



Appeal Decisions

Inquiry held on 9 and 10 December 2025

Site visit made on 10 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal A Ref: APP/R0660/C/25/3370340

Land at Acres Croft, Forty Acre Lane, Twemlow Green, Holmes Chapel, Crewe CW4 8DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Claire Fryer against an enforcement notice issued by Cheshire East Borough Council.
- The notice was issued on 3 July 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the unauthorised operational development comprising the erection of a building shown in the approximate position hatched green on Plan B attached to this notice and associated unauthorised operational development in the creation of an area of hardstanding shown in the approximate position hatched blue on Plan B attached to this notice.
- The requirements of the notice are to a) Demolish the unauthorised building shown in the approximate position hatched green on Plan B attached to this notice in its entirety; b) Dig out all foundations to the unauthorised building; c) Remove any services associated with the unauthorised building from the Land; d) Break up and remove from the Land the area of hardstanding hatched blue on Plan B attached to this notice; e) Permanently remove all materials and rubble resulting from compliance with a), b), c), and d) from the Land; f) Restore the Land to its former condition prior to the breach of planning control taking place, reinstating its former contours, profiles and surface treatment to match the contours, profiles and surface treatment of the agricultural land immediately adjacent.
- The periods for compliance with the requirements are: step a): 6 months; steps b), c) and d): seven months; step e) eight months; step f): nine months.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal succeeds in part and the notice is corrected to delete the relevant allegation and requirement, but otherwise the appeal fails, and the enforcement notice as corrected and varied is upheld, as set out below in the formal decision.

Appeal B Ref: APP/R0660/C/25/3370342

Land at Acres Croft, Forty Acre Lane, Twemlow Green, Holmes Chapel, Crewe CW4 8DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Claire Fryer against an enforcement notice issued by Cheshire East Borough Council.
- The notice was issued on 3 July 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the Land from an agricultural use to a residential use of the Land associated with the dwellinghouse known as Acres Croft hatched blue Plan B attached to this notice.
- The requirements of the notice are to a) Cease the unauthorised residential use of the Land; b) Remove from the Land all domestic paraphernalia, vehicles, and materials associated with that unauthorised use; c) Restore the Land to its former agricultural use, including reinstating its former contours, profiles and surface treatment to match the contours, profiles and surface treatment of the agricultural land immediately adjacent.

- The periods for compliance with the requirements are step a) one month; step b) two months; step c) nine months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (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 ground (a) appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Applications for Costs

1. Applications for costs were made by the Council and the appellants against each other. These applications are the subject of separate Decisions.

Preliminary Matters

Nullity

2. The appellant has argued that Notice A is a nullity, because of the extent of defects therein. I have concluded this is not the case, for reasons set out later in this decision letter.

Description of appeal site(s)

3. The appeal site in relation to both notices covers the same area of land. I have dealt with Appeal B (Notice B) first, as this concerns the question of the material change of use of land, and thus provides context for the operational development that is the subject of Appeal A (Notice A).
4. The appeal site forms a relatively small part of the property known as Acres Croft. This property, which is accessed from Forty Acre Lane and comprises extensive grounds, includes a large dwelling, some large outbuildings to the side and rear, and a spacious grassed area on the eastern side. The appeal site itself is situated adjacent to, and was formerly part of, this spacious grassed area. It includes a garage block, with living accommodation above, and adjacent hardstanding area, which is the subject of Notice A.

Written rebuttal evidence

5. Prior to the beginning of the Inquiry, both the appellant and Council submitted rebuttal evidence in response to the opposing party's proofs. With regard to the appellant's submission, I expressed concern that it was extensive and contained evidence relating to the occupation of the site that could have been submitted at the time of the original proof(s); and if accepted would be unfair to the Council in terms of its preparation for the event, and thus disruptive to the process.
6. At the beginning of the Inquiry, I reiterated the above concerns and that I would have expected the representations to have been made much earlier in the process, particularly as the appellant would reasonably have been aware of the onus on them to demonstrate continuity of use. I confirmed that after careful consideration I would not admit the appellant's written rebuttal evidence. However, I also reiterated the point that information not formally submitted as part of a proof of evidence could potentially be referred to as part of oral evidence given, under oath, in response to questions asked.
7. I confirmed I would admit the Council's rebuttal evidence. Whilst this also contained information relating to the chronology of occupation of the property, that

arguably could have been provided earlier in the process, the key difference was the brevity of the information submitted, comprising significantly fewer pages, in relation to which the appellant would be able to ask questions and thus would not be prejudiced.

