
Appeal Decisions

Site visit made on 25 November 2025

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th January 2026

Appeal A Ref: APP/X3405/C/24/3348474

Appeal B Ref: APP/X3405/C/24/3348476

Land at 9 Chaseley Croft, Cannock, WS11 1HU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr David Stockle and Appeal B is made by Mrs Beverley Stockle against an enforcement notice issued by Cannock Chase District Council.
- The notice was issued on 25 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a solid corrugated metal means of enclosure, over one metre in height, on the boundary of the Land, fronting Chaseley Croft.
- The requirements of the notice are to:
 - (i) Reduce the height of the means of enclosure to one metre in height or less, shown as a blue bold line on the attached plan 2.
 - (ii) Remove the means of enclosure from the Land.
 - (iii) Remove all resultant materials arising from actions (i) and (ii) from the Land.
- The period for compliance with the requirements is 28 days.
- The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Summary of Decisions: The enforcement notice is quashed.

Appeal C Ref: APP/X3405/C/24/3348481

Appeal D Ref: APP/X3405/C/24/3348482

Land at 9 Chaseley Croft, Cannock, WS11 1HU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal C is made by Mr David Stockle and Appeal D is made by Mrs Beverley Stockle against an enforcement notice issued by Cannock Chase District Council.
- The notice was issued on 25 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised material change of use of Land from a residential use to a mixed use of residential and use of the Land for the storage of goods, materials and equipment (not for use in the construction of any extensions of the dwellinghouse,) to include inter alia, new and used building materials, builders goods and equipment, domestic paraphernalia, used window frames, used plastic cladding, plant and machinery and vehicles not in daily use nor taxed or insured, by the occupiers of the Land.
- The requirements of the notice are to:
 - (i) To cease the use of the Land for the storage of goods, materials, and equipment (not for use in the construction of any extensions to the dwellinghouse,) including: inter alia, new and used building materials, builders goods, and equipment, domestic paraphernalia, used window frames, used plastic cladding, plant and machinery, and all vehicles not in daily use, by the occupiers of the Land.
 - (ii) To remove from the Land all goods, materials, and equipment (not for use in the construction of any extensions to the dwellinghouse,) including: inter alia, new and used building materials, builders goods, and equipment, domestic paraphernalia, used window frames, used plastic cladding, plant and machinery, and all vehicles not in daily use by the occupiers of the Land.
- The period for compliance with the requirements is 28 days.
- The appeals are proceeding on the grounds set out in section 174(2)(c) and (d) of the Town and Country Planning Act 1990 (as amended).

Summary of Decisions: The appeals succeed in part, but otherwise the appeals fail and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decisions.

Procedural Matters

1. Appeals A and B relate to a notice alleging the erection of a means of enclosure, while Appeals C and D concern an alleged material change of use from residential use to a mixed use of residential and the storage of goods, materials and equipment. To avoid duplication, I have dealt with the appeals in one decision letter as they concern the same site, are made by the same appellants and the issues are linked.
2. The submission of the main parties and neighbouring occupiers refer to the effects of the alleged developments on the character of the area and parking availability, amongst other things. I also note references to the appellants' personal circumstances and their dissatisfaction with the Council's handling of the case. However, these matters have no bearing on the legal grounds of appeals that are before me, which are determined based on the evidence presented.
3. The previous enforcement notice on this site dated 7 August 2013 concerned a material change of use of the land to a mixed use as a residence and the storage of vehicles/parking of commercial vehicles. It is not within the remit of the appeals to revisit that notice.
4. There is a suggestion of a 'hidden' ground (b) appeal, in relation to Appeals C and D, in the appellants' final comments. I have dealt with this as part of the ground (c) appeals as the matters are closely related.

