



Appeal Decision

Site visit made on 6 May 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/R4408/C/23/3327125

Land on the East side of Haigh Lane, Hoylandswaine, Sheffield S36 7JQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended)(the Act).
- The appeal is made by Earledge Developments against an enforcement notice issued by Barnsley Metropolitan Borough Council.
- The notice was issued on 5 July 2023.
- The breach of planning control as alleged in the notice is the material change of use of the land for the purposes of; storage of containers, the storage of building materials, concrete, wood, metal, heavy plant & machinery, highway signage, building materials and other miscellaneous items and general detritus (the unauthorised use) shown in the attached photographs in Appendix 1.
- The requirements of the notice are to:
 - (i) Cease the use of the Land described in Paragraph 3 of this notice
 - (ii) Remove from the Land all the items described in Paragraph 3 of this notice
 - (iii) Restore the Land to its original condition, prior to the breach of planning control taking place as described in Paragraph 3 of this notice.
- The period for compliance with the requirements is: One month.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - At section 3 of the notice, the deletion of the allegation and the substitution with: 'Without planning permission: the material change of use of the land to a mixed use of agriculture and storage of containers, the storage of building materials, concrete, wood, metal, heavy plant & machinery, highway signage, building materials and other miscellaneous items and general detritus (the unauthorised use) shown in the attached photographs in Appendix 1'.
 - At section 5 of the notice, after the words 'Remove from the Land all the items described in Paragraph 3 of this notice' insert the words 'not associated with the agricultural use of the land.' so that requirement (ii) says 'Remove from the Land all the items described in Paragraph 3 of this notice not associated with the agricultural use of the land.'
 - At section 6 of the notice, delete the words 'ONE MONTH' as period for compliance and insert the words 'TWO MONTHS' so that it says 'For the requirements specified in part 5 above – TWO MONTHS from the date the Notice takes effect.'
2. Subject to the corrections and variations above, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The appellant has raised concerns regarding the notice, in particular the extent of the area being attacked by the notice. The appellant advises that the landholding has historically been used for agricultural purposes and continues to be so used.
4. During my visit, I saw that the land is generally open, with no delineation between the areas used for storage and the areas used for agriculture. While it appears that different parts of the site are used for different activities, there is no clear physical or functional delineation between the different parts of the site and so it would appear the overall site comprises a single planning unit which is in mixed use.
5. Where there is a mixed use, it is not open to the local planning authority to decouple elements of it; the use is a single mixed use with all its component activities. In light of the above, I raised with the parties whether the allegation should be corrected to allege 'the material change of use of the land to a mixed use of agriculture and storage of containers, the storage of building materials, concrete, wood, metal, heavy plant & machinery, highway signage, building materials and other miscellaneous items and general detritus (the unauthorised use) shown in the attached photographs in Appendix 1'.
6. I also raised whether, if the allegation were to be corrected as suggested above, it would also be necessary to correct the requirements and whether, requirement (ii) should be corrected to only require the removal of items not associated with the agricultural use of the land. Neither party objected to the corrections, or indicated that such corrections would cause injustice. I shall therefore correct the notice as suggested.
7. The appellant has also raised concern regarding the allegation and the 'non-specific' setting out of what elements are of concern, which the appellant suggests, make it difficult for them to understand what the actual offence is. In particular, they criticise the overreliance on photos, generalised language and the red tractor being included when this is legitimately on site for agricultural reasons.
8. An enforcement notice should tell the recipient fairly what they have done wrong and what they must do to remedy it. The allegation, as corrected, in my view is sufficiently precise. The photographs provide clarity as to what the appellant has done wrong. I therefore find no flaw with the notice in that regard. I shall consider the red tractor under ground (f) below.

Ground (a)

9. An appeal under ground (a) is made on the basis that planning permission ought to be granted for the matters stated in the notice.

Main Issues

10. The main issues of the appeal are:
 - Whether the appeal scheme is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (December 2024)(the Framework) and relevant development plan policies;
 - The effect of the appeal scheme on the openness of the Green Belt; and

- The effect of the appeal scheme on the character and appearance of the area; and
- If the appeal scheme is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the appeal scheme.

