



Appeal Decision

Site visit made on 13 November 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 January 2020

Appeal Ref: APP/Y3425/C/18/3209780

The Land at The Stables, Outwoods Bank, Outwoods, Newport, TF10 9ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Lilian Sylvia Owens against an enforcement notice issued by Stafford Borough Council.
- The enforcement notice was issued on 30 July 2018.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land and buildings from use as a stables to use for the siting of a caravan used as a residential dwelling, shown with a blue cross on the attached plan.
- The requirements of the notice are: -
 - (i) Stop using the land for the siting of a caravan used as a residential dwelling.
 - (ii) Remove from the land the caravan.
- The period for compliance with the requirements is: -
 - (i) 4 weeks.
 - (ii) 6 weeks.
- The appeal is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 (the 1990 Act). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act have lapsed.

Summary of Decision: The enforcement notice is quashed.

The Notice

1. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the notice being quashed.
2. The description of the alleged breach at paragraph 3 relates to the change of use of the land and buildings from use as a stables to use for the siting of a caravan used as a residential dwelling. However, the use as a stables is not a use of land but rather the function of the building related to an equestrian use such as the keeping of horses. Furthermore, the alleged breach relates to both the land and buildings (the stables) but does not specify the previous use of the land. Nevertheless, there is no need for the alleged breach to indicate the previous use of the site. The enforcement notice could therefore be corrected to delete any reference to a previous use.
3. However, the alleged stationing of a caravan for residential purposes is a use of land only and does not address the use of the stables. I observed that the

stables appear to be in use ancillary to the residential use of the caravan. In light of the above, I consider that the description of the alleged breach would be more appropriately worded along the lines of '*the material change of use of the land and buildings to a use for residential purposes, including the siting of a caravan*'. The Council were given the chance to comment on the implications of that correction and the opportunity to withdraw the enforcement notice. The Council considers that the description should be corrected to that suggested.

4. I consider that it would not have been clearly apparent to a recipient of the enforcement notice as to why the buildings/stables are included within the alleged breach. Moreover, the requirements of the enforcement notice only relate to the use of land for the siting of a caravan and its removal from the land. There is no requirement to cease the use of the building. This would cause injustice to the Council. Furthermore, if I were to add an additional requirement to that effect, this would make the enforcement notice more onerous and cause injustice to the appellant who has only addressed why she considers the requirements to be excessive in her appeal on ground (f) in relation to the caravan.
5. The corrections to the description of the alleged breach would clearly extend the allegation to include the stables and their use for ancillary residential purposes. If I made the corrections, there would be injustice caused to both parties.
6. Taking into account all of the above, I consider the notice to be defective, but that it cannot be corrected without causing injustice to the parties. I therefore have no option but to quash the notice and the appeal on ground (f) does not fall to be considered.

Formal Decision

7. The enforcement notice is quashed.

D. Boffin

INSPECTOR