



Appeal Decision

Site visit made on 18 August 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 December 2025

Appeal Ref: APP/T2405/C/23/3325929

Land at Sapcote Quarry, Leicester Road, Sapcote, Leicestershire LE9 4JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr John Mac against an enforcement notice issued by Blaby District Council.
 - The notice was issued on 15 June 2023.
 - The breach of planning control as alleged in the notice is the unauthorised material change of use of the land to a use for the storage of vehicles.
 - The requirements of the notice are:
 - a) Cease the use of the land for the storage of vehicles.
 - b) Remove from the land all vehicles (including all trailers, pick-up trucks, flat bed lorries, lorry backs, lorries, vans, diggers) except those which are used for agriculture and horsiculture on the land or adjacent land.
 - The period for compliance with the requirements is: 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (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.
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Decision

1. It is directed that the enforcement notice is corrected by:
 - In section 5 b) the deletion of the words “except those which are used for agriculture and horsiculture on the land or adjacent land” and substitute instead the words “not associated with the lawful use of the land”.
2. It is directed that the enforcement notice is varied by:
 - In section 6 the deletion of the words “1 month” and substitute instead the words “3 months”.
3. Subject to the above correction and variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (c)

4. An appeal under ground (c) is made on the basis that the matters alleged in the enforcement notice do not constitute a breach of planning control. This ground of appeal is strictly concerned with matters of fact and law. It is for the appellant to demonstrate why the appeal should succeed on ground (c), with the relevant test of the evidence being on the balance of probability.
5. The appellant contends that the matters alleged in the notice do not constitute a breach of planning control as the vehicles on the land are associated with developments at or adjacent to the appeal site. In particular the appellant has referenced planning applications for the “*excavation and deposition in the existing*”

*quarry void of site derived overburden material*¹, the “*discharge of condition 3 attached to planning permission 22/0085/FUL (details of permanent closure of existing access to east of Mill House)*”² and “*the construction of new replacement dwelling and associated works and demolition of existing dwelling*”³.

6. At the time of my site visit there were a number of vehicles at the appeal site, including lorries, lorry trailers, vans, and a horsebox. Although not attacked by the notice, I also observed various other building materials and paraphernalia on the site including bricks, blocks, and tiles. This is very similar to what can be seen on the photographs provided by the Council which were taken during their visits to the appeal site in March, May, and June 2023.
7. Most of the vehicles at the appeal site, both at the time of the Council’s site visits and my own visit, are not those which you would associate with construction works. The vehicles on site are primarily articulated lorry trailers, rigid lorries, and vans which are commonly used for the transportation of goods (often in bulk) by road. I find it improbable that these vehicles would be required in association with developments such as the excavation and deposition of materials, or the construction of a new dwelling and vehicular access. Certainly, there is no credible evidence before me to indicate that those vehicles were required and used for that purpose.
8. It was also apparent from my site visit that the new dwelling and vehicular access fronting Leicester Road were now complete. Whilst I acknowledge that these developments may explain why building materials remain on the appeal site, it does not explain why the various lorries, lorry trailers, and vans remain.
9. Furthermore, from the information available to me, the planning application for the “*excavation and deposition in the existing quarry void of site derived overburden material*” at the adjacent former quarry has not yet been determined by Leicestershire County Council. Part 4, Class A, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) permits “*the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land*”.
10. However, Part 4, Class A.1(b) of the GPDO states that development is not permitted if “*planning permission is required for those operations but is not granted or deemed to be granted*”. As a result, the temporary use of land at the appeal site for the provision of plant or machinery required in connection with those works would not be permitted in any event.
11. The appellant also contends that the vehicles are not “stored” on the land but are “parked” in connection with the developments at or adjacent to the appeal site. In support of this, reference has been made to the Court of Appeal judgement of *Hickmet*⁴, which related to car parking and drew a distinction between storage and parking. In summary, parking means leaving a vehicle while it is in current use, whether that is for short or long term. Storage takes place when something is put away for a period of time because its use is not contemplated in the short term.

