Planning Inspectorate

Appeal Decision

Site visit made on 21 September 2026

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2026

Appeal Ref: APP/C1570/C/25/3372127
Land on site at New Farm, Stansted Road, Elsenham, Bishop Stortford, Hertfordshire CM22 6LL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Aurangzaib Cheema against an enforcement notice issued by Uttlesford District Council.
- The notice was issued on 14 August 2025.
- The breach of planning control as alleged in the notice is The material change of use of the land to the unauthorised parking and storage of motor vehicles, laying of hardstanding and storage of shipping containers.
- The requirements of the notice are to:
  - Cease the use of the land for the parking and storage of motor vehicles,
  - Remove the motor vehicles from the site,
  - Remove the hardstanding from the land and return the land to its previous state
  - Remove any shipping containers.
- The period for compliance with the requirement is:
  2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds to the extent that the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Formal Decision

1. It is directed that the enforcement notice is varied by:

   At section ‘5. WHAT YOU ARE REQUIRED TO DO’;

   the deletion of the words "*Time for compliance is 2 months from the date this notice takes effect*.’

   and their substitution with the words "*Time for compliance is 3 months from the date this notice takes effect*".

2. Subject to the variation, the enforcement notice is upheld.

Preliminary Matters

3. The appeal has been made only on grounds (f) and (g). There is no appeal on ground (a) and so, as a consequence, the planning merits of the alleged breach of planning control are not before me in the form of a deemed application for planning permission. Nevertheless, as a new National Planning Policy Framework (the Framework) was published on 17 August 2026 the views of both main parties have been sought as to the relevance of the Framework to their respective cases. I have determined the appeal accordingly and, unless otherwise stated, any references to the Framework are to the new version of the Framework and not to its previous iterations.

The appeal on ground (f)

4. An appeal on ground (f) may be made where the steps required by the notice be taken or the activities required to cease exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such steps. In this instance, the notice seeks the cessation of the land for the parking and storage of vehicles and the removal of said vehicles from the site. It also requires the removal of hardstanding and shipping containers from the site. In all instances, this is consistent with seeking to remedy the breach of planning control even though the reasons for issuing the notice include reference to effects upon the amenities of neighbouring residential properties.

5. It is argued by the appellant that the appeal should succeed on ground (f) as, in requiring the cessation of the use for the parking and storage of motor vehicles and the removal of those vehicles, these requirements would prevent the parking of vehicles that were used in connection with, and incidental to, the land's lawful use. However, no evidence has been provided by either party as to what they consider amounts to a 'lawful' or prior use of the land. Nevertheless, the appellant's case is that the steps exceed what is necessary to remedy the breach of planning control.

6. The '*Mansi principle*'[1] established that a notice's requirements must not purport to stop a developer from doing something that they are entitled to do given their existing lawful use rights, including a right of reversion under section 57(4) of the Town and Country Planning Act 1990 (the Act), rights under the GPDO[2], and a right to carry out anything exempted from the definition of development under section 55(2) of the Act. Meanwhile, section 180 of the Act provides that where, after the service of a notice, planning permission is granted for any development carried out before the grant of that permission, that the notice shall cease to have effect so far as inconsistent with that permission.

7. The appellant has not explicitly cited the *Mansi* principle, nor provided any evidence regarding what the appellant considers to be existing 'lawful' rights as to what the use of the land may revert to. Whilst it is suggested that the reason underpinning the appeal on ground (f) is that the notice would prevent the parking or storage of agricultural vehicles on the land, should they be incidental to the agricultural use of the land, I have no evidence before me to demonstrate the appellant's intention to use the land for agricultural purposes.

8. However, as an application for planning permission would not be required for the use of the land for agricultural purposes due to the exemption of agriculture from the definition of development by virtue of s55(2)(e) of the Act, the appellant seeks to rely upon success on ground (f) and a variation to the notice's requirements rather than the provisions of s180 of the Act. Although administrative simplification has been cited and suggestions that similar measures have been taken elsewhere, no evidence of such examples has been provided. I am not persuaded therefore that success on ground (f) and a variation to the notice's requirements would result in a notice of sufficient clarity or precision and it would, in any event, result in injustice to the Council should the notice's requirements be re-worded in that manner. Thus, for the reasons set out the appeal on ground (f) should fail.

[1] *Mansi v Elstree RDC [1964] 16 P&CR 153*
[2] Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The appeal on ground (g)

9. The appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed. The notice stipulates a 2-month compliance period; the appellant seeks a minimum period of 6 months.

10. The appellant's argument is framed principally in terms of the notice's first and second requirements; namely the cessation of the use of the land for the parking and storage of vehicles and the removal of the vehicles from the site. The nature of airport-related car parking is that cars may be parked for weeks at a time. It is easy therefore to understand how the logistics of requiring the use to cease and the vehicles to be removed may be complicated by the owners of cars already on-site being away for extended periods of time. Similarly, given the nature of such longer periods of vehicle parking, it may not necessarily be the work of a moment to secure alternative parking locations prior to arrival at the site.

11. However, a period of two months does not seem unreasonable for the process of ceasing the use and the consequential gradual reduction, and ultimately removal, of vehicles at the site. In this respect, I see no compelling reason to extend the period for compliance to the 6 months sought by the appellant.

12. No case has been advanced regarding an extension to the compliance period in terms of the removal of the hardstanding and the shipping containers, or the reinstatement of the land to its previous state. Nevertheless, the Council have indicated that an additional month could be acceptable in order to allow the appellant sufficient time to fulfil existing bookings and to cancel future bookings.

13. Whilst I am open to the Council's suggestion of the possibility of an additional month, it would not be for the reasons set out by the Council. Rather, I am conscious that within the compliance period the appellant is also required to remove the shipping containers and the hardstanding from the site, and to restore the land to its previous state. The latter step would realistically only be possible once the site has been cleared of vehicles and, given the extent of the site, that would not be an insignificant task. I am satisfied that in allowing a 3-month period for compliance with the notice's requirements, a suitable and appropriate balance between the relevant public and private interests would be struck. This would ensure that the works are carried out in a timely manner without unduly prolonging the negative effects arising from the alleged breach of planning control.

14. Accordingly, the appeal on ground (g) succeeds to that extent, and I shall vary the terms of the notice accordingly.

Conclusion

15. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

G Robbie

INSPECTOR