



Appeal Decision

Site visit made on 30 September 2025

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/R0660/C/23/3334254

Land lying to the north west of Pedley House Lane, Great Warford, Knutsford,

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Philip Skyrme against an enforcement notice issued by Cheshire East Borough Council.
- The notice was issued on 6 October 2023.
- The breach of planning control as alleged in the notice is Without planning permission the material change of use of the land from agricultural to mixed use comprising agricultural use, the deposit / storage / processing of aggregates, soil and material, and the parking/ storage of construction vehicles / plant and equipment. Together with the erection of a building, the siting of storage containers, trailers, and the formation of areas of hard standing.
- The requirements of the notice are to a) Cease the use of “the Land” and buildings for the importation / deposit / storage / processing of aggregates, soil and material and the parking / storage of vehicles, plant and equipment not associated with the agricultural use of the land; b) Remove from “the Land”, including but not limited to, all aggregate, soil and material, all vehicles, plant, machinery, digger buckets, railway sleepers, drainage pipes and any other paraphernalia not associated with the agricultural use of the land; c) Remove all storage containers and trailers from the “the Land”; d) Demolish the unauthorised building shown in the approximate position shaded pink on the attached plan marked ‘Plan B’; e) Remove all areas of hardstanding shown in its approximate position shaded yellow on the attached plan marked ‘Plan B’; f) Restore the land shown in its approximate position shaded yellow on the attached plan marked ‘Plan B’ with top soil and reseed with grass seed; g) Remove all resulting debris from “the Land” arising from compliance with requirements b), c), d) and e).
- The periods for compliance with the requirements are: Step a): 8 months; Steps b) to f): 9 months; Step g): 10 months.
- The appeal is made on the grounds set out in section 174(2)(a), (b), (c), (d), (e), (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.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Preliminary Matters

Background

1. The appeal site consists of an extensive rectangular field. A vast majority of the site is grassed and is used for agricultural purposes. Vehicular access to the site is gained from the eastern corner of the field, via a lengthy private track. A track running adjacent to the north-east boundary of the site, provides access to the various hardstanding areas, facilitating the different forms of storage targeted by the notice. Part of the hardstanding in the northern part of the site, together with a building there, were previously granted planning permission¹, and thus fall outside the scope of the notice.

¹ Planning permission reference 15/0708M – Agricultural Building to house livestock and store produce and machinery - granted 28 April 2015.

2. The building targeted by the notice is situated close to the site entrance. This building is constructed in timber and resembles a stable block, although it is now being used for the storage of various materials.

Appeal grounds

3. During the course of the appeal procedure the appellant confirmed the appeal was maintained only on grounds (a), (c), (d), (f) and (g). Thus, the appeal was no longer maintained on grounds (e) and (b).
4. The appellant's case includes appeal grounds (c) and (d), which are known as legal grounds of appeal. With each of the legal grounds the burden of proof rests with the appellant, with the standard of proof being the balance of probability.

The appeal on ground (c)

5. The appeal on ground (c) is that there has not been a breach of planning control. The appellant's case on this ground relates to certain aspects of the alleged development. It is that the formation of the hardstanding areas amount to permitted development on the basis that they are reasonably necessary for the purposes of agriculture; that certain elements of the parking, storage and hardstanding are in connection with the lawful agricultural use of the land and there are containers and trailers used for agricultural activity which do not constitute development at all.
6. Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), states, subject to limitations and conditions, that certain types of works and operation, which are reasonably necessary for the purposes of agriculture within that unit, are permitted development.
7. However the use of the appeal site is undisputed to be in a mixed use, which includes agriculture and a use tantamount to a civil engineering works related depot. Whilst some agricultural related storage is taking place, from my visit I am in no doubt that the hardstanding areas targeted by the notice are also being utilised to store vehicles, trailers, equipment and materials for purposes associated with engineering contracting work off-site.
8. Despite statements to the contrary, the evidence does not lead me to conclude on the balance of probability that the southwards extension to the northern area of hardstanding was originally formed purely to support the use of the site for agriculture. The same applies to the central and eastern areas of hardstanding, even if it can be argued that resurfacing work carried out within the confines of either of these areas did not in itself require planning permission.
9. The permitted development right set out within Part 6 Class A of the GPDO is confined to agricultural enterprises, and does not extend to cover an engineering contracting business. Accordingly, the construction of the hardstanding areas does not constitute permitted development. Nor do elements of parking and storage that are not associated with the lawful agricultural use of the land.
10. As to the containers and trailers, even if it can be argued they do not in themselves constitute development, the notice may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use. During my visit I noted the presence of engineering related materials within the containers, which included vehicle related liquids. Insofar as they are used in connection with the engineering

business, the containers and trailers would be encompassed by the breach of planning control. Distinguishing any lawful agricultural use of the site would be a matter for the drafting of the notice requirements, considered later in my decision.