The Oath

8. At the Inquiry all evidence was given on oath.

Appeal B on ground (d)

9. 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, 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 alleged residential use of the site had commenced at least 10 years before the notice was issued, that is by 3 July 2015, 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.
10. In accordance with s171B(3) the immunity period begins with the date of the breach. Therefore any 10-year period of continuous use before the notice date would potentially have been sufficient to accrue lawfulness. 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.
11. The evidence available to the Inquiry goes back to the 1990s. Over this time there have been four different owners of Acres Croft, including the present appellant. The Council has set out that, during the previous owner's occupation, its Council tax records show there was a period between April 2016 and November 2016 when the house was vacated to allow for renovation work¹. This break in occupation is undisputed by the appellant.
12. I am in no doubt, as a matter of fact and degree, that this period of approximately seven months represented a significant break in the continuity of residential use of the appeal site; a period when the Council would have been unable to take enforcement action. Once the property became occupied again in late November 2016, this would have restarted the time from which the immunity period begins to be calculated.
13. The Council has referred to additional evidence which it claims indicates a further period of non-occupation at Acres Croft, of significance to the assessment². This was from September 2012 when the last but one occupier became bankrupt, leading to the house being re-possessed. Undisputed Council tax records demonstrate the same person to have been resident at an alternative address from March 2013.
14. Therefore, whilst in evidence given to the Inquiry, the neighbouring occupier, recalled the house continuing to be occupied following repossession, until the occupier's death in 2014³, I do not find this account compelling. On the balance of

¹ Council POE and Appendix 6.

² Council rebuttal proof.

³ Oral evidence of Mr D. Garner.

probability, despite the whereabouts of the occupier being uncertain immediately following the repossession of the dwelling, there was a significant break in the occupation of the dwelling from September 2012. It follows that the time for calculating the immunity period, in relation to the residential use of the appeal site, would also have been restarted after September 2012.

15. When taking into account the date of the enforcement notice, the consequence of this is that any evidence relating to the residential use of the land after September 2012 does not assist in the assessment of continuous use over the requisite immunity period. This therefore includes any evidence of use and occupancy of the property given by the appellant and her partner, as the present occupiers.
16. There is no dispute that the spacious grassed area, referred to above, was at one time used to play 'pitch and putt' on. Previous aerial photographs indicate the presence of variously sized sand bunkers on parts of this area, to help facilitate this activity. The earliest aerial photograph showing the pitch and putt layout is from April 2003. The Council's evidence is that this layout was removed between 2015 and 2017.
17. The appellant's evidence is that the pitch and putt would have been a recreation activity, incidental to the primary residential use of the land. The Council reject this assessment, finding the activity to have covered too large an area and to be too unusual a pastime, to be regarded as incidental to the residential use.
18. I have had regard to relevant case law concerning land use incidental to a dwellinghouse, as referred to by the Council⁴. Whilst I accept it would be unusual for pitch and putt to be played in a domestic garden, due to the amount of land required, I am not persuaded this means it cannot be incidental to residential use. The pastime would still facilitate enjoyment and relaxation in a residential environment, as a tennis court, swimming pool or croquet lawn might do, albeit potentially over a more extensive area. Furthermore, even if not accessed immediately adjacent to the dwelling, the available evidence suggests that use of this area was limited to the owner(s) of Acres Croft and his friends and that it did not result in a large scale influx of visitors. I am not therefore persuaded the activity was of an intensity that resulted in a noticeable impact on its surroundings, such that there was a material change to the residential character of the property. I conclude that pitch and putt was incidental to the residential use of Acres Croft.
19. I am in no doubt that the appeal site is in a location that would have been part and parcel of the overall extensive pitch and putt area, particularly when having regard to evidence given by Mr Garner regarding his first-hand experience of having played on there. It would thus have formed part of the incidental residential use of the property. In my judgment this incidental residential use would have continued so long as the house was occupied without material breaks, and thus pitch and putt was capable of being played there and even though inevitably such activity would not have been constantly ongoing. Whether continuous residential use, as indicated by the presence of the pitch and putt layout, occurred for a ten-year period up to September 2012 is therefore determinative.
20. As set out above the earliest aerial photograph of the pitch and putt is from April 2003. However, even if this area remained until 2015, as accepted by the Council,

⁴ *Wallington v SSW* [1991] JPL 942.

its existence, on the balance of probability, from at least September 2002 would need to be demonstrated to evidence the requisite continuity.

