment and disused vehicles, fails to preserve openness, visually or spatially, and consequently, is inappropriate development in the Green Belt.

15. I therefore conclude that although the residential use of the site is not inappropriate development in the Green Belt, the remaining external storage use is inappropriate development, which fails to accord with the Framework. 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.

Character and appearance

16. The site is located in a plotlands area, within which generous plots of land, accessed along narrow lanes, are typically occupied by sporadic, small-scale, low-density development, which has a semi-rural appearance. Adjacent plots comprise bungalows and dormer bungalows to the front with associated storage outbuildings and hardstanding to the rear and side.
17. I am advised that prior to the development taking place, the site was filled with vegetation, including trees and shrubs, that were largely cleared with the plot subsequently being enclosed by fencing.
18. The caravan, buildings and structures are all small, low-level, and domestic in appearance, and are located around the edges of the site. The centre of the site remains largely open and grassed, with a mature tree in the northwest corner. The front fence is set back from the highway, and some vegetation has regrown in the grass verge in front of it, softening the appearance of the site from the road. Mature trees in the neighbouring site to the west also provide some screening albeit as these are not within the appellant's ownership and control, the future of these cannot be secured. However, given the generous size of the site, a landscaping condition could be imposed to secure visual enhancements that would preserve the semi-rural character and appearance of the area.
19. Whilst the external storage appears to be connected only to the appellant's work, as opposed to a commercial use with any associated comings and goings, it is untidy and detracts from the rural nature of its surroundings. Whilst I have no doubt that many tradesmen are self-employed and store their work vehicles and equipment at home for security, convenience and to reduce outgoings, such storage would usually be confined to a garage or similar outbuilding.
20. I therefore conclude that subject to a condition requiring a scheme of landscaping to be agreed, implemented and retained, the residential development would be acceptable and would accord with Policy BAS BE12 of the local plan, which seeks to ensure new residential development does not cause material harm to the character of the surrounding area. I have not been referred to any development plan policies relating to the storage use of the site but consider this to be contrary to paragraph 135 of the Framework, which seeks to ensure development is sympathetic to local character, including the surrounding built environment and landscape setting.

BNG

21. The Council's statement advises that the site was cleared and fenced in 2020, prior to 2nd April 2024, which is when BNG became mandatory for small sites. As the application deemed to have been made on ground (a) is retrospective, the development is exempt from the statutory BNG provisions. Nevertheless, a scheme of biodiversity enhancements could be conditioned in line with paragraph 187 of the Framework, which seeks to enhance the natural environment.

Other considerations

22. Section 177(1) of the 1990 Act 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.
23. As I have concluded that the residential aspects of the development are not inappropriate in the Green Belt, very special circumstances are not necessary to justify these. Even if the summer house and portacabin are used wholly or partly for storing the appellant's work materials and equipment, they remain domestic in scale and appearance and would still be ancillary to the residential use of the caravan stationed on the site.
24. However, there is no substantial evidence before me relating to the external storage element of the mixed use, and as such I cannot be satisfied that this need cannot be met by any alternative local storage facilities. The only very special circumstances put forward on behalf of the appellant are his housing needs.
25. Since the appeal was submitted, planning permission has been granted for the erection of two detached bungalows with a large area of hardstanding to the front. If this development is completed in accordance with the approved plans and conditions, it would increase the amount of permanent built development on the site and would result in a significant loss of openness compared to the level of development referred to and shown on the plan and photographs attached to the notice.
26. However, this permission is not directly comparable to the mixed-use development before me and there is no guarantee that it will be implemented. There are several conditions to discharge before the development can commence, and discharging the conditions and undertaking the development itself, will take time and money. Furthermore, at the time of my visit, the caravan was being extended and improved, suggesting its presence and use are intended to continue for some time, and it is likely that it now encroaches into the footprint of one of the approved bungalows. It therefore seems unlikely that the recently approved dwellings will be delivered in the near future and consequently I afford limited weight to the fallback position.
27. I acknowledge that previous planning applications have been made for different developments on the site, but that does not necessarily mean that the appellant was aware of the need for planning permission to station a caravan on the site, which the Council's statement indicates was not initially occupied residentially, or to store personal or work equipment and materials on the site. The Council state that they became aware of the site clearance in November 2020, which was shortly before planning permission was refused in December 2020. It is therefore possible that the appellant was clearing the site in anticipation of receiving

planning permission and being able to site temporary buildings, moveable structures and equipment required in connection with the carrying out of those works, under Part 4 Class A of the Town and Country Planning General Permitted Development Order (as amended). I am not therefore convinced by the evidence before me that the appellant was intentionally avoiding the planning process and I therefore afford little weight to the alleged intentional unauthorised development of the land referred to in the Written Ministerial Statement published in August 2015.

