Planning Inspectorate

Appeal Decision

Site visit made on 14 April 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/P1940/C/24/3349464
The building at Ravenswood Farm, Church Lane, Sarratt, Rickmansworth, Hertfordshire WD3 6HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Michael Grego against an enforcement notice issued by Three Rivers District Council.
- The notice was issued on 25 June 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of building from its use for agriculture to its dual use for agriculture and as an independent dwelling house (Use class C3 of Town and Country Planning (use Classes) Order 1987)
- The requirements of the notice are to:
  1) Cease the residential use of that part of the building shown hatched in red on Site Map 2 as an independent dwellinghouse.
  2) Following compliance with Step 1 permanently remove from the building (as shown hatched in red on Site Map 2): (a) all kitchen facilities (including all appliances both inbuilt and free-standing), (b) all toilet and bathroom facilities (c) the boiler and all associated heating pipework and radiators, (d) the tiled/linoneum [sic] flooring, light fixtures, and fittings, and (e) all other items (including furniture and chattels) present in the building in connection with the residential use of it.
  3) Following compliance with Steps 1-2 above, remove the internal partition walls and doors, and reinstate the internal layout of the building in accordance with the attached floor plan reference 1908/01 (approved under the planning permission reference: 17/1070/FUL).
  4) Following compliance with Steps 1-3 above; (a) remove the window within the north elevation of the building (adjacent to the sliding door) and brick up the aperture using materials to match the existing building's walls, and (b) remove the two existing east flank windows and replace them with openings which will be in accordance with the attached elevation plan reference 1908/01 (approved under planning permission reference: 17/1070/FUL).
  5) Following compliance with Steps 1-4 above, removal [sic] all resultant rubbish and debris from the Land.
- The period for compliance with the requirements is: 18 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (f) 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. The enforcement notice is quashed.

Matters concerning the notice

2. The enforcement notice alleges the material change of use of a building from its use for agriculture to its dual use for agriculture and as an independent dwelling house. It is clear from the four corners of the notice that the Council's concern is the residential use of the building. I have raised matters concerning the notice with the parties and whether the notice should be corrected to allege the material change of use of part of the building to a self-contained dwelling house, rather than a dual use (or mixed use) or, if I find the site is in a mixed use of agriculture and

residential, whether the notice can be corrected to allege this, in light of its requirements.

3. The planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct and occupied for different and unrelated purposes. The appellant suggests that the entire farm should be the planning unit, or, at the very least, the main set of farm buildings and the farmland contiguous with them. The Council's case is that the part of the building which is used as an independent dwelling has resulted in the creation of a new planning unit, one that is physically separated and distinct and used for a substantially different purpose from that of the wider agricultural use.

4. The Council has drawn my attention to the case of *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207, which concerned a site used as a scrap metal and car breaker's yard and for the selling of new vehicle spare parts and camping equipment. The Council suggests that it was considered that the annexe, which was used for retail sales, formed a new planning unit and the material change of use applied only to the annexe. That, however, is not quite right. While the judge commented that the Secretary of State (SoS) may have concluded that the use of the lean-to annexe ought to be regarded as a separate planning unit, that was not the inevitable conclusion. The decision was remitted back to the SoS to decide what is the appropriate planning unit, to be considered as a matter of fact and degree.

5. During my visit I saw that the appeal building has been subdivided, with living accommodation provided at one end and the remainder used for storage of agricultural equipment and paraphernalia. Access to the residential accommodation is gained from the area used for storage. There is a single access point and parking is shared with the wider site, with no differentiation between parking for the residential accommodation. The appellant occupies part of the building as living accommodation, uses the remainder of the building for storage in connection with the agricultural use of the land (although they have previously used this for the storage of residential items, such as furniture) and works on the farm, caring for their animals. The living accommodation provides wash facilities which can also be used by the appellant when they are working on the farm.

6. From the evidence before me, therefore, it seems the unit of occupation is the entire farm. While there is some physical delineation between the part of the building used for residential purposes and the remainder of the building, it seems likely that a functional relationship remains. I therefore agree with the appellant that the planning unit is the farm buildings and the associated farmland.

7. Notwithstanding the Council's suggestion that a dual use comprises two physically and functionally distinct uses of a planning unit, the allegation is a dual use, which suggests a mixed use. 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. Although advanced under grounds (b) and (c), the appellant's case is that their residential occupation of the premises is ancillary to the agricultural use of the site.

8. In deciding whether something is ancillary, what may reasonably be regarded as incidental or ancillary to a lawful use of land are activities which are 'ordinarily' incidental to uses of that sort. While farmsteads often include both a farmhouse

and agricultural land, in my view, the permanent residential use of a building is likely to be a primary use in its own right and not an ancillary use.

9. The appeal site is within the ownership of the appellant's family, and it is their cattle which have been grazing the land. Buildings within Ravenswood Farm are used for storage and livestock and the fields are used for grazing. The appellant states that their occupation of the building is directly related to the cattle on site and that it is unlikely that someone with no ties to the farming enterprise would occupy the converted part of the subject building.

10. The appellant describes being on the farm as beneficial as he is nearer his cattle. However, while there may be benefit in the appellant living in proximity to their animals, it seems the appellant has been living in the appeal building following the sale of his mother's house in 2021 as he is unable to purchase another house due to uncertainty regarding care home fees. This, in my view, cannot be regarded as ordinarily incidental (or ancillary) to the agricultural use of the land.

11. In support of their case, the appellant has drawn my attention to the case of The Goslings, which is stated to relate to two applications for a lawful development certificate, one of which was submitted to confirm that the use of part of the existing stable building for residential purposes, ancillary to the wider equestrian use of the site was lawful. While I have not been provided with full details of either application, it seems the Council's conclusions were based upon the fact that the occupant's occupation of the building was inextricably linked to the use of the land for equestrian use and was ancillary to that primary use and subordinate to it. Significantly, this concerns a decision by the local planning authority and so I am not bound by it.

12. For the reasons given above, I consider the appeal site is in mixed use of agriculture and residential. While it would be possible to correct the allegation, the notice as drafted requires the recipient of the notice to cease the residential use of that part of the building shown hatched in red on Site Map 2 as an independent dwellinghouse. The land to which the notice relates includes the entire building, and so includes a part of the building within which the residential use is not required to cease.

13. Were I to uphold the notice as corrected, I have concerns about the effect of section 173(11) of the Act, which provides that where an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so and, all the requirements of the notice have been complied with, then so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

14. It is clear that the Council does not wish planning permission to be granted for the residential use of part of the building. The Council suggests correcting step 1 so that it reads "cease the residential use of the building edged black as an independent dwellinghouse". However, this would make the notice more onerous to comply with, since the appellant is currently only required to cease that use within the red hatched area. I have considered whether it would be possible to reduce the area to which the notice relates, and the Council has provided a plan in

this regard. However, were I to do so, the appellant would be worse off, given the provisions of section 173(11).

15. Although I have wide powers of correction under section 176(1) of the Act, I am not satisfied that it is possible to correct the notice without causing injustice to either the appellant or the local planning authority.

Conclusion

16. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control or the steps required for compliance. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.

17. In these circumstances, the appeal on the grounds set out in section 174(2)(a), (b), (c) and (f) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

M Savage

INSPECTOR