



Appeal Decision

No site visit made

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 June 2025

Appeal Ref: APP/R1010/C/24/3342204

Land south of Pasture Lane, Hilcote, Alfreton

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mrs Amy Foord against an enforcement notice ("EN") issued by Bolsover District Council.
 - The EN was issued on 19 March 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the material change of use of land and buildings at land south of Pasture Lane, Hilcote (hatched in red on the attached plan) for residential occupation.
 - The requirements of the EN are to: Cease the residential use at the site known as Land South of Pasture Lane, Hilcote, DE55 5HQ
 - The period for compliance with the requirement is six months from the date when the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected by:

- *the deletion of the words "...at land south of Pasture Lane, Hilcote..." in 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL;*

and it is directed that the EN is varied by:

- *the deletion of the words "Cease the residential use at the site known as Land South of Pasture Lane, Hilcote, DE55 5HQ" and their substitution with the words "Cease the residential occupation of the land and buildings." in 5. WHAT ARE YOU REQUIRED TO DO.*

Subject to the correction and variation, the appeal is dismissed and the EN is upheld.

Matters Concerning the Notice

2. The allegation identifies the development as "...*the material change of use of land and buildings...for residential occupation*". However, the steps to be taken require the appellant to "*Cease the residential use at the site...*". For precision, the wording of the allegation and the requirements should be consistent. The variations I shall make to achieve consistency are not so severe as to cause injustice.
3. The address of the appeal site varies throughout the EN. It is not necessary for the address of the appeal site to be included within the alleged breach or the

requirements, as it is detailed within section 2 of the EN. The omission of the address within section 3 and 5 of the EN would not cause injustice as it is included within section 2.

Preliminary Matters

4. The appeal was originally made on ground (a), however as the required fee was not paid, this ground of appeal lapsed. It was accepted that an appeal on ground (f) could be pursued instead. The Council has had an opportunity to comment on this alternative ground and I have therefore determined the appeal on this basis.
5. The planning merits of the development are not relevant to this appeal. Therefore, a site visit would not help me reach a decision. I advised the main parties of my intention to determine the appeal without a site visit. I have not received any comments disagreeing with this approach from either party.
6. The appellant asserts that they have diligently worked to restore the site to its former beauty and character; that it is necessary for the site to be occupied to care for chickens and ducks that have been rescued; that while the site lies outside the development envelope and is designated as countryside, it is situated within a residential neighbourhood undergoing individual developments; and they are committed to living an economically sustainable lifestyle. I acknowledge the appellant's personal circumstances; that they assert they have established a good relationship with their neighbours; that improvements have been made to the building that has been deemed to be unsuitable for residential use; and that they wish to seek a long term solution for residential use, such as a temporary caravan. However, these are all planning merits, which would only fall to be considered in a ground (a) appeal.

Appeal on Ground (f)

7. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
8. In appealing on this ground, the appellant has not explained why they consider the requirements of the EN are excessive. Neither have they provided me with any lesser steps which, in their opinion, would overcome the breach.
9. The EN requires the residential occupation of the land and buildings to cease. The purpose of the EN is to remedy the breach of planning control. There are no lesser steps that would achieve the EN's purpose. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction and a variation.

A Berry

INSPECTOR