
Appeal Decision

Site visit made on 3 September 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 30 September 2025

Appeal Ref: APP/C3620/C/24/3338887

Land known as Carpel House, Horsham Road, South Holmwood RH4 1SJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Danny Matthews against an enforcement notice issued by Mole Valley District Council.
- The enforcement notice was issued on 11 January 2024.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land to a mixed use comprising:
 - i) A dwelling;
 - ii) The importation, deposit and storage of waste materials;
 - iii) The importation, deposit and storage of building materials, bricks, pallets and wood;
 - iv) The importation, deposit and disposal through land-raising of mixed inert waste, comprising mixed waste soils, brick, tiles, concrete, rubble and hardcore;
 - v) The use of assorted shipping containers and lorry bodies for the storage of tools, plant and waste materials;
 - vi) The storage of vehicles, trailers and lorries;
 - vii) The storage of plant, diggers and machinery.

And all the associated development facilitating the material change of use which includes:

- i) The erection of fencing and means of enclosure;
- ii) The erection of assorted shipping containers on the land;
- iii) The creation of hard surfaces;

Without planning permission, operational development consisting of:

- i) The erection of a garage.
- The requirements of the notice are:
 - (1) Cease the use of the land for:
 - i) The importation, deposit and storage of waste materials;
 - ii) The importation, deposit and storage of building materials, bricks, pallets and wood;
 - iii) The importation, deposit and disposal through land-raising of mixed inert waste, comprising mixed waste soils, brick, tiles, concrete, rubble and hardcore;
 - iv) The use of assorted shipping containers and lorry bodies for the storage of tools, plant and waste materials
 - v) The storage of vehicles, trailers and lorries;
 - vi) The storage of plant, diggers and machinery.

(2) Remove from the land:

- i) All waste materials;
- ii) All building materials, bricks, pallets and wood;
- iii) All mixed inert waste, comprising mixed waste soils, brick, tiles, concrete, rubble and hardcore so as to return the condition of the site to its previous levels;
- iv) All shipping containers and lorry bodies;
- v) All vehicles, trailers and lorries;
- vi) All plant, diggers and machinery
- vii) The fencing or means of enclosure;
- viii) All hard surfaces;
- ix) The garage.

- The periods for compliance with the requirements are:

In relation to requirements 1i) – 1vi) the period of compliance is one month.

In relation to requirements 2i) – 2ii) & 2iv) – 2viii) the period of compliance is six months.

In relation to requirement 2iii) the period of compliance is nine months.

- The appeal is proceeding on the grounds set out in section 174(2) (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: No further action is taken

Procedural Matters

1. The breach of planning control alleged at paragraph 3(i) of the notice is the erection of a garage. The attendant requirement at paragraph 5(2)(ix) of the notice is to remove the garage from the land. There is, however, no period specified in paragraph 6 of the notice for compliance with that requirement.
2. Section 173(9) of the Town and Country Planning Act 1990 (the 1990 Act) states that an enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased. In this case, because the enforcement notice does not specify a period for the removal of the garage, it fails to comply with section 173(9) of the 1990 Act. For that reason, the notice is a nullity.
3. The breach of planning control to which the requirement at paragraph 5(2)(ix) of the notice relates is a separate structure not related to any other breach of planning control alleged in the notice. It is therefore not possible to deduce what the period for compliance with the requirement at paragraph 5(2)(ix) of the notice was intended to be from within the four corners of the notice by reference to other dates for compliance specified in the notice. Accordingly, insofar as the courts have held that minor corrections can still be made to a notice that is a nullity, in this case it is not possible to correct the notice and provide a period for compliance without causing injustice.

Conclusion

4. I conclude that the notice is a nullity. In these circumstances, the appeals on the grounds set out in section 174(2) (b), (c), (f) and (g) of the 1990 Act as amended do not fall to be considered.

Formal Decision

5. Since the notice is found to be a nullity, no further action will be taken in connection with the appeal. In the light of this finding the Local Planning Authority should consider reviewing the register kept under section 188 of the 1990 Act as amended

Paul Freer
INSPECTOR