

Appeal Decision

Site visit made on 26 September 2024

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 29th October 2024

Appeal Ref: APP/J4423/C/24/3341702

Land at Model Farm, Tofts Lane, Stannington, Sheffield S6 5SL

- The appeal is made by Dean Crookes under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 20/00090/ENUHD) issued by Sheffield City Council on 23 February 2024.
- The breach of planning control alleged in paragraph 3 of the notice is "The erection of a structure comprising of 3 stone walls without a roof or doors ("the Unauthorised Development")".
- The requirements of the notice are as follows: -

"5. WHAT YOU ARE REQUIRED TO DO

You must;

- i. Demolish the Unauthorised Development in paragraph 3 of this notice, including its foundations; and
 - ii. Remove all materials resulting from compliance with paragraph 5(i) from the Land; and
 - iii. Following on from compliance with the steps specified in paragraphs 5(i) and 5(ii), make good the Land, by grass seeding the surface of the Land."
- The period for compliance with these requirements is stated in the notice to be "on or before 31 May 2024".
 - The appeal is proceeding on the grounds set out in section 174(2)(a),(d) and (f). Since there is an appeal on ground (a), an application for planning permission is deemed to have been made by section 177(5) in respect of the matter stated in the notice as constituting a breach of planning control.
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Reasons for the decision

Ground (d)

2. Ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. The Council's position on ground (d) is that the structure "is considered to be an incomplete building, from the design, probably a domestic garage to house vehicles kept elsewhere on site within the agricultural barns". However, the breach of planning control alleged in the notice does not refer to a partially-completed or unfinished
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building. For the purposes of ground (d), the matter stated in the notice is the erection in breach of planning control of a structure comprising three stone walls without a roof or doors. No enforcement action may be taken in respect of this structure after the end of the period of four years beginning with the date on which its erection was substantially completed.

3. The appellant has submitted evidence in the form of two affidavits, supported by a receipt for the delivery of construction materials, confirming that the structure was substantially completed by 1 February 2020. This evidence has not been disputed by the Council and I have no reason to doubt its validity. It demonstrates on the balance of probability that the four-year period expired on 1 February 2024 and that at the time the notice was issued on 23 February 2024 the structure was immune from enforcement action.
4. The appeal has therefore succeeded on ground (d).

Grounds (a) and (f)

5. Since the appeal has succeeded on ground (d), the notice has been quashed. Grounds (a) and (f) and the deemed planning application no longer fall to be considered.

D.A.Hainsworth

INSPECTOR