



Appeal Decision

Site visit made on 5 August 2026

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

an Inspector appointed by the Secretary of State

Decision date: 10 August 2026

Appeal Ref: APP/T0355/C/25/3369085

Land to the side of 16 Halfway Houses, Maidenhead Road, Maidenhead, Berkshire, SL6 6PP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sean Doyle against an enforcement notice issued by Royal Borough of Windsor and Maidenhead.
 - The notice was issued on 10 June 2025.
 - The breach of planning control as alleged in the notice is: without planning permission, the material change of use of the land to a caravan site for the stationing of a caravan (mobile home) for residential purposes; with associated hard surface.
 - The requirements of the notice are:
 - i. Cease the use of the land as a caravan site.
 - ii. Remove the caravan (mobile home) from the land.
 - iii. Dig up and remove the hardsurfacing from the land.
 - The period for compliance with the requirements is: 12 calendar months after this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) 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.
-

Decision

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

The notice

2. It is claimed that the enforcement notice is a nullity or invalid, due to it not enabling any person on whom a copy of it is served, to know what matters are to be done to satisfy the alleged breach. In particular, it is claimed that the plan attached to the notice is unclear on its face as to the extent of the alleged unlawful hardstanding.
3. It is established that the landowner in many cases will be best placed to know what was the previous condition of the land. Some part of the hardstanding is under the mobile home which is obscured from view by the skirting around the chassis and crawl space. For the avoidance of doubt, I read the notice's requirements as a requirement to remove the hardstanding referred to in the allegation, ie only that which is associated with the material change of use to a caravan site.
4. The comments of interested persons include a highly detailed and, in my view, entirely credible written representation from the occupier of the adjoining property at 16 Halfway Houses. The representation includes images of the mobile home and the previous concrete garage, illustrating the new concrete to the rear and side of the existing base. This evidence is supplemented by the appellant's own

statement that includes a description with images of what hard surfacing was present before the caravan was introduced onto the site.

5. I am satisfied that the requirements of the notice are clear in that the hard surfacing works associated with the change of use of the land to a caravan site and stationing of a mobile home thereon, should be removed from the site, and that the appellant should know very well what is required of him in this respect. I find that the notice is neither a nullity nor invalid.

Grounds (b) and (c)

6. Ground (b) is that the matters alleged in the notice to have taken place have not occurred as a matter of fact. Ground (c) is that the matters alleged to have taken place, if they did take place, do not amount to a breach of planning control, for example because planning permission has been granted or no permission is required. Sometimes, as here, it is convenient to deal with both grounds together because the factual and legal issues are intertwined.
7. The appellant's case is that the mobile home now in situ is not being used for human habitation and that, as the accepted definition of a caravan site for these purposes is that found in the Caravan Sites and Control of Development Act 1960 (*"caravan site" means land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed*) then it would follow that the matters alleged to be the breach of planning control have not in fact occurred.
8. The appellant states that occasional use of the mobile home for staying overnight is ancillary to what he regards as the lawful use of the land as "garden". He states it is used:

"in the same way that a garage/outbuilding located in any 'garden' would be used...for storing personal items such as fishing equipment, tools for maintenance of the land including mower, strimmer, garden implements in addition to providing an internal seating area with TV, etc that assimilates the lawful use of the land as 'residential' garden."
9. I do not accept this argument. When I inspected the site and the mobile home, I saw that the latter was a purpose-built, prefabricated mobile home just as described by the adjoining occupier in their observation of what had been provided on site. The mobile home includes a kitchen, bathroom, WC, living room and bedrooms with fixtures and fittings that are fit for habitable use. It appears that the structure was delivered on a single day and joined together on the land, with a diesel generator, water supply, and waste tank installed externally shortly thereafter. When I visited I was told that the mobile home was not presently connected to utilities such as electric and water but there is no doubt that it would be a relatively simple matter to connect or re-connect the same.
10. It was also undisputed that the adjoining occupier witnessed the appellant staying overnight since the mobile home was installed, during periods varying from one to three consecutive nights. The mobile home is plainly intended for human habitation and whatever was meant to be imparted by use of the phrase "bolt-hole" by the appellant's mother, in regards to its use by her son, in my judgement it is probable that the mobile home has been used and is intended for human habitation.

