

**LAND AT RAMBLING ROSE FARM, PEBBLE LANE, WINTERBOURNE,
NEWBURY, WEST BERKSHIRE RG20 8AS**

ENFORCEMENT NOTICE REF: 24/00385/05NOAC ISSUED 3 JUNE 2025

GROUND OF APPEAL¹

Nullity

1. Paragraph 3(b) of the enforcement notice (“the EN”) sets out the terms of condition 1 of planning permission 19/02178/FULMAJ. It also alleges a breach of that condition 1. However, it does not state the way (or ways) in which condition 1 is alleged to be breached. Contrary to Town and Country Planning Act 1990 section 173(1)(a), EN paragraph 3(b) thus does not state the matters which appear to the local planning authority to constitute the breach of planning control. The EN is therefore a nullity.
2. It is a nullity in any event, in that EN paragraph 3(b) is “hopelessly unclear”.²

¹ Each of the nullity/invalidity arguments and the statutory grounds of appeal are in the alternative to and without prejudice to the others.

² See Sarodia v Redbridge LBC [2017] EWHC 2347 (Admin) for this test.

Invalidity

3. In the alternative, the EN is invalid owing to this lack of clarity. EN paragraph 3(b) cannot be corrected or varied without causing injustice.
4. The EN is also invalid in that it states the paragraph of Town and Country Planning Act 1990 section 171A(1) within which, in the opinion of the local planning authority, the alleged breach(es) falls (i.e. paragraph (a)) *but* the alleged breach in EN paragraph 3(b) does not and cannot fall within section 171A(1) paragraph (a). This invalidity cannot be corrected or varied without causing injustice either.

Ground (b)

5. In respect of any breach of planning control which may be constituted by the matters stated in the enforcement notice (“the EN”), those matters have not occurred in that:
 - (i) the log cabin has not been retained on the land “for residential occupation” since 30 April 2023; and
 - (iii) the log cabin, materials and equipment brought onto the land have not been “in connection with” a residential use since 30 April 2023.

Ground (c)

6. EN paragraph 3(a) alleges “...the continuing unauthorised retention on the land of a log cabin...”
7. But “retention” of the log cabin is not “development”, therefore it does not constitute a breach of planning control.

Ground (g)

8. The 6 months compliance period falls short of what should reasonably be allowed. It should be extended to 12 months.