



Appeal Decision

Site visit made on 20 January 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2026

Appeal Ref: APP/M9496/C/25/3364823

Land at Cornfield Barn, Lyme Handley, Whaley Bridge, High Peak SK23 7BT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Clare Margaret Warr against an enforcement notice issued by Peak District National Park Authority.
 - The notice was issued on 19 March 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of building or other operations comprising the installation of a steel container ("the Building"), in the approximate location as shown edged green on the attached plan and the construction of a timber building ("the Pod") in the approximate location as shown edged blue on the attached plan (together being "the Unauthorised Development").
 - The requirements of the notice are to remove the Building, and the Pod, and all materials used in their construction and installation from the Land and reinstate the Land to its former condition prior to the Unauthorised Development taking place.
 - The period for compliance with the requirements is six 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.
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Decision

1. It is directed that the enforcement notice is corrected by:
 - the deletion of the words "the installation of a steel container ("the Building"), in the appropriate location as shown edged green on the attached plan and" and the deletion of the words "together being" in paragraph 3;
 - the deletion of the words "the Building, and" from paragraph 5; and
 - the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
2. Subject to the corrections the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (d)

3. In relation to a breach of planning control consisting of operational development, no enforcement action may be taken after the end of a period of four years where substantial completion took place before 25 April 2024, or within 10 years where substantial completion took place on or after 25 April 2024. On this legal ground of appeal, the onus of proof is on the appellant to make out their case and the test is the balance of probability.

Steel container ("the Building")

4. It is the appellant's case that the container was delivered to the site on the 17 December 2020 and it has remained on site in that location thereafter. In support of her case, photographs showing the container being delivered to the site and correspondence confirming the date and delivery details for the container, including an invoice for its purchase and delivery, dated 18 December 2020 have been provided by the appellant. An affidavit has also been submitted from the appellant to confirm the accuracy of those documents.
5. The National Park Authority (NPA) accept, having now seen the appellant's evidence, and in the absence of any evidence of their own that would contradict or cast doubt on the appellant's case, that the container has been on site since December 2020. Thus, having regard to the date enforcement action was taken, 19 March 2025, and the relevant time period thus being four years, they accept that the container has become lawful through the passage of time.
6. From the evidence before me, including the findings of the NPA, I conclude that the steel container is immune from enforcement action and the appeal on ground (d), in so far as it relates to "the Building", succeeds.

The Pod

7. It is the appellant's case that the ground works for the Pod were undertaken on 13 March 2021, including the laying of a level hard surface and services installed. However, the Pod wasn't delivered to site until 23 March 2021, when it was installed and completed to provide additional sleeping accommodation for the appellant's son. The appellant has submitted photographs, an invoice and delivery documents to support her case, including an affidavit to confirm the accuracy of those documents.
8. The enforcement notice was issued on 19 March 2025. Having regard to S171B of the Town and Country Planning Act, 1990, as amended (the Act), no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
9. It is the appellant's case that although the enforcement notice is dated 19 March 2025, it was not served on the appellant until 25 March 2025. Service was by post through the letterbox and by email on the evening of 25 March. It is the appellant's view that the date when enforcement action was taken for the purposes of S171B should be when the enforcement notice was actually served on and received by the appellant. In this case, that date was 25 March 2025, some six days after the enforcement notice was issued (19 March). That being the case and having regard to the date when the Pod was completed, 23 March 2025, the appellant considers that the Pod is immune from enforcement action.
10. The taking of enforcement action is the issuing of an enforcement notice where it appears to a local planning authority that there has been a breach of planning control (S172(1) of the Act). S172(3) (a) states that the service of the notice shall take place – (a) not more than twenty-eight days after its date of issue; and (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect. The issuing of an enforcement notice is clearly distinct from, and a pre-cursor to, the service of an enforcement notice. In this case the enforcement

notice was issued on 19 March 2025 and served on 25 March 2025, thus the provisions of S172(1) and S172(3)(a) of the Act have been met.

11. Having regard to the above, the relevant date in this case is 19 March 2021. The appellant does not dispute that the Pod was not on site and thus not substantially complete on that date. Thus, having regard to my finding that the date that enforcement action is taken is the date when the notice was issued, I conclude that the Pod is not immune from enforcement action. The appeal on ground (d), in so far as it relates to “the Pod”, fails.

Appeal on ground (a), deemed planning application.

12. The terms of the appeal on ground (a) are derived directly from the alleged breach of planning control set out in the notice. Having regard to my findings on ground (d), that the steel container (“the Building”) is immune from enforcement action and thus lawful, I shall correct the enforcement notice to remove “the Building” from the description of the breach. The deemed planning application thus relates solely to the construction of a timber building (“the Pod”).

Main Issue

13. The main issue is the effect of the Pod on the character and appearance of the area, including the setting of the host property and on the landscape and scenic beauty of the Peak District National Park.