Reasons

Whether inappropriate development in the Green Belt

11. The appeal site comprises a parcel of land which slopes down from Haigh Lane. The appellant states that historically, prior to their conversion, building materials had been stored within barns which are adjacent to the appeal site and which have now been converted to residential use. There is no suggestion that the use of the land would be immune from enforcement action by virtue of the passage of time and the appellant has not appealed under ground (d).
12. It is not disputed that the appeal site is located within the Green Belt. Although not identified in the enforcement notice, the Council has referred to policy GB1 of the Barnsley Local Plan (2019)(BLP) through the appeal, which sets out that Green Belt will be protected from inappropriate development in accordance with national planning policy.
13. The Council has also referred to policy GB3 of the BLP, which concerns changes of use in the Green Belt. However, the justification advises that the aim of the policy is to allow existing buildings to be reused and this is consistent with the wording of the policy. Since the appeal scheme does not concern the reuse of existing buildings, I do not find the policy to be determinative in this case.
14. Paragraph 153 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 sets out that development in the Green Belt is inappropriate unless certain exceptions apply. The appellant does not suggest that the material change of use would meet any of the exceptions set out under paragraph 154.
15. Paragraph 155 of the Framework advises that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where certain criteria apply, including a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; and b) there is a demonstrable unmet need for the type of development proposed.
16. Grey belt land is defined as 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143¹. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

¹ a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; d) to preserve the setting and special character of historic towns.

17. The appeal site is not within or close to a large built-up area, nor does it prevent neighbouring towns merging, or preserve the setting and special character of a historic town. It does not, therefore strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the Framework and constitutes grey belt land.
18. The Planning Practice Guidance (PPG) advises that, in reaching a judgement with regards to criterion (a) of paragraph 155, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. However, there is limited evidence before me to enable me to make an assessment in this regard.
19. Furthermore, while it may be helpful to the appellant's business to store materials at the appeal site, the appellant has not shown there is a demonstrable unmet need for the type of development proposed. As such, although I have found the land to be grey belt, it fails to meet criterion (b) of paragraph 155 of the Framework and is therefore inappropriate development in the Green Belt.

Openness

20. Although there are limited views of the storage area from the public domain, the site is clearly visible from nearby dwellings. The storage containers are substantial structures, which diminish the openness of this part of the site. Furthermore, the openness of the Green Belt has a spatial aspect as well as a visual aspect. From a spatial perspective, their bulk and volume has resulted in a loss of openness. In my view, the appeal scheme has resulted in a modest adverse impact on the openness of the Green Belt, contrary to the expectations of the Framework.
21. It is suggested that the level and amount of use will reduce in the near future, and I note that by the time of my visit, some of the items shown in the notice had been removed. However, were I to allow the appeal under the ground (a), the quantity of materials which could be stored at the site could fluctuate and the materials/items now removed could be returned to site.

Character and appearance

22. The appeal site is located to the north east of Hoylandswaine, in an area which is generally characterised by rolling fields bound by dry stone walls and mature hedgerows. The Council has drawn my attention to policy GD1 of the BLP through the appeal, which seeks development which is compatible with neighbouring land. Although not identified in the enforcement notice, the appellant has had the opportunity to consider the implications of this policy through this appeal.
23. The storage of containers, building materials and machinery appear incongruous features which are out of keeping with the generally open character of the area. While the items are stored in a part of the site which is not visible from Haigh Lane, they are highly visible from the nearby residential properties. Furthermore, were planning permission to be granted it would be possible for the appellant to move the materials stored around the appeal site.
24. The appellant suggests the use of conditions to ensure retention of landscaping, restrict the timing of activity on the site and to limit the extent and height of storage. However, I find the storage of building materials at odds with the agricultural character of the area. Restricting the height of materials stored would

not address this. Furthermore, the storage containers are already single stacked. It would not be possible to require they are reduced in height further. As such, the appeal scheme harms the character and appearance of the area and conflicts with policy GD1 of the BLP, the requirements of which are set out above.