Appeal A and B – The Notice

5. The alleged means of enclosure comprises solid corrugated panels and a gate. It sits on the inside of a garden wall which runs along the north eastern boundary of the site. It is not permanently affixed to the ground but is stabilised by moveable block feet.
6. In this case, there are defects with the enforcement notice, with the first being that the requirements at section 5 state that the appellant is required to (i) Reduce the height of the means of the enclosure to one metre in height or less, (ii) Remove the means of enclosure from the Land, (iii) Remove all resultant materials arising from actions (i) and (ii) from the Land. It is unclear whether steps (i) and (ii) are alternatives as there is no 'either/or' option, and requirement (iii) indicates that both steps need to be carried out. It could be inferred from this that the appellant is required to reduce the height of part of the fence and remove a different section of it entirely, but this is unclear. I wrote to the Council to seek clarity on their intentions in this regard, but no response was received.
7. Therefore, the requirements of the notice are vague and ambiguous. They do not tell the recipient with reasonable certainty what needs to be done to remedy the breach. Moreover, the blue line on the plan attached to the notice does not correctly identify the position of the means of enclosure. It is not positioned just outside the boundary of the site, as shown on the plan, but is on the inside of the site boundary.
8. Under s176(1) of the Town and Country Planning Act 1990 (the Act), an Inspector may correct any error, defect or misdescription in an enforcement notice provided that will cause no injustice to the appellant or the Council. If injustice would be caused, the notice will be not correctable and invalid.

9. I have considered whether I can correct or vary the requirements, but I am concerned that altering the requirements could alter the Council's intentions and/or widen the scope of the notice. Requirement (i) would effectively grant planning permission for a one metre high solid corrugated metal enclosure by virtue of s173(11) of the TCPA 1990, but if I were to remove this requirement at this stage it would cause injustice to the appellants.
10. For these reasons, I find the requirements of the notice to be unclear. It is not open to me to correct the errors since injustice would be caused were I to do so. Therefore, the enforcement notice is invalid and will be quashed. In these circumstances, the appeals on ground (c) do not fall to be considered. I note that this does not prevent the Council from issuing a new notice under the provisions of s171B(4) of the Act.

Appeals C and D

Ground (b) and (c) appeals

11. The appellants' evidence refers to a hidden ground (b) appeal, which is that the matters alleged in the notice have not occurred. However, there is little evidence to support that contention. They acknowledge elsewhere that materials, machinery and equipment are stored on the site and the Council's evidence including submitted photographs show some of these items on the site before the date of issue of the notice. I am satisfied that a mixed use of residential and storage was taking place within the planning unit and therefore that the breach of planning control had occurred as a matter of fact. Therefore, the appeals on ground (b) fail.
12. To succeed on ground (c), the appellants must show that the matters alleged in the notice, as corrected, do not constitute a breach of planning control, with the relevant test being the balance of probability.
13. The appellants' case under ground (c) is that the storage use does not constitute a breach of planning control as the items stored are for use in construction of the extension and alterations granted planning permission in 2018 and 2019.
14. Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) sets out permitted development rights for temporary buildings and structures. These include '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.' Development is not permitted where planning permission is required for those operations but is not granted or deemed to be granted. The provision is therefore intended to provide buildings and structures that are temporarily required for the duration of operations. Whilst Class A does not provide a time scale for when the rights apply, as it relates to temporary provision it cannot mean that items are allowed to remain indefinitely.
15. I observed during my site visit that various building materials, rubble, window frames and plastic cladding are stored in different parts of the site. There were also various pieces of plant and machinery including a skid-steer loader, dumper and concrete mixer. The Council contends some of the materials, plant and equipment stored were not going to be used for construction of the extension but

are associated with the appellants' building business, which the appellants dispute. It appeared to me that some of the materials had been removed from the dwelling itself, and that others are intended for use in construction of the extension. However, given the extensive storage of materials and equipment on the site and the poor condition of some of the materials, I consider it unlikely that all of these will be for the purposes of constructing the extension and alterations to the house. Even if some works are on-going, it seems to me that the level of storage exceeds what is reasonably required in the circumstances. In any case, the storage of materials is not permitted under Class A as this does not refer to materials.