¹ Leicestershire County Council Ref: 2022/CM/0144/LCC

² Blaby District Council Ref: 23/0074/DOC

³ Blaby District Council Ref: 23/0699/FUL

⁴ *Crawley Borough Council v Hickmet Limited* [1998] 75 P & CR 500

12. For the reasons set out above, I have found that it has not been demonstrated that the vehicles are required in connection with any developments taking place at or adjacent to the appeal site. In my view, the nature of the heavy commercial vehicles stationed on the site is also distinct from the parking of a car whose use is generally accepted to be contemplated every day.
13. In this case the appellant has not provided details regarding how frequently these vehicles will be in use or away from the appeal site “on the road”. There is also no information before me regarding what purposes the vehicles are used for, if or when they leave the appeal site. Indeed, the evidence indicates that many of the vehicles that were on site in 2023 were still present at the time of my site visit, with nothing before me to demonstrate that they have left the appeal site in the intervening period and that the vehicles have not simply been put away for a period of time. I am therefore satisfied, as a matter of fact and degree, that the vehicles are being stored on the land and that this amounts to a material change of use
14. To conclude, there is no planning permission granted by the local planning authority for the material change of use alleged in the enforcement notice, and that material change of use is not permitted under any provision of the GPDO. Accordingly, a breach of planning control has occurred, and the ground (c) appeal fails.

Ground (a) – the deemed planning application

15. The main issues are the effect of the development on:

- The character and appearance of the area; and
- The living conditions of occupiers of nearby residential properties, having particular regard to noise and disturbance.

Reasons

Character and Appearance

16. The appeal site is located a short distance to the east of the village of Sapcote and is immediately adjacent to a disused quarry on the northern side of Leicester Road. The site itself comprises a gated yard area which is surfaced with stone, two storage containers, and a steel framed barn which is open to one side. The site is accessed via an existing vehicular access on Leicester Road which is situated next to a residential property known as Mill Bank. Except for the disused quarry itself, the appeal site is otherwise surrounded by open fields which contributes to the rural character of the area.
17. The appeal site is also located within the Stoney Stanton Rolling Farmland Landscape Character Area as identified in the Blaby Landscape and Settlement Character Assessment (January 2020) (BLSCA). The BLSCA sets out that the landform is gently rolling, with the land use predominantly arable agriculture with some grazing land present. The BLSCA also identifies that the area retains a robust rural character.
18. The available evidence indicates that the lawful use of the appeal site is partly agricultural and partly horiculture. I acknowledge that both these uses are likely to necessitate the presence of vehicles on the site, such as tractors and horse boxes. These types of vehicles though are a common site within rural settings.

19. Within the site now is a somewhat haphazard storage of a significant number of large vehicles, including lorries, articulated lorry trailers, and vans, within a relatively confined space. This adds visual clutter to what was previously a largely undeveloped part of the countryside, and consequently the appeal site conveys an industrial character. This reads as a visual intrusion into the countryside which adversely affects the rural character of the area.
20. The appeal site is set back some distance from Leicester Road which, along with the presence of boundary hedging, means that views into the site from the highway are well screened. Nevertheless, given the gently rolling landform and open nature of the surrounding land, longer distance views into the site and views from nearby residential properties will be possible. The achievement of good design is not limited to only the aesthetic appearance, but also its integration into the character of the area. In this instance, the storage of a significant number of large vehicles is at odds with the prevailing character of the area.
21. For the reasons set out above I conclude that the development causes harm to the character and appearance of the area. The development conflicts with policies CS2 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (adopted February 2013) (CS), Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (adopted February 2019) (DPD), and Policy FV6 of the Fosse Villages Neighbourhood Plan (June 2021) (FVNP). These policies seek, amongst other things, to ensure that developments protect the important areas of the districts landscape and are in keeping with the scale, form, and character of its surroundings.

Living Conditions

22. The nearest residential properties are Mill Bank and Rosemount, which are located a short distance to the south and east respectively. The Council consider that due to its countryside location, the vehicle movements associated with the storage use results in noise and disturbance which causes harm to the living conditions of occupiers of nearby residential properties.
23. The vehicular access to the site runs adjacent to Mill House. Whilst I appreciate that there may have been some disturbance caused by highway movements when the vehicles were first brought to the site, there is no substantive evidence that the appellant's ongoing use of the site is causing any undue harm by way of noise and disturbance.
24. There is of course the potential for an unregulated storage activity to cause noise and disturbance, for example through vehicle movements during unsociable hours. However, I find no reason why that could not be prevented through the imposition of appropriate planning conditions.
25. I therefore find that the matters alleged in the notice do not cause harm to the living conditions of occupiers of neighbouring residential properties. Accordingly, in relation to this main issue, there is no conflict with policies CS2 and CS18 of the CS, Policy DM2 of the DPD and Policy FV6 of the FVNP. These seek, amongst other things, to ensure that developments do not have a significantly adverse effect on the amenities of residents in the area, including through noise pollution.