28. I acknowledge the concerns of the Parish Council, relating to the residential use being inappropriate development in the Green Belt, but this is no longer the case given the revised Framework, the Council's acceptance that the land is Grey Belt, the unmet housing need in the area, and the fact the site now benefits from an extant residential planning permission. The concerns of an interested party about the burning of waste are unclear, it is not stated where or when this has occurred or how frequently, such matters would usually be dealt with by environmental health. The letter of support from the occupiers of the adjacent dwelling, on the grounds that they feel the appellant and his family would be good neighbours and their concerns as to what may happen to the land if it is sold, is a neutral matter. I therefore afford all of these comments limited weight.

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 external storage use does not fall within any of the exceptions listed at paragraphs 154 or 155 of the Framework, it is harmful by definition. This aspect of the development also results in harm to the openness of the Green Belt. In accordance with the Framework, I afford these harms substantial weight. The external storage has also resulted in harm to the character and appearance of the area, which I afford significant weight. However, I afford little weight to the alleged intentional unauthorised existing development of the site and the comments received by interested parties.
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, although I have found the stationing of the caravan for residential occupation and the incidental outbuildings, hardstanding and parking not to be inappropriate development in the Green Belt, the external storage use of the land is inappropriate in the Green Belt and in the absence of very special circumstances to justify it, fails to accord with the Framework.
33. The appeal on ground (a) therefore succeeds in part and planning permission for that part is granted, but otherwise the appeal on ground (a) fails.

Appeal on ground (g)

34. 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 6 months. The appellant has requested that this be increased to enable the appellant to find a new home.
35. As the appeal on ground (a) has been successful in so far as it relates to the residential use of the site, no time is needed for the appellant to find a new home. As the removal of the non-residential materials, equipment and disused vehicles from the site would be relatively straight forward, the 6 months specified is a reasonable and proportionate time for compliance with the requirement of the notice as proposed to be varied.
36. The appeal on ground (g) therefore fails.

Conclusion

37. For the reasons given above, I conclude that the appeal on ground (a) should succeed in part only. I shall grant planning permission for the material change of use of the land for the stationing of a caravan for residential occupation, the erection of an outbuilding and chicken coop and the siting of a portacabin for use incidental to the residential occupation of the caravan, and the laying of hardstanding to be used for residential access, parking and turning purposes, but otherwise I will uphold the notice with variations and refuse to grant planning permission in respect of the other part of the matters.

Conditions

38. I have considered the conditions suggested by the Council against the tests set out in paragraph 57 of the Framework. Although the caravan stationed on the site is occupied for residential purposes, as a home, it is not a dwelling and does not benefit from any permitted development rights. As such, a condition to remove permitted development rights for dwellings is not necessary, and any new buildings and structures would require planning permission. As the permission to be granted is for the material change of use of the land for the stationing of a caravan for residential occupation only, it is not necessary to condition the use of the land, as any other material change of use of the land or buildings on it would require planning permission. The notice will remain in force for the external storage use of the land.
39. However, as granting permission for a caravan for human habitation will result in the land becoming a caravan site, it is reasonable to impose a condition restricting the number of caravans to one, in line with the matters stated in the notice. This is because an increase in the number of caravans may not amount to a material change of use.
40. I consider that it is reasonable and necessary to impose conditions requiring the agreement of a scheme of landscaping and biodiversity enhancements, together with their implementation and future retention, in the interests of protecting the character and appearance of the area and the natural environment.

Formal Decision

41. It is directed that the enforcement notice be varied by deleting paragraph 5 (i) to (viii) and replacing it with:
5. (i) Cease using the land for storage purposes and remove from the land all disused vehicles, equipment and materials (including vehicle tyres, bricks and other associated building materials) stored on the land.
42. Subject to the variations, the appeal on ground (a) is allowed insofar as it relates to the material change of use of the land for the stationing of a caravan for residential occupation, the erection of an outbuilding and chicken coop and the siting of a portacabin for use incidental to the residential occupation of the caravan, and the laying of hardstanding to be used for residential access, parking and turning purposes, and planning permission is granted on the application deemed to have been made under Section 177(5) of the 1990 Act as amended, for that development, at Land West of Elizabeth Villa, Katherine Road, Bowers Gifford, Basildon, Essex, SS13 2JX, subject to the following condition:
- 1) The use hereby permitted shall cease, and the development hereby permitted shall be removed and the land restored to its previous condition, unless, within three months of the date of this decision, a scheme of landscaping and biodiversity enhancements, including timescales for their implementation, are submitted in writing to the local planning authority. The approved scheme shall be implemented in full, within the agreed timescales, and shall thereafter be retained. Any planting which within a period of 5 years dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
43. The appeal is otherwise 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. By virtue of section 180(1) of the 1990 Act, the requirements of the notice shall cease to have effect in so far as they are inconsistent with the planning permission granted.

R Bartlett

INSPECTOR