



Appeal Decision

Site visit made on 11 August 2026

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 21 September 2026

Appeal Ref: APP/T3725/C/25/3372335

Land to South West of Providence Lodge, Bakers Lane, Knowle, Solihull B93 8PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Tracy Archer against an enforcement notice issued by Warwick District Council.
 - The notice was issued on 6 August 2025.
 - The breach of planning control as alleged in the notice is Without planning permission, the unauthorised change of use of the Land from agriculture to a mixed use of agriculture and the stationing of a caravan for residential or domestic storage purposes, which constitutes a material change of use.
 - The requirements of the notice are to:
 - Cease the unauthorised use of the Land for the stationing of a caravan for purposes unrelated to agriculture.
 - Remove the caravan from the Land, including any associated domestic paraphernalia or structures related to its use.
 - Restore the Land to its former condition as agricultural land.
 - The period for compliance with the requirements is: 28 days from the date this notice takes effect.
 - The appeal is made on the grounds set out in section 174(2)(a), (b) 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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Formal Decision

1. The appeal is allowed and the enforcement notice is quashed.

Preliminary Matters

2. Although the appeal was initially made under the ground (a), (b) and (g) headings, the appellant's written submissions raised points of relevance to ground (c) -i.e., that the matters alleged in the enforcement notice do not constitute a breach of planning control. However, in light of my overall conclusion, it has not been necessary to seek the appellant's view on whether this hidden ground should be considered, and any views from the Council relating to this.
3. A new National Planning Policy Framework was issued on 17 August 2026. However, it has not been necessary to re-consult the main parties about this change in national policy as it does not alter my conclusion.

The appeal on ground (b)

4. An appeal on ground (b) is made on the basis that those matters stated in the notice as constituting a breach of planning control have not occurred. The burden of proof rests with the appellant, with the standard of proof being the balance of probability. In order to succeed the appellant would need to demonstrate that on the balance of probability the alleged development had not occurred.

5. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided the appellant's evidence is sufficiently precise and unambiguous.
6. The appellant's submissions make clear reference to the stationing of the caravan in the agricultural field. However, the appellant argues that the caravan is not connected to any power or water supplies, has not ever been used for residential purposes and is simply stored on the land due to unfortunate personal circumstances. At the time of my site visit I could see that the caravan was stationed in the middle of an overgrown area of grassland and appeared unoccupied. There were no mains services, that I could see, connected, or any signs of domestic paraphernalia.
7. Whilst the appellant has expressed a desire to live and store her possessions in the caravan, there is nothing before me to corroborate the Council's view that the caravan has ever been used for these purposes, which are alleged in the notice. It would not be appropriate for the Council to seek to enforce against a possible anticipated breach of planning control. What is alleged must have taken place at some time.
8. Furthermore, there is no evidence before me to contradict the appellant's version of events or make it less than probable. Although the land is used for the storage of the caravan itself, that specific use of the land has not been alleged, as a part of the mixed use, in the notice. I therefore find it more likely than not that, at the time the enforcement notice was issued, the use of the caravan was not for residential or domestic storage purposes.
9. Consequently, I conclude that on the balance of probabilities, the matters stated in the notice as constituting a breach of planning control have not occurred. I am not satisfied that I would be able to correct the notice, without causing injustice to the appellant in this appeal process. The appeal on ground (b) therefore succeeds and I shall quash the notice.

Conclusion

10. For the reasons given above, I conclude that the appeal should succeed on ground (b). The enforcement notice will be quashed. In these circumstances, the appeal on grounds (a) and (g) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act do not fall to be considered.

Mark Caine

INSPECTOR