



Appeal Decision

No Site Visit Made

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/Q3060/C/25/3369740

Land North East of 255 Sneinton Dale, Nottingham

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Mohammad Khan against an enforcement notice ("EN") issued by Nottingham City Council.
 - The EN was issued on 18 June 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, changed the use of the land to storage and sale of cars ("the unauthorised development").
 - The requirements of the EN are to: Cease all operations related to car sales and storage, remove all cars and associated infrastructure from the land, and restore the land to its original condition.
 - The period for compliance with the requirements is: Within three calendar months from the date on which the EN takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:
 - *the deletion of the words "Without planning permission, changed the use of the land to storage and sale of cars ("the unauthorised development")"; and their substitution with the words "Without planning permission, the material change of use of the land to the storage and sale of cars ("the unauthorised development")" in section 3 of the EN; and*
 - *the deletion of the words "Cease all operations related to car sales and storage, remove all cars and associated infrastructure from the land, and restore the land to its original condition"; and their substitution with the words "Cease the material change of use of the land for the storage and sale of cars and restore the land to its original condition" in section 5 of the EN;*
2. Subject to the correction and variation, the appeal is dismissed and the EN is upheld.

Preliminary Matter

3. The planning merits of the development are not relevant to an appeal under grounds (f) and (g). A site visit was therefore not necessary as it would not help me reach a decision. Therefore, I advised both parties of my intention to determine the appeal without a site visit.

Appeal on Ground (f)

4. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any

breach of planning control or any injury to amenity which has been caused.

5. For a change of use to amount to development there must be a material change in the character of the use that the land is being put to. Therefore, the alleged breach of planning control is “...*the material change of use of...*” (my emphasis) rather than “...*changed use of the land...*” Therefore, section 3 of the EN must be corrected in this regard. Both parties’ cases are based on the allegation amounting to development. No injustice would therefore arise from this correction.
6. The breach of planning control (as amended) and the requirements should refer to the same development. Therefore, the requirements in section 5 of the EN should be varied to “*Cease the material change of use of the land...*”. As this variation is for precision, I am satisfied that it would not cause injustice to either party.
7. The requirement (as varied) to “*remove all cars and associated infrastructure*” is superfluous to the requirement to cease the material change of use of the land for car sales and storage. Therefore, this part of the requirement should be deleted for precision.
8. The appellant asserts that a lesser step would be to use a smaller portion of the land for the storage and sale of cars. They consider a smaller area would not harm the living conditions of the occupiers of neighbouring properties or the character and appearance of the surrounding area. They state that this could be achieved by attaching a condition that requires the submission of a plan to agree the precise area of land from which the use could operate.
9. There is no ground (a) appeal before me, as it is barred. Therefore, I am unable to determine whether planning permission could be granted for an alternative scheme. Furthermore, the purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than ceasing the material change of use of the land and requiring it to be restored to its original condition would not remedy the breach.
10. For these reasons, the requirements (as varied) are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

11. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is three months.
12. The appellant states that the unauthorised development employs several people. They assert therefore, that three months would not provide an acceptable timeframe for employees to find an alternative source of employment/income. They therefore request a period of at least 12 months.
13. The ground (a) appeal was barred on 23 July 2025, and a s78 appeal¹ to retain the material change of use was dismissed on 19 August 2025. Consequently, the appellant and their employees have known since the latter of these two dates that the unauthorised development would have to cease and alternative employment found. Following the determination of this appeal, the employees would have a further three months to find alternative employment; a total of nearly 7 months.

¹ Appeal Ref APP/Q3060/W/25/3363438

14. To afford the appellant a further 12 months from the determination of this appeal would be akin to granting temporary planning permission, which would be unjustified.
15. Accordingly, I do not find that the 3-month compliance period afforded by the EN does not fall short of what is reasonable. Therefore, the appeal on ground (g) fails.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction and variation.

A Berry

INSPECTOR