Reasons

14. Cornfield Barn is a traditional vernacular former farm building, constructed in natural stone with a blue slate roof. The Barn abuts the southern side of Cornfield Road and there is a Public Right of Way (PROW) adjacent to the appeal site’s western boundary. The PROW travels south from Cornfield Road, down into the valley below. The scale, robust form and traditional materials of Cornfield Barn contribute to the cultural heritage of the National Park and to its scenic beauty.
15. The timber Pod is substantial in size and is sited close to the southwestern corner of the Barn. Although it is screened from close range views from the PROW, by both planting and the container, it is clearly visible when crossing the stile and joining the PROW from Cornfield Road. Its siting is such that when you are crossing the stile, views across the valley are obscured and dominated by the Pod. Furthermore, its scale, form and position, squeezed between the container and the corner of the Barn, detracts from the Barn’s landscape setting and from the cultural heritage qualities of this part of the National Park.
16. The Pod is constructed from timber, with plastic windows and patio style doors. Its manufactured appearance and use of materials conflict sharply with the muted natural stone, the simple lines, form and timber joinery which contribute to the traditional vernacular architecture of the Barn. Consequently, the Pod appears incongruous sited so close to the Barn and has a harmful effect on its setting.
17. I appreciate that the Pod is situated within the curtilage of the Barn. However, for the reasons given above, its incongruous appearance and siting in that location does not conserve or enhance the landscape qualities or scenic beauty of the National Park. Furthermore, in addition to the views of the Pod from Cornfield Road, the Pod is clearly visible when travelling towards Cornfield Road along the PROW from the valley below and detracts from the landscape setting of the Barn.

18. I recognise that timber Pods, such as the one the subject of this appeal, can often be used for holiday accommodation and on campsites. However, the Pod in this case is not being used for such purposes and thus does not contribute to the recreational enjoyment of the National Park. In addition, it is not sited in an area of woodland, where a timber Pod might be more reflective of its surroundings. Instead, it is situated on the side of the valley, and its design and appearance does not respond to its landscape setting.
19. I have had regard to the appellant's suggestion that painting the Pod and/or providing additional landscaping would mitigate the harm I have identified. However, painting and/or landscaping would not diminish the harm caused by the Pod's scale, siting and incongruous design/use of materials. I do not consider that conditions would overcome the harm identified and nor would a temporary permission be appropriate in this instance. Planning Policy Guidance advises on the circumstances when it may be appropriate to impose a temporary condition to limit the duration of the permission to a specific period of time. In this case, a trial run is not necessary as the development has already taken place and harm identified. The appellant suggests that the planning circumstances will have changed by the end of the temporary period as permission may have been granted for the use of the Barn as a dwelling. However, there is no certainty that planning permission will be granted by the NPA, and I understand that permission has now been refused. In any event, the Pod has already been on site for nearly four years which is a lengthy period, and with no indication during that time that the appellant intended for it to be temporary. I therefore give this consideration little weight.
20. I conclude that the Pod has a harmful effect on the character and appearance of the area, including the setting of the host property, the Barn, and on the landscape and scenic beauty of the Peak District National Park. There is conflict with the development plan, and in particular with the design, cultural heritage and landscape aims of Policies GSP1, GSP2, GSP3, L1 and L3 of the Peak District National Park's Core Strategy Development Plan Document and Policies DMC3 and DMC5 of the Peak District National Park's Development Management Policies Development Plan Document. I also find conflict with the National Planning Policy Framework which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks which have the highest status in relation to those issues.
21. For the reasons given above, and taking into account all other issues raised, the appeal on ground (a) fails.

Appeal on ground (f)

22. Section 173(4) of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and the second to remedy any injury to amenity which has been caused by the breach. In this case the purpose behind the notice is to remedy the breach of planning control.
23. The appellant's appeal on ground (f) suggests that the Pod should be granted a temporary permission and that conditions could overcome its harm. However, it can be seen from my decision on the deemed application, that I concluded that a temporary permission would not be appropriate and nor would conditions mitigate the harm.

24. There are no lesser steps available which would remedy the breach of planning control and thus achieve the statutory purpose behind the notice. The appeal on ground (f) therefore fails.

Appeal on ground (g)

25. The issue is whether the compliance period is reasonable. The appellant considers that a period of 18 months would be a more appropriate timescale, as the Pod currently provides sleeping accommodation for a family member. The appellant wishes to secure additional time to undertake all the necessary works to enable the additional conversion of the Barn to take place. However, a planning application has not been submitted for that additional conversion work and there is no guarantee that it would be granted planning permission in any event.
26. It seems to me that six months is a reasonable period of time for alternative sleeping arrangements to be found and for the Pod to be removed from the site and the notice complied with.
27. The appeal on ground (g) fails.

Overall Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Elizabeth Pleasant

INSPECTOR



Plan

This is the plan referred to in the Enforcement Notice, as corrected.

by Elizabeth Pleasant

Land at: Cornfield Barn, Lyme Handley SK23 7BT

Reference: APP/M9496/C/25/3364823

Scale: Not to Scale