21. There is a lack of evidence to pinpoint the date when the pitch and putt area was first formed. Mr Garner's evidence was that he recalled the pitch and putt area being formed sometime between 1990 and 2000. This is a long time ago and thus understandably he could not be more specific than this. However, the extensive length of this time window speaks to significant uncertainty, and potentially a high degree of error.
22. In addition, it can be deduced from the aerial images in evidence, that sand bunkers appear to have only been formed on the land at some point from 1999 onwards⁵, thus discounting a significant portion of the time window recalled. Mr Garner was also unable to say when the pitch and putt area was last used, which compounds the point that oral evidence given is heavily qualified. Drawing these points together, the argument that the pitch and putt area had, on the balance of probability, been formed by September 2002 is not persuasive. The ground (d) appeal must fail.

Appeal B on ground (a)

Main Issues

23. The main issues are i) the effect of the material change of use on the character and appearance of the countryside and ii) the significance of the loss of agricultural land.

Reasons

Character and Appearance

24. The property is situated at the eastern extent of the small hamlet of Twemlow Green, characterised along Forty Acre Lane by large dwellings in spacious and verdant grounds. The character of the surrounding landscape to the north, south and east of the site is one of relatively flat agricultural land.
25. The parties agreed that visibility of the appeal site from public viewpoints is limited to the main road passing the front of the site, Forty Acre Lane. It was apparent from my visit that tall and dense boundary hedges serve to screen and filter views into the site. When also considering the absence of a footway, views would therefore largely be limited to fleeting glimpses by passing motorists.
26. In light of the above, I consider that in its own right, the use of the appeal site for residential purposes would not result in a sense of harm to countryside character and appearance. However, as the Council points out, Policy RUR 12 of the Cheshire East Site Allocations and Development Policies Document 2022 (SADPD) also requires the assessment to be made cumulatively with other development.
27. In terms of other lawful development, I acknowledge the main dwelling at Acres Croft is now much larger than it was originally, due to being redeveloped in recent years. Notwithstanding, I am mindful this appears to be consistent with a wider area characterised by large buildings in large plots; also that the present

⁵ Council POE Appendix 4.

unauthorised garage building will not be permitted to remain, at least in its present form. I have also taken into account the presence of the large outbuildings within grounds to the rear of the main dwelling. However, when also considering its screening, I am satisfied that change of use of the appeal site would not result in harm to the character and appearance of the countryside. Accordingly, I do not find conflict with Policy RUR 12 of the SADPD.

28. For the avoidance of doubt, my conclusion is in no way influenced by existing operational development present on the site, and which is the subject of Appeal A, considered later in my decision letter.

Agricultural Land

29. Policy RUR 5 of the SADPD is concerned with the protection of the best and most versatile (BMV) agricultural land, as defined in the National Planning Policy Framework, unless the benefits of the development can be demonstrated to clearly outweigh the loss of the land and impact is mitigated so far as possible.
30. There is no dispute between the parties that the appeal site comprises BMV agricultural land. However, the physical extent of the site, and thus the area that would be lost to potential agricultural use, is limited to some 0.03 hectares. In my judgment the economic impact that would stem from removing such a small parcel of land from agricultural production would be diminutive.
31. The Council says that whilst the impact in itself may be small, lots of small impacts can result in a big impact (the 'death by a thousand cuts' analogy). I do not easily discount this point, because it stands to reason that a change may become harmful if repeated too often.
32. However, I am mindful that the dwelling known as Acres Croft and the appeal site are part of a cohesive land assembly, in a single ownership, which from the evidence appears to have remained the case for a long time. In addition, it is undisputed the appeal site has not been in actual agricultural use for a long time, in excess of twenty years. This timescale is not an insignificant portion of a person's lifetime. These factors do not persuade me that the return of the land to agricultural use in future would be likely in practice. If land has been out of productive agricultural use for so long, the case for it being reserved for such use at sometime in the future is weakened. It seems to me that the individual circumstances of this case militate against the argument that the development could easily be repeated therefore establishing an undesirable precedent.
33. I consider the benefits of the development would essentially be realised by the private users of the property. However, when considering the limited scale of the site, and the extensive period over which it has not been in actual agricultural use, I still consider this clearly outweighs the loss of the economic and other benefits of the land. There is no suggestion that the limited scale of development would impact on agricultural land outside the appeal site itself, that would justify mitigation measures being put in place. I therefore conclude the proposal is not in conflict with Policy RUR 5.