Other considerations

25. A number of dwellings have been constructed on land adjacent to the appeal site. From the evidence, it appears that there were previously barns in this location, which have been converted to dwellings. The appellant suggests that prior to their conversion, all building materials had been stored within the barns. However, there is no suggestion that the storage of building materials has become lawful through the passage of time.
26. The dwellings do not form part of the appeal site, nor are they, in my view, part of the planning unit, since they are physically separate and are occupied for different and unrelated purposes to the appeal site. Even if materials were previously stored within or adjacent to these buildings, it seems likely this was in conjunction with the development of the dwellings. Even if I wrong on that, the planning unit has clearly changed since the dwellings were completed. The previous use of those barns for the storage of materials, if lawful, was lost by the implementation of an inconsistent planning permission.
27. The appellant states that many of the building materials stored at the site are being used by them in the construction of their current development, which is taking place locally. In this regard, I note that there is likely to be some modest benefit to the local economy and this is a matter to which I afford modest weight.
28. I note that the landholding has been historically used for agriculture and there would be movements to and from the site associated with that use. However, planning permission would not be required for the agricultural use of the land. Furthermore, movements associated with the agricultural use are likely to occur alongside movements to the storage use.

Ground (a) Planning balance and conclusion

29. The Framework sets out the general presumption against inappropriate development within the Green Belt. When considering any planning application, it advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
30. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
31. I have found that the appeal scheme is inappropriate development and afford the harms by reason of inappropriateness in the Green Belt substantial weight. I have also identified additional moderate harm to openness from the works, and have found harm to the character and appearance of the area.
32. I recognise that the appeal site provides some economic benefit through the provision of storage space which is local to other development carried out in the course of the appellant's business. However, even when taken together, the other

considerations in this case do not clearly outweigh the totality of the harm identified and so very special circumstances do not exist.

33. Having regard to the legitimate and well-established planning policy aims to protect the Green Belt and the character and appearance of the area, in my view, the benefits of the appeal scheme are outweighed by the harms I have identified. The appeal scheme is not in accordance with the development plan as a whole and material considerations do not indicate a decision should be other than in accordance with the development plan.

Ground (f)

34. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice 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.
35. Section 173(4) of the Act sets out the purposes of a notice are (a) remedying the breach by making any development comply with the terms... of any planning permission..., by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach. Given the requirements of the notice, which include the cessation of the use, the removal of items and restoration of the land to its condition prior to the breach taking place, it is clear that its purpose is to remedy the breach of planning control.
36. The appellant has raised concern that the notice requires the removal of a tractor which is used for agricultural purposes. As set out under matters concerning the notice, I have corrected the notice, including the requirements, so that it is clear that items associated with the agricultural use of the site do not need to be removed. This would enable the appellant to retain the red tractor on site, so long as it was used for agriculture and not as part of the storage use. Since correcting the notice would address the appellant's concerns in this regard, this does not constitute success under ground (f).
37. The appellant suggests that the alleged breach is of a similar level in terms of visual impact and associated activity compared with the use of the barns and that visual impact and associated activity can be controlled through suitable planning conditions. However, as set out above, I have found that the appeal under ground (a) should fail.
38. While the appellant refers to the need to remedy any impact on amenity, I have found that the purpose of the notice is to remedy the breach. The requirements, as corrected, require the use to cease, the removal of items not associated with the agricultural use of the land and that the land is restored to its condition prior to the breach of planning control taking place. This, in my view, is not excessive and so the appeal under ground (f) must fail.

Ground (g)

39. An appeal under ground (g) is made on the basis that any period specified in the notice falls short of what should reasonably be allowed. The appellant raises concern regarding the availability of individuals to assist with the relocation of

equipment and materials and requests that a period of up to 6 months would allow sufficient time for alternative storage to be found.

40. The Council states that it would not object to a total period of 2 months for compliance for the appellant to locate a suitable site to store the materials. While this would coincide with the summer period, I note that some materials have already been removed from site and so, given the limited items/structures remaining, this would give the appellant sufficient time to secure any assistance they need to remove the materials/items and would limit any damage to the grass crop, which is likely to be cut during this period.
41. While I consider 6 months to be excessive, having regard to the harm caused to the Green Belt and the character and appearance of the area, I consider 2 months would be reasonable and proportionate and shall vary the notice accordingly. The appeal under ground (g) succeeds to that extent.

Conclusion

42. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the enforcement notice prior to upholding it and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended). The appeal on ground (g) succeeds to that extent.

M Savage

INSPECTOR