Planning Inspectorate

Appeal Decision

Site visit made on 4 November 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2026

Appeal Ref: APP/M1595/C/25/3361003
Land South of Allotment Site, Adjacent to 130 Heath Road, Chadwell St Mary, RM16 3AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ernie Levi Coates against an enforcement notice issued by Thurrock Borough Council.
- The notice was issued on 27 January 2025.
- The breach of planning control as alleged in the notice is:
  (i) The unauthorised siting of a caravan on the Land.
  (ii) Without planning permission, the unauthorised change of use of the Land to a caravan site.
  (iii) Without planning permission, the unauthorised use of the Land for the siting and/or storage of commercial skip(s) on the Land.
  (iv) Without planning permission, the unauthorised use of the Land for siting and/or storage of commercial vehicle(s) used to deliver and collect skips.
- The requirements of the notice are to: (a) Permanently remove the caravan from the Land; (b) Permanently remove the commercial skip(s) from the Land; (c) Remove the commercial vehicle(s) from the Land; (d) Permanently remove any apparatus, equipment or parts associated with skips or the commercial vehicle from the Land; (f) Cease the use of the Land (or any part) for storage of commercial skip(s) and/or commercial vehicle(s); (g) Cease siting of any caravan on the Land (or any part); and (h) Cease to use the Land (or any part) as a caravan site.
- The period for compliance with the requirements is within one month of the date the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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 enforcement notice is quashed.

Preliminary Matters Relating to the Enforcement Notice

2. The appeal was made on Ground (a) of s174(2) of the Town and Country Planning Act 1990 (the Act). However, before proceeding to consider that ground, it is incumbent upon me to address any defects in the enforcement notice and consider whether they can be corrected without causing injustice.

3. The wording of the alleged breach of planning control is set out in the banner heading above. The wording refers to various uses including the "unauthorised change of use to use as a caravan site", the "unauthorised use of the Land for the siting and/or storage of commercial skips" and the "unauthorised use of the Land for the siting and/or storage of commercial vehicles used to deliver and collect skips". None of the wording alleges that a "material" change of use has occurred. In line with s55(1) of the Act, a change of use only represents "development" where it is materially different to the preceding use. In this case, the notice does

not allege a material change and there is no information as to what the previous use was.

4. More problematic is the fact that the notice alleges various different uses, including use as a caravan site as well as the siting and storage of skips and the siting and storage of vehicles used to deliver and collect skips. However, it is not clear from the wording if what is alleged is a single planning unit in a mixed use or whether the use as a caravan site was distinct from the alleged storage uses, which could indicate more than one planning unit. There is confusion in that respect. Shortly after the appeal was submitted, the parties were contacted to seek their views on whether the wording was sufficiently clear in that regard and, if not, whether it could be corrected without causing injustice. Neither party responded.

5. In the absence of a response, I am not satisfied that I could correct the obvious lack of clarity in the notice because I am not clear precisely what is being alleged by the Council. The case is unusual in that the Council has provided no information at all. The questionnaire was not returned and no appeal statement or delegated officer report has been provided to indicate the nature of the allegation or the investigations that took place prior to the decision to serve the notice.

6. In addition to the above, there is some uncertainty regarding the use of the land in respect of the caravan. A touring caravan is sited on the land and was visible at the time of my unaccompanied site visit. No skips or other vehicles were present and part of the land was used to keep a couple of goats with a small shelter. However, the appellant contends that the caravan is not lived in and is simply stored on the land. If that is the case, it would simply amount to a storage use. The storage of a caravan does not amount to use as a caravan site.

7. However, whilst the allegation refers to the siting of a caravan (3i) and the use of the land as a caravan site (3ii), the stated reasons for issuing the notice make no reference to any residential occupation of the caravan but only to its siting. In the absence of any other information from the Council, it is unclear if the allegation was intended to indicate that the caravan was being used for residential purposes or not.

8. Overall, there is a lack of clarity with the way in which the notice is worded. That lack of clarity has clear implications for the way in which the appeal on ground (a) would be considered. If I am unsure of the precise nature of the allegation it is not possible to properly assess whether planning permission should be granted and there would be clear injustice if I were to proceed on the present wording. Nor could I correct the notice in the absence of a proper understanding of what the nature of the alleged breach is considered to be.

9. For those reasons, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the Act and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) does not fall to be considered.

Chris Preston INSPECTOR