Planning Balance and Conclusion on ground (a)

26. Whilst I have found that the development does not result in harm being caused to the living conditions of occupiers of nearby residential properties, it is harmful to the character and appearance of the area. The development therefore conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the harm identified and the associated development plan conflict.
27. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) fails and the deemed planning application is refused.

Ground (f)

28. An appeal on ground (f) is that the steps required to be taken exceed what is necessary to remedy the breach of planning control, or as the case may be, the injury to amenity. The notice seeks to remedy the breach of planning control by requiring the cessation of the unauthorised use and the removal of the associated vehicles.
29. The appellant contends that the steps required to be taken are excessive as the vehicles on site are required in connection with the lawful agriculture and horsiculture use, as well as construction works at and adjacent to the site. This is essentially a repeat of the appellant's arguments made under ground (c) above.
30. I have concluded in the ground (c) appeal that the vehicles stored on the site are not required in association with the developments referred to, and furthermore, that the storage of vehicles on the land amounts to a material change of use and a breach of planning control. It is clear from the requirements of the notice that the Council only seeks to target those vehicles not associated with the lawful use of the land.
31. Requirement b) in section 5 of the notice states that all vehicles should be removed from the land "*except those which are used for agriculture and horsiculture*". The land which benefits from planning permission⁵ for the "*Change of use of agricultural land to horsiculture....*" does not encompass the full extent of the land to which the enforcement notice relates. I therefore consider that this point can be clarified, without causing injustice, by amending the wording so that it reads "*vehicles not associated with the lawful use of the land*".
32. Consequently, the steps required by the enforcement notice do not exceed what is necessary as the notice does no more than seek to remedy the breach. No lesser steps have been drawn to my attention by the appellant, nor are there any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice. As a result, the appeal on ground (f) fails.

Ground (g)

33. An appeal on ground (g) is that the time given to comply with the requirements of the notice is too short. The notice specifies a period of one month after the notice takes effect.

⁵ Blaby District Council Ref: 18/1096/FUL

34. The appellant argues that the period for compliance should be extended to facilitate works associated with planning permissions and a pending planning application, at or adjacent to the appeal site. The appellant though does not specify a proposed alternative compliance period.
35. As set out earlier in this decision the approved vehicular access and new dwelling were complete at the time of my site visit. Although the planning application for the “*excavation and deposition in the existing quarry void of site derived overburden material*” at the adjacent former quarry has not yet been determined by Leicestershire County Council, there is no credible evidence before me to suggest that the vehicles stored at the appeal site are required for that purpose. It is also impossible for me to know whether that application will be approved, and if so, by what date.
36. Whilst the appellant has not stipulated an alternative compliance period, it is clear to me that finding an alternative site to accommodate the type of vehicles stored on the land, and the process of physically moving the vehicles, could potentially not be straightforward. I am also mindful that the harm resulting from the breach of planning control should be remedied as soon as possible.
37. With that in mind, I consider that a compliance period of three months would be more appropriate, and in my view strike the appropriate balance and represent an appropriate and reasonable compliance period. Accordingly, the appeal on ground (g) succeeds to that extent.

Other Matters

38. The appellant contends that it was not expedient for the Council to issue the enforcement notice. The power to serve an enforcement notice is discretionary and must be exercised with regard to any material considerations. Subsection 172(1) of the 1990 Act requires that it must appear expedient to the local planning authority to issue the notice. Section 1 of the notice clearly states this to be the case here.
39. The courts⁶ have held that any challenge to whether it was “expedient” for the Council to issue the enforcement notice must be pursued by way of judicial review. Inspectors have no jurisdiction to determine whether the local planning authority complied with section 172 in this regard. Therefore, the appellants contention that it was not expedient for the Council to issue the notice is not a matter before me in this appeal.

Conclusion

40. For the reasons given above I conclude that the appeal does not succeed, save for ground (g). I have therefore upheld the enforcement notice with a correction and variation, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Jones

INSPECTOR

⁶ Britannia Assets v SSCLG & Medway Council [2011] EWHC 1908 (Admin)