

8th July 2025

Development & Housing

Council Offices
Market Street, Newbury
Berkshire, RG14 5LD

Our Ref:

Please ask for: Planning Appeals

Tel: 01635 519111

Email: appeals@westberks.gov.uk

Dear Sir/Madam

Appeal under Section 174 of the Town and Country Planning Act 1990

Site address:	Rambling Rose Farm Winterbourne Newbury RG20 8AS
Proposal:	Appeal against an Enforcement Notice for the continuing unauthorised retention on the land of a log cabin for residential occupation following the expiry on 30th April 2023 of temporary planning permission (reference 19/02178/FULMAJ) for the siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store and breach of condition 1 of planning permission 19/02178/FULMAJ which stipulates that the development thereby permitted shall be for a limited period, being the period of 3 years from the date of that decision.
Enforcement reference:	24/00385/05NOAC
Appellant's name:	Sarah Bayliss
Appeal reference:	APP/W0340/C/25/3368531
Appeal start date:	7th July 2025

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issue by West Berkshire District Council on **3rd June 2025**

The enforcement notice was issued for the following reasons:

- a) Without planning permission, the continuing unauthorised retention on the land of a log cabin for residential occupation following the expiry on 30th April*

2023 of temporary planning permission (reference 19/02178/FULMAJ) for the siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store.

b) Breach of condition 1 of planning permission 19/02178/FULMAJ which stipulates that the development thereby permitted shall be for a limited period, being the period of 3 years from the date of that decision. At the end of that period the residential use was required to cease, and the log cabin and all materials and equipment brought onto the land in connection with the residential use was required to be removed from the land.

It appears to the Council that the above breach of planning control has occurred within the last ten years and that it is expedient to issue this notice for the following reasons:

Following the expiry of the temporary planning permission, the planning merits of the now unauthorised development were re-assessed under application 23/01295/FULMAJ, which sought retrospective planning permission for "Retention of existing log cabin for permanent farm workers dwelling." Planning permission was refused by notice dated 11th July 2024, which gave the following reason:

The application site is located within the open countryside, outside of any defined settlement boundary where there is a presumption against new housing subject to certain exceptions including, amongst others, housing to accommodate rural workers where genuine need can be demonstrated. In these circumstances, the applicant has failed to demonstrate that the business to which the permanent dwelling would be supported by is financially viable to justify the permanent accommodation.

In the absence of satisfactory justification, the proposal would amount to new housing located outside of any defined settlement boundary within an unsustainable location in conflict with the overall aims and objectives of Core Strategy Policies ADDP1, ADDP5, and CS1, the Housing Site Allocations DPD Policies C1 and C5, and the National Planning Policy Framework.

Given that the above relates to substantively the same development, it is considered that this conclusion applies equally to taking enforcement action.

The development results in harm in terms of landscape character and visual amenity, contrary to Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy C1 of the Housing Site Allocations DPD 2006-2026, the West Berkshire Landscape Character Assessment (2019), the North Wessex Downs AONB Management Plan 2019-2024, and paragraphs 180 and 182 of the National Planning Policy Framework.

Having regard to the Development Plan, it is considered expedient to enforce against this breach of planning control.

The enforcement notice requires the following steps to be taken:

- 1. Cease any residential use of the land and buildings; and*
- 2. Demolish and remove from the land the log cabin in its entirety; and*

3. Remove all material and equipment brought onto the land in connection with the residential use.

The appellant has appealed against the notice on the following grounds:

- **Ground (b):** That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- **Ground (c):** That there has not been a breach of planning control.
- **Ground (g):** The time given to comply with the notice is too short.

The appeal will be determined on the basis of written representations. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

If you wish to make comments, or modify/withdraw your previous representation(s), you must make this request to the Planning Inspectorate, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Michael Edwards
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received within 6 weeks of the appeal start date, by 18th August 2025. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. They will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeals. **All representations must quote the Inspectorate's appeal reference: APP/W0340/C/25/3368531.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection

- at the Council Offices, Market Street, Newbury. This office is open Monday to Thursday 8:30am to 5pm, and 8:30am to 4:30pm on Fridays.

<https://info.westberks.gov.uk/marketstreet>

or

- Online at <https://www.westberks.gov.uk/enforcement-appeals>

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at: <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Planning Appeals Team