



Appeal Decision

Site visit made on 13 January 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/Q4625/C/25/3374413

Land known as Connors Field, Church Lane, Bickenhill, Solihull B92 0DS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Thomas Connors against an enforcement notice issued by Solihull Metropolitan Borough Council.
- The notice was issued on 5 September 2025.
- The breach of planning control as alleged in the notice is "Without planning permission;
 - i) The unauthorised material change of use of the Land edged red on the attached plan, from a field with nil use to a parking area for vehicles.
 - ii) Unauthorised operational development creating a hardstanding area on the Land as area hatched green on the attached plan."
- The requirements of the notice are:
 - i) Cease the use of the Land as a parking area for vehicles, and remove all lorries, vans, trailers or associated vehicles from the Land.
 - ii) Take up and remove the hard surfaced base/parking area within the area hatched green on the enclosed plan.
 - iii) Remove the materials arising from steps i) and ii) from the Land.
 - iv) Cover the Land in top-soil to match adjoining land levels and re-seed with grass.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - *the deletion of paragraph 3.i), "The unauthorised material change of use of the Land edged red on the attached plan from a field with nil use to a parking area for vehicles";*
 - *renumber paragraph "3.ii)" as "3.i)";*
 - *the deletion of the words "i) Cease the use of the Land as a parking area for vehicles, and remove all lorries, vans, trailers or associated vehicles from the Land." In paragraph 5; and*
 - *renumber paragraphs "5.ii), iii) and iv)" as "5.i), ii) and iii)".*

Subject to the corrections and variations, the enforcement notice is upheld.

Preliminary Matters and Background

2. I undertook an access required site visit. The appellant left the gates to the appeal site open, providing me with access. I saw no-one on the Land during my visit.
3. Planning permission was granted by appeal reference APP/Q4625/W/19/3235301, on 31 March 2020, for *"the demolition and removal of existing buildings and structures and the use of land for the stationing of caravans for residential*

purposes.” I shall hereafter refer to this as the 2020 PP. Rather than encompassing the field within which the buildings and structures stood, the 2020 PP relates to a smaller area within the field, where the buildings and structures were located and providing for access. It was also the subject of conditions, which restrict the number of caravans and commercial vehicles that can be stationed/parked/stored on the land, amongst other things.

4. The appellant describes the traveller pitch authorised by the 2020 PP as plot 1, the middle pitch as plot 2 and the pitch nearest Church Lane as plot 3. For ease of reference I shall follow their numbering.

The Appeal on Ground (b)

5. An appeal on this ground is that the matter alleged in the notice has not occurred. The notice alleges a material change of use of the land along with operational development. It is for the appellant to show, on the balance of probabilities, that a material change of use of the Land to a parking area for vehicles and the creation of a hardstanding area have not occurred. The relevant test is the balance of probabilities.
6. I saw that the hardstanding has been created on the Land in the areas identified on the plan attached to the notice. The appellant does not dispute that areas of hard standing were created by 2022 as shown in the aerial image they have provided. There is therefore no dispute that the operational development creating a hardstanding on the areas hatched green in the plan attached to the notice has occurred.
7. Where a material change of use is alleged it can be helpful to identify the extent of the relevant planning unit. There is no requirement for a planning application for development to encompass an entire planning unit. The area identified by a red lined application plan in a planning application does not therefore, necessarily, identify the extent of the planning unit.
8. Having regard to the aerial imagery predating the 2020 PP and the extract of the 2020 PP layout plan provided by the Council, the red lined area clearly formed part and parcel of the field. Furthermore, there is no evidence to show that land outside the red line was used for any purpose other than incidental to the buildings and structures to which the 2020 PP related. I therefore conclude that the planning unit is the entire field, whose boundaries are defined by established hedgerows.
9. There is no dispute that the 2020 PP use was implemented and it is therefore the primary use of the planning unit. The 2020 PP does not however facilitate the use of the land outside the red lined area for any use other than ancillary purposes to the primary use. For this reason, the Land did not previously have a nil use. As there is no requirement for an allegation to identify the previous use, I am satisfied my deletion of the reference to nil use would cause no injustice to the appellant or Council.
10. A parking area for vehicles could represent a primary use of land, where that land is used as a public carpark for example. However, vehicle parking areas are usually ancillary to the primary use taking place on the land.
11. The appellant claims the land behind plot 1 is used to store his work vehicles and machinery, which is ancillary to the lawful use. The Council’s aerial imagery shows

vehicles parked in the area hatched green behind plot 1. While this parking area now has caravans stationed for residential purposes upon it, I also saw during my visit that the land beyond this hardstanding is used to store materials, machinery and domestic paraphernalia. The only means of accessing this land is through plot 1. I therefore find, on the balance of probabilities, that this area of hardstanding was used for purposes ancillary to the primary use.

12. The appellant claims vehicles on plot 2 have been stored “*pursuant to the occupant’s business activities which include buying and selling vehicles*”. If this is determinative of a primary use, that use would be the storage of vehicles and not a parking area. Given the number of vehicles that are present on plot 2 in the aerial images provided by the Council, it would seem more likely than not that their presence is for storage purposes.
13. The appellant claims that plot 3 had not been used “*for the parking of vehicles at the time of service of the enforcement notice*”. The aerial images provided by the Council only show a single vehicle on one occasion on plot 3. The photograph of plot 3 dated 5 July 2025 claims to show “*the tops of vans*” in the areas of plots 2 and 3. However of those allegedly on plot 3, I saw that the blue lorry body was on the unsurfaced land beyond plot 3. It is therefore unclear where the white van is parked in relation to plot 3. On the balance of probabilities, I therefore find that any parking of vehicles on plot 3 would have been ancillary to the lawful use of the land.
14. For the above reasons, I find that the alleged material change of use of the Land has not occurred. While there may have been a material change of use of the land to the storage of vehicles on plot 2, correcting the allegation in this form would cause injustice to the appellant as they would be deprived of the opportunity to appeal under ground (a). The material change of use element of the allegation shall be deleted.
15. The appeal on ground (b) succeeds to this limited extent. The requirements of the notice shall be varied to reflect the corrected allegation.

The Appeal on Ground (g)

16. An appeal on this ground is that the period specified in the corrected notice, namely creating a hardstanding area on the Land, falls short of what should reasonably be allowed. The appellant claims that as the Land is occupied for residential purposes a period of 12 months is required to allow enough time to find alternative accommodation so as not to make the residents homeless.
17. While matters may have moved on since the notice was issued, the notice does not relate to the use of the land for residential purposes. The corrected notice relates to the creation of hardstanding, and a period of 3 months is reasonable to facilitate its, and the subsequently produced materials, removal from the Land.
18. The appeal on ground (g) fails.

M Madge

INSPECTOR