Planning Balance

34. I conclude the development would not be in conflict with the development plan when read as a whole. On balance I find the proposed material change of use to be acceptable.

Conditions

35. I have considered the condition suggested by the Council, removing future permitted development rights in relation to the development of incidental buildings on the appeal site. I note that the appellant is opposed to the imposition of such a condition, on the basis that it would fail to meet the relevant tests for planning conditions.
36. When considering the limited scale and visibility of the appeal site, I am not persuaded that it would be necessary to impose the suggested condition in order to prevent an unacceptable sense of residential creep into the countryside.

Conclusion

37. For the reasons given above, I conclude that Appeal B succeeds on ground (a) and the deemed planning application is approved. The enforcement notice will be quashed and it follows that Appeal B on grounds (f) and (g) do not fall to be considered.

Appeal A on grounds (c) and (d)

38. The appeal on ground (c) is that the matters alleged do not constitute a breach of planning control. The appellant's ground (c) case is limited to the alleged hardstanding. It is that the hardstanding lies within the curtilage of, and is incidental to the enjoyment of, the dwelling. Therefore, they say the hardstanding would benefit from permitted development rights under Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
39. In response the Council says that the appeal site does not fall within the curtilage of the dwelling. In addition, it is the Council's case that the hardstanding does not even form a discrete development in its own right; rather that it should be regarded as forming part and parcel of the adjacent unauthorised building, both elements having been constructed as a single act of operational development. It is undisputed that the building in its present form does not meet the size restrictions to be regarded as permitted development under Part 1, Class E of the GPDO.
40. The term 'curtilage' must not be confused with the planning unit. The two will sometimes cover the same area on the ground, but that will not always be the case and does not in any event mean that they are the same thing. Curtilage should also never be confused with a use of land.
41. To assist in identifying the Acres Croft dwelling curtilage the parties have referred to relevant case law⁶. These judgments have cited three criteria that are relevant to determining curtilage, namely i) the physical layout; ii) the ownership past and present and iii) the use or function of the land or buildings past and present. The

⁶ *Burford v Secretary of State for Communities and Local Government & Anor* [2017]; *Challenge Fencing Limited v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 553 (Admin).

judgments noted that whether land falls within the curtilage is a question of fact and degree.

42. The dwelling and appeal site are within a single ownership, and have been for some considerable time. The site is in the south-western corner of the aforementioned spacious grassed area. This area was previously separated from the dwelling by a continuous boundary hedge, which by the Council's own assessment has not existed since 2016 / 2017 at the latest. Accordingly, notwithstanding the driveway, the land on which the hardstanding and building, subject to the notice, are placed, now forms part of a single enclosure with the main dwelling, and has done for some time.
43. The hardstanding and building targeted are close to the dwelling, adjacent to the east elevation, on the opposite side of the driveway. The appeal site is thus well related to the dwelling, and because of the development upon it, reads as being closely associated with the dwelling, the front door of which is a short walk away. The grant of planning permission in relation to the ground (a) appeal, subject to Notice B, ensures the use of the land for residential purposes becomes lawful and in my judgment its function will be to help facilitate the use of the dwellinghouse.
44. Therefore, when having regard to physical and functional relationship, and to the ownership of the land, I conclude as a matter of fact and degree that the appeal site is now situated within the curtilage of the dwelling.
45. However, it is the circumstances at the time the development was actually carried out, that are determinative of whether there has been a breach of planning control. Prior to being excavated the appeal site was to all intents and purposes, indistinguishable from the rest of the spacious grassed area. It could not be lawfully used so that it had a functional connection with the dwelling or served the dwelling in any useful way. On the balance of probability, I find the appeal site was not within the curtilage of the dwelling when the works were actually carried out.
46. Even if I am wrong on that point, the site could not have been developed for incidental purposes at the time the works were carried out, due to my findings on ground (d) in relation to Notice B. The ground (c) appeal therefore fails.
47. I turn to the question of whether it is correct to regard the hardstanding as a discrete operation. From the evidence, it would appear that works to complete the hardstanding and garage base were finalised in March 2021, then as result of relocation works in June 2021. I acknowledge these developments are close to one another in terms of location and timing. However, neither is dependent on the other for its existence. It seems to me that once completed the hardstanding area was then used for the parking of vehicles, whilst the construction of the garage was continued. A further important distinction is that the function of the garage(s) could be expected to be more wide ranging than the hardstanding alone. This is exemplified by the storage of a significant amount of domestic related items, in secure and dry conditions within the garages, as was evident from my visit.
48. I acknowledge the wording of the alleged breach of planning control in the notice refers to the hardstanding being associated with the garage. The hardstanding could be deemed to be associated through facilitating access to the garage(s) for parking. However, notwithstanding this, I do not consider it to undermine the aforementioned assessment. I conclude the hardstanding comprises a discrete operation.