11. Drawing the above considerations together, I conclude that a breach of planning control has occurred. Accordingly the ground (c) appeal fails.

The appeal on ground (d)

12. The ground of appeal is that at the date when the notice was issued no enforcement action could be taken in relation to the alleged breach of planning control. In order to succeed on this ground with regard to the alleged use, in accordance with s171B(3) of the 1990 Act, it would be necessary for the appellant to show, on the balance of probability, that the mixed use of the site for agriculture and the civil engineering related business had commenced at least 10 years before the notice was issued, that is by 6 October 2013, and had continued in such use over a ten year period. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity.
13. The onus rests with the appellant to demonstrate, on the balance of probability, that the use has been continuous over this period, with the exception of any non-material breaks in activity.
14. An enforcement notice that is directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if such works on their own might not constitute development, or they would be permitted development or immune from enforcement, so that the land is restored to its condition before the change of use took place.
15. The appellant's ground (d) appeal is that the alleged mixed use, with the exception of the extended area in the northern part of the site, has continued for more than 10 years, therefore since prior to his acquisition of the site in 2014; also that the areas of hardstanding in the central and eastern parts of the site have been in place since at least 2018 and the building targeted, since at least 2012, such that the time for taking enforcement action has passed.
16. It is undisputed that the hardstanding area in the northern part of the site was extended more recently, and is not claimed to be immune from enforcement action.
17. In support of their case the appellant has submitted a series of aerial photographs of the site taken in 2010, 2012, 2017 then in consecutive years until 2021. In addition they have provided a signed, written statement.
18. The appellant states that, since acquiring the site in 2014, the targeted building has been used to store non-agricultural materials; also that they were told by the previous owner that the building and eastern hardstanding area were used for non-agricultural material storage for several years before the land was sold, such that there has been non-agricultural storage near the site entrance for in excess of 10 years. He also states that the central hardstanding area existed at the time of purchase, albeit in an overgrown state.
19. However, the appellant's statement does not constitute formally sworn evidence. I therefore afford this limited weight, given that there can be no sanction such as a fine or jail term if found to be untruthful. Notwithstanding this, even if the statement

had been properly sworn, the information provided remains brief and vague. It refers to past non-agricultural storage, however it is unclear from the information provided whether this was the same as, or materially different in nature and scale to, the non-agricultural use alleged in the notice, insofar as it relates to the central and eastern hardstanding areas.

20. The information given is not therefore sufficiently precise and unambiguous to persuade me, on the balance of probability, that the use targeted has continued for the requisite period, even in relation to part of the site. I have also had regard to the aerial photographs provided, however the chronology of images do not lead me to a different conclusion regarding the alleged material change of use.
21. Contrary to the appellant's claim, continuous use of the appeal site for the alleged use over the requisite period has, on the balance of probability, not therefore been demonstrated. The alleged mixed use is not therefore immune from enforcement action and is unlawful. The ground (d) appeal therefore fails in this regard.
22. I am satisfied from the information before me and my visit that the hardstanding areas in the central and eastern parts of the appeal site serve to facilitate the unauthorised mixed use. I do not accept, from the evidence presented, it has been demonstrated on the balance of probability that these areas targeted by the notice were originally constructed prior to 6 October 2013 or solely to serve the lawful agricultural use of the land. For the avoidance of doubt, the same finding applies in relation to the extended hardstanding area in the northern part of the site. I conclude, having regard to paragraph 14 above, the targeted hardstanding areas cannot be claimed immune from enforcement action. The ground (d) appeal therefore fails in this regard.
23. Notwithstanding the above, the building targeted by the notice can, on the balance of probability, be seen to be in place on the aerial photograph dated July 2012. Given that I have found enforcement of the unauthorised use not to be prohibited due to the passage of time, an argument clearly could not be sustained that the construction of the building, earlier than the enforcement window, was solely for the purpose of facilitating the unauthorised use.
24. S171B(1) of the Act provides that no enforcement action may be taken in respect of any unauthorised operational development after the end of the period of four years, beginning with the date on which the operations were 'substantially completed'². On the balance of probability, it appears likely the targeted building was substantially completed more than four years prior to the notice being issued.
25. The ground (d) appeal therefore succeeds only in relation to this specific building, which in itself is lawful, and there is no need for me to go on to consider the ground (a) appeal in this regard. I shall allow the appeal insofar as it relates to the building targeted by the notice and in doing so shall delete from the notice references to it from the allegation and the requirements.