11. In determining whether a material change in use has occurred the correct approach is generally to establish the lawful use of the planning unit, the effect of the caravan and its use on the character of the lawful use, and whether any change is material. It is not enough merely to examine the physical characteristics of the caravan.
12. The appellant's case on ground (c) is that the stationing of a caravan that involves no material change of use, does not constitute a breach of planning control. It is claimed there is no material change in use of the land because the use of the mobile home is ancillary to what is argued to be the primary use of the land as "residential garden". The mobile home is not said to be the appellant's home but the appeal site is a private area for relaxation and *"the subject mobile home compliments [sic] the existing lawful use of the garden"*.
13. The Council has not stated its view as to the existing lawful use of the land, although clearly it did not accept the LDC application for residential garden use. However, it also does not target such a use as unlawful, but focuses on the alleged material change of use to what is in effect a primary residential use including a dwelling, ie for "residential purposes" in the sense that the caravan is being used as a residence. If so, the planning unit would have changed by the introduction of a new primary use as alleged.
14. Stationing a caravan on land might not itself result in a change of use of the planning unit if the caravan were used for the purposes claimed by the appellant. Such a use could be ancillary to a putative primary residential, "garden" or leisure plot use. But use of the word "residential" is a misnomer. There is no adjoining or separate land containing a dwelling that constitutes a primary residential use to which the use of the appeal site would be ancillary in nature. From the statutory declarations submitted, including photographs of BBQs and the like, it is possible that the plot was used for some leisure purpose. The notice does not enforce against the use of the land for such purposes. However, I note the refusal of the LDC for use as "residential garden" in January 2025. It is unnecessary to establish the precise lawful existing use as clearly a new primary residential use of the land by the introduction of a dwelling in the form of a mobile home, accompanied as it is by the domestic paraphernalia surrounding it, coupled with evidence of its actual use residentially, would amount to a material change in use.
15. It is rare for residential use to be regarded as incidental to another use or to use the appellant's phraseology, that which "complements". There are instances of self-contained dwellings, in various forms, that are accepted to be ancillary or incidental to a non-residential primary land use such as where in an hotel, accommodation is provided for staff where such use is part and parcel of the main hotel use.
16. However, in this appeal, reliance on the idea of an existing "residential" use is misplaced. The Council has explicitly refused an LDC application for such a use and in any event, it seems to me that the previous activities on the land as described by the appellant, relate more to a leisure type of use, rather than use as a residence, ie a place used to reside in, notwithstanding that it does not have to be where one is ordinarily resident.
17. I conclude on these grounds of appeal that the land surrounding the mobile home and included within the appeal site, forms a single planning unit. From what I saw

and have read, it clearly falls within the definition of “*land which is used in conjunction with land on which a caravan is so stationed*”. Taken together, the caravan and the land comprised in the appeal site is a caravan site.

18. Furthermore, having regard to the planning unit, the existing lawful use of the land appears to be either agricultural, allotment or possibly some form of leisure plot or garden use, but in any such case there has been a material change in the character of the use of that land by the stationing of the caravan that has been used and is for the purposes of human habitation.
19. Accordingly, these grounds of appeal cannot succeed.

Ground (d)

20. An appeal on this ground is that at the time the notice was issued, it was too late to take enforcement action. In this case it would have been necessary for the appellant to show, on the balance of probability that the material change of use alleged took place and has continued for ten years prior to the issue of the notice.
21. However, the appellant’s case, as put forward by the agent, is misconceived. He acknowledges that the notice:

“does not attack the lawful use of the Land as ‘residential garden’ but instead only attacks the alleged use as a ‘Caravan Site’. As such, it does not necessarily fall within the powers of the Inspector to ‘grant’ the Appellant’s Ground D Appeal for lawful use of the Land for ‘residential garden’.”

22. I entirely agree. There is no substance whatsoever to this ground of appeal. No case is presented that the caravan has been present for the required immunity period which on the evidence is patently incorrect. The property was transferred to the appellant by his parents in May 2024. The date corresponds to around the time when the Council received a complaint about a new surface being laid and mobile home sited on the land. A site visit was attempted on 24 July 2024, but it was not possible to gain access, albeit the new unit could be viewed from outside the site.
23. Furthermore, as to the hardstanding, historic photographs show the former prefabricated garage building with hardstanding as well as the patio. This forms part of the evidence which can be brought to bear if the notice is upheld and the requirement to remove only the hardstanding associated with the residential use of the site must be enforced. The notice only attacks hardstanding “associated” with the unlawful use, ie that laid to facilitate the use of the land as a caravan site.
24. The appeal on ground (d) fails.

Ground (a)

25. The main issues are:
 - whether development is inappropriate development in the Green Belt including effect on openness;
 - character and appearance;
 - biodiversity; and

- whether any harm to the Green Belt and/or any other harm is outweighed by other considerations including the benefits of the development.