49. As to the ground (d) appeal, this is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control. S171B(1) of the 1990 Act provides that no enforcement action may be taken in respect of any unauthorised operational development after the end of the period of four years⁷ beginning with the date on which the operations were 'substantially completed'. The appellant's ground (d) case is also limited to the alleged hardstanding.
50. In order to succeed on this ground, in accordance with Section 171B(1) of the Act, it would therefore be necessary for the appellant to show, on the balance of probability, that the alleged hardstanding was substantially completed by 3 July 2021.
51. There is nothing to persuade me that the hardstanding area enforced against was not substantially completed as a functional hard surface in June 2021, even if it lacks a top finishing material. Accordingly, at the time the notice was issued, it would have been immune from enforcement action, such that the ground (d) appeal succeeds.

Appeal A on ground (f)

52. 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 Act and include remedying the breach of planning control (s173 (4) (a)). The 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.
53. With regard to the allegation, the objectives of the notice are to secure the removal of various unauthorised developments, including the removal of foundations and services, and therefore to restore the land to its condition before the breach took place. The purpose of the notice is therefore to remedy the breach of planning control.
54. The appellant's ground (f) appeal is made for several reasons. Firstly, they say that if the hardstanding succeeds on grounds (c) or (d) the requirements of the notice would need to be amended accordingly. I agree, and am satisfied that the wording of the allegations and requirements may be amended to omit reference to the hardstanding, without resulting in prejudice to the appellant. For the avoidance of doubt, it follows that the appellant's argument the notice is a nullity⁸ because it requires these amendments, and is beyond correction, is not at all compelling.
55. Secondly the appellant argues that if I accept the appeal site is within the curtilage of the dwelling, as I have done in the present circumstances, then it would be possible to construct a garage with a reduced height under Part 1 Class E of the GPDO. In this context the requirements are said to be excessive, and requiring the garage to be reduced in height would be an obvious, more proportionate, alternative.
56. If there is no ground (a) appeal, and the purpose of the notice is to remedy the breach of planning control, as in this case, any lesser step that would not remedy

⁷ Insofar as it relates to breaches of planning control that have taken place before 25 April 2024.

⁸ Having regard to the so-called 'Mansi' principle and *Oates v SSCLG* [2017] EWHC 2716 (Admin).

the breach cannot, normally, be accepted through ground (f). The GPDO does not grant retrospective planning permission and therefore a building cannot be made lawful through being amended to accord with the GPDO.

57. Furthermore, reducing the height of the garage would very likely result in the loss of living accommodation within the roofspace of the structure. A structure modified in line with GPDO requirements would not necessarily meet the aspirations of the appellant with regard to living accommodation.
58. Moreover, there has been a lack of evidence presented to persuade me the garage is sited so as not to be forward of the principal elevation of the dwelling. I was also unable to clarify this point from observations made during my visit. Therefore, bringing the structure in line with the limitations of the GPDO may require it to be demolished and re-built, rather than simply reduced in height. Modifying the structure in line with GPDO requirements would thus not constitute an 'obvious' alternative and requiring this to be done would not give the appellant sufficient certainty. I conclude that in this context the requirements are not disproportionate.
59. Thirdly the appellant is dissatisfied with the specific wording of requirements b), c), e) and f). They say it is excessive to require the foundations to be dug out, and to remove materials permanently; that it is unclear as to which 'services' should be removed and overly onerous to require reinstatement of the former land form and surface treatment.
60. As to the requirement to dig out foundations, this would form part of the process of restoring land to its previous condition and is not therefore excessive. The same applies to the permanent removal of materials, which as the Council says could be stored elsewhere within the appellant's extensive land holding. During the Inquiry, the appellant was able to identify, without difficulty, the services provided to the garage, namely electricity, water and heating. There should therefore be no doubt as to what is meant by the requirement to remove services. It is also apparent from the appellant's representations they should have sufficient knowledge of the previous landform and surface treatment⁹.
61. With the exception of the hardstanding, the requirements of the notice serve to remedy the breach of planning control, and are not therefore excessive. The ground (f) appeal therefore only succeeds to a limited extent.

