



Appeal Decisions

Site visit made on 19 August 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Refs: APP/T2405/C/23/3326115 (Appeal A) and 3326116 (Appeal B) Land to the rear of 6 Roundhill, Kirby Muxloe, LEICESTER, LE9 2DY

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Miss Monic Edwards (Appeal A) and Mr Andy Nelson (Appeal B) against an enforcement notice issued by Blaby District Council.
- The notice was issued on 16 June 2023.
- The breach of planning control as alleged in the notice is *the unauthorised erection of a number of structures* (as identified on an accompanying plan).
- The requirements of the notice are to: (i) remove and properly dispose of the structures from the land; and (ii) restore the land to existing adjacent levels and re-seed with grass.
- The period for compliance with the requirements is 56 days.
- The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: the appeals are dismissed and the enforcement notice upheld.

Main Issues

1. The main issue in the appeal is whether planning permission is required for the structures (now partly removed). The ground of appeal raises the two issues of (i) whether the structures amount to buildings, or some other form of operational development requiring permission; and (ii) whether any such permission would have been granted under permitted development rights applying to development within the curtilage of a dwellinghouse.

Reasons

2. At my site visit I understood that the two appellants have since vacated the site, retaining no interest in the land, and that the house at 6 Roundhill is now occupied by a new tenant who has no desire to retain the structures. These are not relevant matters in the appeal, and it is not for me to say who would be responsible for complying with the requirements of the notice if it is upheld.
3. The appellants' first contention was that the structures were temporary ones that could be dismantled and erected within minutes. This was plainly not the case. The largest structure partly remains, with a series of tall green metal posts embedded into concrete in the ground and some rigid metal fencing remaining between them. Dismantling this is not the work of minutes but would require machinery. Other cage and shed structures, also still remaining although in disarray, were laid on concrete bases and were in the nature of buildings, having the appearance of permanence and attachment to the land. The structures are undoubtedly the result of operational development.
4. As to whether they may have amounted to permitted development, the appellants made no case as to what the structures were used for and therefore it is not

possible to say that they were reasonably required for a purpose incidental to the use of the dwellinghouse. Thus I cannot be satisfied that they can have amounted to permitted development, whatever my views about the curtilage. However, on that issue I have no reason to disagree with the previous Inspector visiting the site in April last year (APP/T2405/W/23/3332756) who opined that the appeal site then under consideration “comprises part of the curtilage of No 6, and a large grass field to the rear. Though the latter is now in ancillary residential use, it retains the essential characteristics of an agricultural field”.

5. The field, although now lacking any boundary treatment between it and the immediate garden to the house, is plainly separate from it and does not appear to form part of the building or to serve it in any necessary or reasonably useful way. Thus the structures could not have benefitted from any permitted development rights arising within the curtilage of a dwellinghouse, because they are not found within the curtilage of the house.

Conclusion

6. For the above reasons, I consider that the appeals should not succeed.

Formal Decision

7. The appeals are dismissed and the enforcement notice is upheld.

Laura Renaudon

INSPECTOR