The appeal on ground (a)

26. The appeal on ground (a) is that planning permission ought to be granted. The appellant has set out that they are not seeking to gain planning permission for the current extent of the mixed use on the site. Rather their intention is to consolidate

² Where substantial completion took place before 25 April 2024.

the civil engineering related use within the building and a smaller portion of the hardstanding area in the northern part of the site, focused more towards the northern corner of the field; and not to utilise the hardstanding areas situated elsewhere on the site for this purpose at all.

27. A plan has been provided to clarify the proposed development area, and accordingly my assessment of the proposal is made specifically in relation to this proposed modification.

Main Issues

28. The main issues are:

- Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework); and
- if the proposed development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

29. Paragraph 142 of the Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
30. Paragraph 154 of the Framework establishes that development within the Green Belt is 'inappropriate' unless certain exceptions apply. Such exceptions include material changes in the use of land, the re-use of buildings of permanent and substantial construction, and engineering operations as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
31. Paragraph 155 of the Framework states that development in the Green Belt should not be regarded as inappropriate where it can be ascertained the development would utilise 'grey belt' land and would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan (paragraph 155a); where there is demonstrable unmet need for the type of development proposed (paragraph 155b); and where the development would be in a sustainable location (paragraph 155c).
32. With regard to paragraph 155, I concur with the Council that the evidence presented does not indicate there to be a demonstrable unmet need for the type of development proposed. Accordingly, without needing to consider the other relevant sub paragraphs, the proposed development cannot be regarded as not inappropriate, through the provisions of paragraph 155.

33. The Court of Appeal has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect³. This specific assessment is not about the quality of the development, in itself, or its effect on the character and appearance of the area.
34. The appellant argues that the proposed mixed use development would not be inappropriate, because limited to the reduced area and re-using the existing agricultural building, it would reflect the type and extent of agricultural uses permitted on the site, thus preserving openness. They say that, despite some additional vehicle movements, the mixed use would not be dissimilar in landscape terms to the lawful agricultural use.
35. Notwithstanding the proposed rationalisation of the civil engineering related use, the proposed mixed use, as manifested by the storage of vehicles, materials, equipment and paraphernalia, would still cover a larger physical area than would be utilised by storage relating to the agricultural use alone. In simple terms, the proposed storage site is bigger than the previously approved and originally implemented storage site.
36. Furthermore, whilst I have no reason to doubt that an agricultural use of the land is continuing to occur within the wider field, I am not persuaded, when also considering its seasonal nature, that it necessitates the presence of significant numbers of vehicles and other items being stored outside the permitted building. I therefore consider that the storage of additional engineering related items, within the albeit reduced and consolidated space, resulting from the material change of use, would be considerably more intensive. This conclusion is supported by the quantity of vehicles and equipment shown to be present in aerial photographs dated April 2020⁴.
37. Accordingly, I am in no doubt that the mixed use would fail to meet the test of preserving the openness of the Green Belt in spatial terms, even if it would allow the existing agricultural building to be re-used to a degree.
38. There are a small number of dwellings and public rights of way, situated close to the south-east and south-west boundaries of the appeal site. However, outside the appeal site itself, the visibility of vehicles, materials and equipment, associated with the mixed use, is very limited due to separation distance and dense boundary screening. This impact would be further reduced if storage on the site was further rationalised as proposed. I therefore consider the impact of the development on the openness of the Green Belt to be very limited in visual terms.
39. Notwithstanding the limited visual impact, I have concluded that in spatial terms the mixed use would fail to preserve the openness of the Green Belt. It follows that the countryside would not be safeguarded from encroachment, and thus there would be conflict with one of the purposes of including land within it. I conclude the development would amount to inappropriate development in the Green Belt.
40. I find the various hardstanding areas would, because of their scale, each result in harm to Green Belt openness in spatial terms. They would represent gradual encroachment into the countryside. These developments therefore fail to preserve

³ *Turner v SSCLG & East Dorset Council* [2016].

