



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 21 January 2026

Appeal Ref: APP/Y9507/C/24/3355722

Lythe Lane, Petersfield, Hampshire GU32 1AT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr George Graver against an enforcement notice issued by South Downs National Park Authority.
 - The notice was issued on 5 November 2024.
 - The breach of planning control as alleged in the notice is: A material change of use of land to create a new residential planning unit consisting of an independent residential dwelling house comprising of the conversion of an equestrian stable.
 - The requirements of the notice are: 1. Cease the use of the land for residential purposes and the building hatched black on the attached plan for the use as an independent self-contained residential dwelling house; 2. To permanently remove from the building (outlined hatched black on the attached plan) of all residential items such as all white goods and residential paraphernalia to include but not exclusive to fridges, freezer, washing machine, dishwasher, tumble dryer, televisions, microwaves, tables and chairs, settees / all furniture, beds, wardrobes, clothing, kitchen equipment facilitating the residential use of the building; 3. To permanently remove all internal fixtures and fittings including all electrical installations, heating installations, external flues, water connections, foul drainage connections internally and externally, foul waste catchment tank kitchen, bathrooms, sinks, taps, flooring, curtains and any other residential fixture and fitting that facilitates the use as a residential dwelling; 4. To remove all external windows and doors from the building that facilitate the use as a residential dwellinghouse and to restore the building to its previous condition as a stable. To remove all internal walls (and cavity insulation) and ceiling/roof insulation and internal doors from the building that facilitate the use as a residential dwelling and restore the building to its previous condition as a stable.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the Enforcement Notice (EN) is varied by:
 - At section 5.3 inserting “(except internal lighting connections)” after “electrical installations,” and inserting “(except one tap used for equestrian purposes)” after “taps,”.
2. Subject to these variations, the appeal is dismissed and the EN is upheld.

Preliminary Matters

3. There is no ground (a) appeal. Consequently, matters of planning merit that may have required a visual inspection of the building and its surroundings to assess the effect of the appeal development on, for example, the character and appearance of the area, are not before me. Furthermore, the context for determining a ground (f) appeal, which I set out below, does not require me to see the building. Consequently, I have determined the appeal without a site visit. No appeal party has been prejudiced by this course of action.

4. Misgivings expressed about the Council's approach to issuing the EN and whether it should have negotiated further about what works may be necessary as part of ceasing the residential use, are matters away from this appeal.

Reasons

5. The EN alleges, in short, a material change of use of the building into a dwellinghouse. It then requires that use to cease and for all works and features facilitating the unauthorised use to be removed. The purpose of the EN therefore is to remedy the breach of planning control under s173(4)(a) of the 1990 Act. It aims to do that by requiring the residential use to cease and by restoring the land to its condition before the breach took place. This sets the context for deciding whether the steps required by the EN to be taken, exceed what is necessary to remedy the breach. The appellant does not dispute the first step in the EN which is to cease the residential use.
6. It is appropriate in change of use ENs to require works integral to facilitating the change of use to be removed, even if those works were not development or would be permitted development. It may be the case that for rest purposes, someone attending horses at the stable may wish/need to make a hot drink, for example, or to use a toilet. However, whether having a kettle and/or microwave, and a toilet, after removing all such residential white goods and fittings which facilitate a residential use, would be acceptable in association with a stable use is not a matter for exploration in this appeal. S191 of the 1990 Act provides the scope to define whether the use of existing buildings would be lawful. The basis for that could include the proposed layout plan in the appellant's statement.
7. I can though see that horses need to drink water, and tending horses may take place when there is no natural light. Having a water supply and electric lighting, after the residential use had ceased, would be features that facilitate an equestrian use and it is therefore not unreasonable to retain them. I am though satisfied that it is reasonable for all other works and fittings to be removed as they clearly facilitate a residential use. Moreover, the EN does not target any works or features not related to facilitating a use of the building as a residential dwellinghouse anyway.
8. I intend to vary step 3 to correspond with the above finding. To this extent the appeal succeeds.

Conclusion

9. The appeal should not succeed. I shall uphold the EN with variations.

Gareth Symons

INSPECTOR