Whether inappropriate development

26. The appeal site is in the Green Belt in a relatively undeveloped area off Maidenhead Road that links Maidenhead and the village of Cookham. The site is to the east of Widbrook Common, west of open agricultural land and north of the 'Halfway Houses' properties.
27. Development in the Green Belt is inappropriate unless falling within certain exceptions set out in the NPPF at paragraphs 154 and 155. The appellant makes a case on several criteria, namely that the land is grey belt as defined in paragraph 155 or alternatively one of the exceptions applies as set out in sub-paragraphs g) and h) v of paragraph 154.
28. Overall, the appellant's case on this ground, as put by his agent, is confused and confusing. It posits the lawfulness of the caravan and the "garden", based on the earlier grounds of appeal (b), (c) and (d) and concludes that the *"proposed change of use would have no perceptible impact upon the openness of the Green Belt and...not conflict with the purposes of the Green Belt"*.
29. These grounds of appeal are not relevant to the appeal on ground (a). No attempt is made to justify the view that openness is preserved, by assessing the development in situ. Reliance on sub-paragraph h) v is misplaced because clearly the development consists of a permanent siting of a residential mobile home. The home and the associated domestic paraphernalia around the site, including the parking of vehicles and hardstanding would not preserve its openness. In any case the exception is not intended to cover permanent new residential development.
30. However, paragraph 154g) allows for the limited infilling, partial or complete redevelopment (including changes of use) of previously developed land (PDL) in the Green Belt which would not cause substantial harm to the openness of the Green Belt. In my view the land can be classified as PDL due to the fairly large pre-existing concrete garage structure and some hard surfacing that was there which was not associated with the installation of the mobile home.
31. Sub-paragraph g) is subject to a heightened threshold of not causing "substantial" harm to the openness of the Green Belt. When considering the potential impact of development on the openness of the Green Belt, Planning Practice Guidance (PPG) advises that a judgement is made on the circumstances of the case. Openness has visual and spatial aspects, ie visual impact of the proposal as well as its volume. The duration of the development and its remediability are potentially relevant, and degree of activity likely to be generated, such as traffic generation.¹
32. In my view, although there would clearly be some impact on openness, I am unable to conclude that the effect of the mobile home and additional hard surfacing would be substantial, taking account also of the close proximity of the existing built development at Halfway Houses, the relatively low level of traffic movements likely to emanate from a single unit, the low profile of the single-storey mobile home and the proportion of the appeal site that is undeveloped.

¹ Paragraph: 013 Reference ID: 64-013-20250225

33. I find from the foregoing that the exception in sub-paragraph g) of paragraph 154 of the NPPF applies and the development is not inappropriate development in the Green Belt.

Conclusion on inappropriate development.

34. Having found that the development is not inappropriate in the Green Belt, the test of impacts to openness or to Green Belt purposes is addressed and therefore the development does not have to be justified by “very special circumstances”.
35. However, this does not remove the land from the Green Belt or mean that the development has to be approved². In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area’s adopted Plan, and in the NPPF read as a whole.

Character and appearance

36. On this main issue I agree largely with the Council’s views. The use of the land as a caravan site and the siting of the mobile home with associated hard surfacing, has resulted in a visually intrusive development, that has a negative, urbanising impact on the appearance of the land and the semi-rural character of its surroundings. The site may have been used for purposes akin to a garden or allotment, at one time associated with one of the Halfway Houses properties.
37. The neighbouring properties are in close proximity to the appeal site and to one another, with shared driveways and parking areas, outbuildings and adjoining gardens with relatively open and attractive frontages. The two-storey properties have a uniform and positive contribution to make to the semi-rural character and appearance of the area. The unauthorised development includes a single storey timber clad style outbuilding in the form of the mobile home, but an outbuilding that is intended as a permanent self-contained dwelling. The plot has a layout that is enclosed and at odds with the uniform configuration of its neighbours. As such it is an incongruous and unwelcome addition in such close proximity to the established linear development of traditionally built houses on this side of the road.
38. I conclude that the development is significantly out of character with the street scene and surrounding area, contrary to the aims of Policy QP3 of the Borough Local Plan 2022 (BLP), in particular Policy QP3 1) b) which are to secure that new development respects and enhances the local character of the environment with regard to among other things urban grain, layouts, rhythm, density, height, skylines, scale, bulk, and massing. It also conflicts with NPPF paragraph 135 in failing to ensure development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Biodiversity

39. The site may be exempt from the statutory requirement to provide Biodiversity Net Gain (BNG) but remains subject to development plan policy. The appeal submission is not accompanied by an ecological report in accordance with BS42020 to aid assessment of the proposal against BLP Policy NR2 which requires the biodiversity of application sites to be protected and enhanced by measures as set out in Policy NR2 5) so as to avoid a net loss of biodiversity.

² See Planning Practice Guidance, paragraph: 010 Reference ID: 64-010-20250225.