⁴ Appendix 8 of Council's statement of case.

Green Belt openness and conflict with one of the purposes of including land within it. Accordingly, they are inappropriate development.

Other Considerations

41. The appellant has referred to certain benefits and policy support associated with the development. Firstly, they say that it creates jobs, and leads to farm diversification, which thus helps to support the rural economy. Secondly, they refer to permitted development rights allowing for the change of use of agricultural buildings to commercial related uses, subject to certain conditions and provisos, which they consider to be a material consideration.
42. With regard to employment, whilst I am in no doubt the civil engineering business would have resulted in the creation of jobs, the level of employment creation is unclear. In any event, there is no suggestion the business could not be moved to a more appropriate location or that jobs would be lost as a result of this. This significantly tempers the weight that I give to this consideration. As to farm diversification, I have not been provided with any evidence to persuade me the continued viable agricultural use of the site is dependant on the engineering business being based in this specific location as opposed to a more appropriate location, and could not be sustained in the event of planning permission being refused. The question of farm diversification does not therefore attract weight in favour of the development.
43. I recognise that the Council's development plan is supportive of employment development in rural areas⁵. However, this is subject to a countryside location being essential, such that the business could not reasonably be expected to be in a designated centre. It is also subject to the development not conflicting with other policies in the development plan. I have set out below how the development would conflict with Policy PG 3 and with the Framework.
44. The appellant claims the provisions of Schedule 2 Part 3 Class R of the GPDO, which is concerned with the re-use of agricultural buildings, amounts to a material consideration in their favour. This permits the change of use of an agricultural building, and land within its curtilage, to a flexible commercial use that could potentially fall within various Use Classes.
45. Paragraph R.1.(a) of Class R sets out the circumstances where a change of use of a building from an agricultural use to one of the flexible commercial uses cited would not be permitted. These include, in the case of a building which was brought into use after 3rd July 2012, where the building was not used solely for an agricultural use as part of an established agricultural unit for a period of at least 10 years before the date development under Class R begins.
46. Despite gaining planning permission for agricultural purposes⁶, there is nothing to persuade me that the building in question has been used solely [my emphasis] in connection with agriculture for the requisite period. The sole agricultural use would need to be operational for 10 years before Class R rights could be relied on. In these circumstances the required duration of the sole agricultural use means there

⁵ See Policy EG 2 of the Cheshire East Local Plan Strategy 2017 and Policies RUR 2 and RUR 10 of the Cheshire East Local Plan Site Allocations and Development Policies Document 2022.

⁶ Planning permission reference 15/0708M – Agricultural Building to house livestock and store produce and machinery - granted 28 April 2015.

could be no reliance on the permitted development right for a significant period of time.

47. Furthermore, I noted during my visit the building is being used, in part, to store bailed hay, such that I am not persuaded the building is redundant for agricultural purposes. Drawing these considerations together, this significantly tempers the weight that I give to the question of the building's efficient re-use.
48. The appellant has referred to replacement and altered buildings, constructed nearby, that are much larger than the original. However, I am not familiar with the detailed circumstances of those cases, and in any event each case must be considered on its individual merits. This consideration does not therefore attract weight in favour of the present development.

Other Matters

49. There have been a number of concerns about the development raised by third parties. These include visual impact, highway safety and impacts on living conditions in terms of noise, dust and privacy.
50. However, subject to potentially prohibiting any processing of materials on the site, and having regard to the above considerations, I am not persuaded such concerns could not be addressed through the imposition of appropriate planning conditions.

Planning Balance

51. National planning policy attaches great importance to Green Belts. Therefore, when considering any planning application substantial weight should be given to any harm to the Green Belt. The appeal proposal is inappropriate development in the Green Belt and is therefore harmful to it.
52. The various absences of harm I have found, as described briefly in the 'Other Matters' section of the decision, are neutral in the planning balance and do not weigh in favour of the appeal.
53. There are other considerations which support the appeal. However, for the reasons set out above, I give limited weight both to economic development considerations and to the significance of re-using the permitted agricultural building.
54. I have balanced the harm to the Green Belt and any other harm, against the other considerations referred to above. I find they do not clearly outweigh the harm identified. For the avoidance of doubt, I would have reached the same conclusion even if I had found the hardstanding areas in the central and eastern parts of the appeal site to be immune from enforcement or not inappropriate development.
55. The very special circumstances necessary to justify the development have not therefore been demonstrated. Consequently, the proposal conflicts with the strategy for the protection of Green Belt land, as set out in the Framework. In this context I also find conflict with Policy PG 3 of the Cheshire East Local Plan Strategy 2017, which seeks to resist inappropriate development in the Green Belt, except in very special circumstances, in accordance with national policy.
56. For the above reasons I conclude the proposed development is in conflict with the development plan when read as a whole. The appeal therefore fails on ground (a).