Appeal A on ground (g)

62. The appeal is that the period for compliance with the notice falls short of what should be allowed. This is based on the need to arrange for appropriate contractors to undertake the works, and for appropriate alternative storage space to be found. A compliance period of up to 18 months is therefore sought.
63. I acknowledge 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.
64. I do not envisage the Council's stated compliance periods to pose any difficulty in practice. However, it seems to me, notwithstanding the Council's concerns, that in light of the success in relation to Appeal B, it may still be possible to achieve a mutually acceptable revised building design for the garage. Notwithstanding the

⁹ Appellant Statement of Case Notice B para. 15.

outcome of the ground (f) appeal, the siting of the existing unlawful garage would at least be a material consideration in this regard.

65. I therefore consider varying the compliance periods, by allowing an additional three months would allow an opportunity to submit a planning application, for the alterations to be carried out if such an application were to prove successful, and in the alternative to make the necessary arrangements for compliance with the notice. I consider this to be a proportionate response, and the ground (g) appeal succeeds to this extent.

Conclusion

66. For the reasons given above I conclude that the appeal should succeed in part only, and the notice is corrected to delete the relevant allegation and requirements for one part of the matter the subject of the notice, but otherwise I will uphold the notice with corrections and variations, in relation to the other part.

Formal Decisions

Appeal A

67. It is directed that the enforcement notice be corrected as follows:-

by deleting the words “and associated unauthorised operational development in the creation of an area of hardstanding shown in the approximate position hatched blue on Plan B attached to this notice” in Section 3; and

by deleting the words “d) Break up and remove from the Land the area of hardstanding hatched blue on Plan B attached to this notice.” in Section 5; and

by deleting the words “, c) and d)” and substituting the words “and c)” in Section 5 e); and

by deleting the words “the Land” and substituting the words “the Land previously occupied by the demolished unauthorised building” in Section 5 f).

68. It is directed that the enforcement notice be varied as follows:-

By deleting the wording at Section 6, describing the time periods for compliance with the notice, in its entirety, and substituting the following wording instead:

“For requirement 5a) Nine months
For requirements 5b) and 5c): Ten months
For requirement 5e): Eleven months
For requirement 5f): Twelve months”

69. Subject to the above corrections and variations, the appeal on ground (d) is allowed only insofar as it relates to the creation of an area of hardstanding shown in the approximate position hatched blue on Plan B attached to the notice, on Land at Acres Croft, Forty Acre Lane, Twemlow Green, Holmes Chapel, Crewe CW4 8DU.
70. The appeal is dismissed and the enforcement notice is upheld, as corrected and varied, insofar as it relates to the unauthorised operational development comprising the erection of a building shown in the approximate position hatched

green on Plan B attached to the notice, on Land at Acres Croft, Forty Acre Lane, Twemlow Green, Holmes Chapel, Crewe CW4 8DU.

Appeal B

71. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the Land from an agricultural use to a residential use of the Land associated with the dwellinghouse known as Acres Croft hatched blue on Plan B attached to the Notice at Land at Acres Croft, Forty Acre Lane, Twemlow Green, Holmes Chapel CW4 8DU as shown on the plan attached to the notice.

R. Merrett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Milie Critchlow	Barrister
Ben Kettle	Planning Consultant
Claire Fryer	Appellant
Lee Marginson	Appellant's partner
David Garner	Local resident

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Henderson	Barrister
Deborah Ackerley	Planning Team Leader (Enforcement)

Documents submitted at the Inquiry:

- 1) Opening Submissions from Appellant and Council.
- 2) Email correspondence and Whats App messages from third party.
- 3) Email correspondence from third party.

Documents submitted following the Inquiry:

- 1) Closing Submissions from Appellant and Council.
- 2) Costs submissions and related correspondence from Appellant and Council*.

*The appellant's Costs application was submitted prior to the Inquiry.