40. Proposals have been advanced that could provide enhancements to meet some of the criteria set out in Policy NR2. Whilst the development may affect protected species including bats, badgers, reptiles, amphibians, hedgehogs and nesting birds, and in the absence of a full assessment the development would conflict with BLP Policy NR2, I am satisfied that a condition could effectively ensure that the necessary and appropriate mitigation is put in place.
41. However I am concerned about the development viz a viz BLP Policy NR3 which seeks to protect and retain trees, woodlands and hedgerows and where harm to them is unavoidable, to provide mitigation to enhance or recreate habitats and new features, including planting new trees and hedgerows.
42. A fuller picture of the evolution of this unauthorised development is provided by the detailed representations of interested persons occupying properties at Halfway Houses. This evinces concern as to the way in which the appellant created a vehicular access through to the site to make it viable. It is understood that the land was part of 15 Halfway Houses, used as allotment land, access to which was from the garden of No 15 via the garden of No 16. This access no longer exists. The appeal site is not part of any residential property and can only be accessed via Railtrack land. Whether or not the access thus created is lawful and/or encroaches on another's property, it appears to have destroyed some of the existing vegetation in the process.
43. As a result, the development conflicts with Policy NR3 including NR3 2) in that it has clearly and indeed flagrantly, failed to carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows.

Other matters

44. No formal application for costs has been made. Almost hidden away in the appellant's statement, following on from a casuistically expressed criticism of wording used by the Council in its statement, said to differ from that used in the notice, is a conclusion that this represents unreasonable behaviour and forms a basis for an application for costs.
45. For the avoidance of doubt, I do not find the Council has acted unreasonably by referring in its statement to the "*use of the land as a caravan site and [as opposed to "for"] the siting of a caravan*".
46. As regards the effect of the development on the living conditions of the occupiers of No 16 Halfway Houses, I have insufficient information to enable me to form a conclusion in this appeal at least, but clearly serious concerns have been expressed and the very close proximity of the new residential development to the garden area of No 16 has the potential to adversely affect the amenities enjoyed by the occupiers including future occupiers of No 16.
47. I would add that the evidence also raises concern as to the lawfulness of the vehicular access created by the appellant across the lay-by/highway land which, depending on the outcome of any eventual investigation by the (unitary) Council as local highway authority, may add to the difficulties of justifying the viability of the site for the desired purposes.

Planning balance

48. The development is not inappropriate development in the Green Belt. However, it significantly detracts from the character and appearance of the area contrary to BLP Policy QP3, causing serious harm to which I attribute considerable weight.
49. Further harm is caused by the failure to take due account of the individual and cumulative impact of the development on the trees, woodlands and hedgerows in forming the vehicular access to the premises to which I attach moderate weight.
50. The Council has not disputed that it cannot demonstrate a five-year deliverable supply of housing land. However, the contribution made to the supply by one unit is modest and attracts modest weight in favour of the appeal. There is no compelling evidence in this appeal that the Council is generally failing to meet its aims of providing housing for the appellant's age group.
51. The key development plan policies in the determination of this appeal are BLP Policies QP3, NR2 and NR3. The proposal fails to comply with the development plan when read as a whole. However, whilst I consider these key local plan policies are up to date, the lack of a five-year housing land supply means that local plan policies related thereto are deemed to be out-of-date. Under NPPF paragraph 11(d)(ii) I should therefore grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
52. I accept that the development is likely to provide one affordable home, make some effective use of PDL and is located in a relatively sustainable location some 200m north of Maidenhead and 400m south of Cookham. However, a key NPPF policy in this case relates to securing well-designed places such as paragraph 135 described above, the aims of which the development signally fails to deliver. As a result, the adverse impacts of granting permission would significantly and demonstrably outweigh these benefits of the development, when assessed against the NPPF taken as a whole. The material considerations derived from the housing shortfall do not therefore justify departing from the development plan.

Conclusion on ground (a)

53. For the above reasons the appeal on ground (a) fails and planning permission is refused.

Ground (f)

54. An appeal on ground (f) is that the requirements of the notice are excessive, and lesser steps would overcome the objections. It is essential to understand the purpose of the notice. Under s173(4) of the Act, its purpose is to: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach.
55. Reading the enforcement notice as a whole it appears that its purpose is to remedy the breach of planning control by requiring cessation of the use of the land as a caravan site, removal of the caravan from the land and removal of the hard surfacing from the land. In other words, the notice requires nothing less than a full remedy of the alleged breach.

56. The appellant's suggestion to delete the requirement to remove the mobile home is at variance with the purpose of the notice to remedy the breach of planning control and restore the land to its prior condition. The requirement to remove it is not excessive. I recognise that as the appellant states, the stationing of a caravan which does not involve a material change of use might not constitute a breach of planning control, however there is no lesser obvious step that could be taken in the circumstances of this unauthorised material change of use that would achieve the purpose of the notice.
57. Accordingly, the appeal on this ground fails.

Other matters

58. The appellant has submitted various appeal decisions. It is somewhat unclear what point(s) it is wished to make with regard to these decisions or in relation to which grounds. I have considered each decision letter in turn, but they do not alter my findings above.

Conclusion

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

Grahame J Kean

INSPECTOR