I shall refuse planning permission for the mixed use and other development described in the notice, as corrected.

The appeal on ground (f)

57. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the 1990 Act and include remedying the breach of planning control (s173(4)(a)). The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
58. With regard to the unauthorised development, the objectives of the notice are to discontinue the unauthorised element of the mixed use by discontinuing the alleged engineering related use of the land and to remove the various materials, vehicles, plant, equipment, containers, building and hardstanding areas with a view to restoring the land to its previous condition. It follows that the purpose of the notice is to remedy the breach of planning control.
59. The appellant's ground (f) appeal is firstly that in respect of 'step c)' it is inappropriate to require removal of containers and trailers associated with the agricultural use; secondly that the requirements to demolish the building and remove areas of hardstanding are inappropriate if ground (d) is successful; thirdly, notwithstanding the above, that the requirement to remove and restore the hardstanding areas is excessive when these areas can be used for agricultural purposes; and fourthly that the requirement to remove residual debris from the land is imprecise and unclear.
60. The Council confirms within its statement, the objective of the notice, insofar as concerned with the removal of items, only seeks to target items not associated with the agricultural use of the land. Therefore, with regard to the first point, I concur that this can be clarified with additional wording, without resulting in injustice.
61. As to the second point, the ground (d) appeal was successful insofar as it concerned the building targeted by the notice. Again, the requirement can be amended accordingly in this respect.
62. With regard to the third point, I am satisfied that the hardstanding areas targeted by the notice have been formed to facilitate the unauthorised use. The appellant has not demonstrated otherwise, on the balance of probability. It has been held in case law that it is not enough in ground (f) cases for the appellant to show that the works could serve the lawful use. The notice may still require the removal of such works if they were in fact installed to enable the unauthorised material change of use. I do not therefore concur this requirement is excessive.
63. As to the fourth point, I do not agree that the stated requirement to remove debris, purely attributable to and arising from the other steps, would be an imprecise and ambiguous requirement. It seems to me this requirement is clear and would not easily be misunderstood.
64. Drawing together the above considerations, I conclude only very limited success on ground (f).

The appeal on ground (g)

65. The ground (g) appeal is that the compliance period falls short of what should reasonably be allowed. I am mindful of the importance of striking a balance between enforcement that is intended to be remedial rather than punitive, whilst maintaining public confidence in the planning system.
66. The appellant's case is that the compliance periods specified are too short a time to enable alternative premises to be identified and secured, without harming the business and considering the need to protect jobs. A period of up to 27 months is suggested to allow all of the requirements to be met.
67. I have taken into account the Council's reasons for issuing the notice and the aforementioned considerations; also the collective scale of the various materials, equipment and vehicles that will need to be relocated. I consider that raising the compliance period to twelve months to cease the unauthorised use and then up to fifteen months to fulfil the remaining requirements would be reasonable and would not result in a disproportionate burden. Accordingly the ground (g) appeal succeeds to this extent.

Conclusion

68. For the reasons given above, I conclude that the overall appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

69. It is directed that the enforcement notice is corrected by:

The deletion of the words "the erection of a building" in Section 3; and

The deletion of the word "Cease" and the substitution of the words "Cease the unauthorised mixed use of the land by ceasing" in Section 5 a); and

The addition of the words "not associated with the agricultural use of the land" at the end of Section 5 c); and

The deletion of the wording at Section 5 d) in its entirety, requiring the demolition of the unauthorised building; and

The deletion of the word ",d)" in Section 5 g).

70. It is directed that the enforcement notice is varied by:

The deletion of the wording at Section 6, describing the time periods for compliance with the notice, in its entirety and substitution of the following wording instead:

"a) For requirement 5 a): **12 months**

b) For requirements 5 b), c), e) and f): **14 months**

c) For requirement 5 g): **15 months**"

71. Subject to the corrections and variations 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.

R. Merrett

INSPECTOR