



**APPEAL REFS: APP/W0340/W/24/3346878 (Appeal A) and  
APP/W0340/C/24/3351139 (Appeal B)**

## Inspector Note

**Appeal Site:** Land to the south of Brimpton Lane, Brimpton Common RG7 4RS  
(Appeal A)

Land south of Brimpton Lane and west of Blacknest Lane, Brimpton  
Common, Reading (Appeal B)

**Appellant:** Mr J Slater (Appeals A and B)

**Local Planning Authority:** West Berkshire District Council

**LPA refs:** 23/02984/FUL (Appeal A) and 23/00682/15UNAU (Appeal B)

**Description of development:** change of use of land to Gypsy/Traveller site  
comprising the siting of 1 mobile home and 1 touring caravan (Appeal A).

**Alleged breach of planning control:** without planning permission, the material  
change of use of the land by the stationing of a mobile home for residential use  
(the "unauthorised development") (Appeal B).

1. Following the Case Management Conference (CMC) on 25 October, I am in receipt of responses from each party in connection with the enforcement notice (EN), the description of development for Appeal A, and on further work that each party had agreed to undertake at the CMC. I have noted that there is some broad agreement, but differences of opinion remain. Therefore, to assist and without prejudice, my thoughts are set out below to avoid potential unnecessary work and to ensure an effective use of Inquiry time. If you have any comments or disagree with my thoughts on the EN, then outline your view and the reasons why within 5 working days of this note. I will consider those views.
2. Dealing firstly with the description of development on Appeal A. There is broad agreement that the situation on the ground does not reflect the development that has applied for, though there is some commonality between the two. Nevertheless, the Council and BCRG accept that a planning condition could be imposed if I am minded to allow Appeal A to ensure that the development as applied for is then carried out, not the development in situ. I agree with this suggestion in principle if that situation arises.
3. However, the description of development set out above would more accurately be described as the "*change of use of the land to a residential*

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*caravan site for occupation by Gypsies and Travellers, including the siting of 1 mobile home and 1 touring caravan plus 1 dayroom.*" Unless there are contrary views, it is my intention to determine Appeal A on this basis.

4. In respect of Appeal B, I have a duty to ensure that the EN subject of Appeal B is in order. Under s176(1) of the Act, as amended, it is open to me to correct any defect, error, or misdescription in the EN or to vary its terms, provided I am satisfied that the correction or variation will not cause any injustice.
5. It was up to the Appellant as to how they wished to appeal the refusal of planning permission and the EN. Despite ground (a) being lodged on Appeal B, this ground is barred as previously confirmed in accordance with s174(2A) of the Town and Country Planning Act 1990 (as amended).
6. The appellant's ground (b) case concerns the alleged breach of planning control omitting the dayroom. The Council has recognised that the omission of 'dayroom' from the EN was an oversight and now proposes an amendment to the allegation to address the issue raised by the Appellant.
7. The Appellant's Grounds of Appeal refer to "a brick built dayroom on site". Yet the dayroom is described as a "converted field shelter" in the email response on 21 November 2024. Requirement C on the EN requires the "removal from the land all field shelters". Images provided by BCRG from November 2023 appear to show two field shelters on the land. A photograph said to have been taken on 5 October 2024 appears to support the appellant's reference to a "converted field shelter". There is no evidence at present either way as to whether this structure is a 'building'. And it is unclear whether one of the field shelters has been converted, and if so, when this may have taken place.
8. In earlier correspondence, the Appellant agreed that the allegation could be amended to include reference to the dayroom. The Council submits that the EN's allegation could be amended to: "*without planning permission, the change of use of the land to a residential site for occupation by Gypsies and Travellers, including the creation of a new access to the highway and the stationing of a mobile home and day room.*" BCRG agree.
9. It is unclear at present whether the term 'dayroom' or 'converted field shelter' is accurate, but at this stage it seems to me that the allegation could be amended without causing injustice, providing that the EN's requirements correspond to the term used for the allegation. Further, I consider that the allegation could include 'caravan' between 'residential' and 'site' without causing injustice.
10. The allegation as stated on the EN does not allege a mixed use, nor has it been the Appellant's case to date that there is a mixed use on the appeal site regardless of any field shelters.

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11. The proposed change to requirement B is noted. This does, however, need to be precise and clearly identify what the Appellant would be required to do if Appeal B fails. Reference to "any other structure or facility which facilitates the material change of use" is broad and wide-ranging. Requirement B ought to be amended to identify specific items only.
  12. Requirement E, as suggested by the Council, appears to potentially be more onerous than the land's condition before the breach occurred. The landowner is typically the person with the best knowledge of what that previous condition was. I consider requirement E could be amended to read "return the land to its previous condition" without causing injustice.
  13. In light of the above, the Appellant is asked to confirm whether they will be pursuing a ground (f) case so that you can make your grounds of appeal known and each party can prepare and submit evidence in response to that in accordance with the appeal timetable.
  14. The CMC Summary Note in paragraph 26 outlined the party's agreement to work on and submit an agreed SoCG Addendum covering the matters listed. Points a, d, and i have not been addressed. The Inspector notes the appellant's email concerning the status of the occupants and their intention to prepare a personal proof relating to the personal circumstances. Paragraph 25 of the CMC Summary Note explains why the Appellant was asked to confirm or update their Personal Circumstances ahead of the submission of Proofs. No issue was raised at the CMC or in relation to the note by the Appellant. The Inspector is keen to avoid parties undertaking unnecessary work where it can / could be avoided to ensure the Inquiry runs as efficiently as possible. The Appellant is encouraged to reconsider their approach and see if common ground can be found with the Council and BCRG.
  15. Points c and f of paragraph 26 of the CMC Summary Note require further work from each party. In relation to point c the SoCG for need, supply, and alternatives is signed by two of the three parties. **Please submit the version that is agreed by all three parties and any accompanying maps by the end of the week.** The SoCG should set out areas of agreement and disagreement and the reasons why as explained in the CMC Summary Note. For point f, when the services markup REV5 map is opened, the key and labels spill onto a second page and don't relate to their locations identified on the map. Please resolve this issue and resubmit. It is also unclear whether this is agreed by the three main parties. Please confirm.
  16. The Council is asked to ensure that a copy of this note is made publicly available along with the other Inquiry documents.

*Andrew McGlone*  
INSPECTOR

4 December 2024