



Appeal Decision

Site visit made on 7 October 2025

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27th November 2025

Appeal Ref: APP/K0235/C/24/3345257

2 Oakfield, 126 High Street, Great Barford, BEDFORD, MK44 3LF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Joseph Policella against an enforcement notice issued by Bedford Borough Council.
 - The notice was issued on 25 April 2024.
 - The breach of planning control as alleged in the notice is material change of use of the land from agriculture to residential.
 - The requirements of the notice are (i) cease the residential use of the land (ii) remove permanently from the land all paraphernalia associated with a residential use including, but not limited to, 2no. patios, timber posts, 2no. timber arches, 1no. timber garden swing, oak gates and frames, all beds, borders and associated planting and all areas of hardstanding and pathways (iii) Remove permanently all waste and materials resulting from (ii) from the land (iv) Return the land to its condition prior to the works listed in (ii) being carried out.
 - The periods for compliance with the requirements are: i) 3 months from the date the notice takes effect ii) 3 months from the date the notice takes effect iii) 4 months from the date the notice takes effect iv) 6 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by: the deletion of the words “from agriculture” in paragraph 3.
2. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

3. The ground (a) appeal and deemed planning application was barred in this case and as such, the planning merits of the development do not fall to be considered (this includes issues relating to the character and beauty of the countryside, biodiversity and impact on the natural environment).

Hidden ground (b)

4. A ground (b) appeal is on the basis that the matters alleged in the notice have not occurred as a matter of fact. The appellant states that the appeal site was referred to as paddock in previous planning permissions (12/01625/FUL and 18/02543/S73) and appeal decision (APP/K0235/W/3315366), and questions whether the appeal land was previously in agricultural use. However, there are no details before me regarding the previous use of the paddock land, and whether it would have been part of an agricultural planning use, and it is therefore unclear as to whether this is an incorrect description in the notice.

5. The parties accept that the appeal land was not part of the area originally granted planning permission for garden as part of the residential use. I can therefore correct the allegation to take out reference to the previous use without causing injustice to the parties. The requirements do not refer to an agricultural use but require that the residential use ceases, and do not therefore need to be corrected or varied.
6. The hidden ground (b) appeal therefore succeeds to this limited extent, and the notice should be corrected to remove the reference to agricultural use.

Ground (f)

7. The Council have stated that the purpose of the notice is to remedy the injury to amenity caused by the breach. However, the notice goes further than this and seeks to remedy the breach of planning control, which in this case was the material change of use to residential. The notice requires the residential use to cease, for all works and paraphernalia which facilitate this change to be removed from the land, and the return of the land to its condition prior to those works being carried out. Taken together these steps would remedy the breach of planning control in its entirety.
8. These requirements do not exceed what is reasonable to remedy the breach of planning control, and do not seek to achieve any more than to end the unauthorised material change of use and restore the land to its former condition. The appellant has suggested an alternative scheme but this would not remedy the breach. The pathways and grassed area which facilitate the material change of use would remain under the alternative scheme and the land would not have been restored to its previous condition or lawful use. An enforcement notice cannot be varied under section 176(1)(b) to attack the substance of the notice.
9. As there is no ground (a) appeal or deemed planning application the planning merits of the development are not part of this determination, and as such I cannot consider whether the amended scheme suggested would be acceptable in planning terms. The appeal under ground (f) does not therefore succeed.

Ground (g)

10. The appellant seeks an extension of all of the compliance periods, and says this is needed to ensure full and proper restoration and to allow for seasonal changes.
11. However, the compliance periods are staged to allow the requirements to be undertaken sequentially which allows additional time for the restoration of the site once the use has ceased and works have been removed. Given the nature and scale of the works involved, the time periods given for compliance are proportionate and the appeal on ground (g) fails.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

Zoë Frank

INSPECTOR