16. There is no dispute that works to implement the planning permission commenced within three years of the date of the consent. It is also not disputed that materials, plant and machinery are needed for the construction. However, these were brought onto the site in 2018 and have been stored since then. It was evident during my site visit that some works to the property have been undertaken but little progress has been made on construction of the extension and there is no time scale for its completion. I note the appellants' intention to remove the machinery and materials from the site following completion of the works. I also sympathise with their personal circumstances which have caused delays to construction. However, the length of time the materials and equipment have been stored does not indicate that they are related to operations that are temporary in nature, and is not justified by the approved extensions and alterations, which are unlikely to be of particularly complex construction.
17. The storage is therefore not reasonably required temporarily for the duration of operations being carried out on the land, and is not permitted under Part 4, Class A of the GPDO. It represents a material change of use to a mixed use of residential and storage for which planning permission is required but has not been obtained.
18. The allegation of the notice refers to domestic paraphernalia. The Council has not specified what it is meant by this term, but in general terms I would associate it with the residential use of the property. The reference to vehicles not in daily use nor taxed or insured appears to relate to the two Land Rovers parked on the driveway. It is unclear why the Council consider the parking of these private vehicles, even if they are not taxed and insured, to constitute a breach of planning control. The appellants intend to refurbish for future use, they are not in commercial use and are distinct from the storage of goods, materials and equipment associated with construction. Based on the evidence, I find that the storage of domestic paraphernalia and the small number of vehicles is incidental to the lawful residential use and does not represent a breach of control. Accordingly, I shall vary the allegation and requirements by deleting domestic paraphernalia and vehicles. No injustice would be caused by correcting the notice in these respects.
19. I conclude that the ground (c) appeals succeed insofar as the domestic paraphernalia and vehicles are concerned. However, the appellants have failed to demonstrate on the balance of probabilities that the alleged breach of planning control, as corrected, relating to the mixed use of residential and the storage of goods, materials and equipment does not represent a breach of planning control, and the ground (c) appeals fail in this regard.

Ground (d) appeals

20. An appeal on ground (d) is that, at the date when the notice was issued, it was too late to take enforcement action against the matters stated in the notice. In order for the appeals to succeed on this ground it has to be shown that the alleged mixed use of residential and storage of goods, materials and equipment commenced more than ten years prior to the date of the notice, that is, 25 June 2014. The test for the evidence is the balance of probability.
21. The appellants' case under ground (d) is that the motor vehicles have been kept on the site since 2010 and are therefore immune from enforcement action. I have already determined that these do not constitute a breach of planning control.
22. In relation to the allegation, as corrected, the officer's investigation of the site in 2011 and 2013 referred to complaints about the occupier operating their building company from the site and the storage of building materials. There was no indication that the Council considered this to be a material change of use. The previous enforcement notice issued in August 2013 alleged a mixed use as a residence and for the storage/parking of commercial vehicles. It did not refer to the storage of goods, materials and equipment, which indicates that the site was not being used for that purpose at the time.
23. There is no substantive evidence before me to show that the mixed residential and storage use, as corrected, had occurred by 25 June 2014 and continued uninterrupted thereafter for a ten year period. Instead, the appellants have acknowledged that "The materials and machinery have been purchased for the build, for which planning permission was obtained...and has been underway since August 2018". The Council's evidence also indicates that the goods, materials and equipment were brought onto the site to implement the 2018 planning permission. Therefore, the storage use enforced against cannot be immune from enforcement action due to the passage of time.
24. For these reasons, I am not persuaded that the evidence before me demonstrates, on the balance of probability, that the storage of goods, materials and equipment has been in place for the requisite length of time, prior to the enforcement notice being issued. Consequently, the appeals on ground (d) do not succeed.

Conclusion

25. For the reasons given above, I conclude that the notice relating to Appeals A and B is invalid and should be quashed, and that Appeals C and D succeed in part on ground (c), but otherwise fail and the enforcement notice is upheld with corrections and variations.

Formal Decisions

Appeals A and B Ref: APP/X3405/C/24/3348474 and APP/X3405/C/24/3348476

26. The enforcement notice is quashed.

Appeals C and D Ref: APP/X3405/C/24/3348481 and APP/X3405/C/24/3348482

27. It is directed that the enforcement notice be corrected and varied by deleting the words 'domestic paraphernalia' and 'and vehicles not in daily use nor taxed or insured, by the occupiers of the Land' in paragraph 3 (the matters which appear to

constitute the breach of planning control) and the words 'domestic paraphernalia', and 'and all vehicles not in daily use by the occupiers of the Land' from the requirements at paragraph 5 (i) and (ii).

28. Subject to these corrections and variations, the appeals are dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR