



Appeal Decisions

Site visit made on 19 January 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 10th February 2026

Appeal A and B Refs: APP/R1845/C/25/3371308 and 3371310

Land at The Worralls Pound Bank Rock Worcestershire DY14 9RF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
- The appeals are made by Mr Adrian Haigh (Appeal A) and Mrs Charlotte Haigh (Appeal B) against an enforcement notice issued by Wyre Forst District Council.
- The enforcement notice was issued on 24 July 2025.
- The breach of planning control as alleged is the material of use of the land from agriculture to use for storage purposes (Use Class B8) and the construction of a timber shed used for storage purposes together with the construction of a hardcore access track and parking/loading area.
- The requirements of the enforcement notice are to: (1) Permanently remove the timber shed and any resulting demolition material from the Land. (2) Permanently remove the hardcore used to create the access track and parking/loading area, and return the Land to its former condition as pasture, and (3) permanently cease the use of the Land for storage purposes not associated with the lawful agricultural use of the Land and remove all stored materials, waste, skips, containers, and builders' bags from the Land, that are not associated with the lawful agricultural use.
- The period for compliance with the requirements is three months.
- The appeals are proceeding on the grounds set out in section 174(2) (c) and (g) of the Act. Ground (a) is barred and the application for planning permission deemed to have been made under section 177(5) of the Act is not before me for determination.

Decisions

1. It is directed that the enforcement notice is varied by the deletion of the text “3 months” and the substitution of “6 months” in section 6 as the period for compliance. Subject to the variation, the enforcement notice is upheld.

The appeals on ground (c)

2. Enforcement action relates to a parcel of land outlined in red on the site plan attached to the issued notice. For convenient shorthand, I will refer to this area as “the appeal site”. The onus is on the appellants to make their case and show that the alleged matters do not constitute a breach of planning controls. For example, the matter alleged does not fall within the scope of s55(1) of the Act, which defines the term ‘development’ and includes the making of a material change in the use of land or building.
3. Essentially, the argument is a simple one, namely, the use for storage purposes, the construction of a timber shed used for storage purposes together with a hardcore access track and parking/loading area do not constitute a breach of planning controls. On the other hand, the Council argue to the contrary. I pause because I have detected a fundamental misunderstanding that requires my attention prior to assessing the main arguments.
4. In considering whether a material change of use has occurred that would require planning permission, the Council appears to have placed excessive weight on the details provided with the planning application (Council ref 25/0018/FUL). The appellants have argued that

application was made in response to the enforcement investigation and relates to a small part of the appeal site.

5. Making an application for planning permission does not automatically mean the appellants are now barred from arguing the matters alleged do not constitute a material change in the use of the appeal site. In a similar vein, it matters not if a Council official, however high up the chain, questions or offers an opinion as to whether a material change in use of the land has in fact occurred. In any event, the appellants do not argue that the alleged matters have not occurred as a matter of fact. On this ground of challenge, the assessment requires a matter of fact and degree judgment as to whether the definable character of the land use has changed applying statutory provisions and relevant case law.
6. I start with the planning unit, and the leading authority is the case of *Burdle*¹. Starting with the unit of occupation, the assessment turns on the concept of physical and functional separation. In *Burdle*, Bridge J (as he then was) suggested three broad tests for determining the appropriate planning unit. The assessment is a matter of fact and degree, and as a useful working rule, it should be assumed that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.
7. The Worralls is a detached property located in spacious grounds and is in residential use roughly to the north of the appeal site. The land under the appellants ownership appears to extend over parcels of agricultural land, which includes the appeal site. There are limited intervening barriers separating the residential dwelling and agricultural land. Nonetheless the latter appears to be set apart and is distinctly separate from the former. Although some of the fields are used in connection with the keeping of horses, the evidence shows the appeal site's primary use is agriculture and it is a physically separate unit. In my assessment, the appellants ownership includes land in residential and agricultural use: the latter forms a physically and functionally separate planning unit.
8. The photographic evidence collated during the enforcement investigation is particularly instructive. The appellants concede that, during the period leading to the issuing of the notice and at the date of issue, the appeal site was used for the storage of building material in connection with their business. The evidence clearly shows various parts of the appeal site was used as a depository for the keeping of plant, machinery and a diverse assortment of landscaping material and waste was stockpiled. I also observed the presence of skips, timber and metal as well as a shed and an extensive area of hardstanding, which, to my mind, facilitates access.
9. Things appear to have moved on the ground since the appeal, and the appellants maintain that the area used for storage purposes has reduced in size and the intensity of storage activity has been curtailed. Nevertheless, a considerable amount of building material has been, and is, stored on the appeal site. I consider that the use of the appeal site for storage purposes is significantly different in character to its lawful use.
10. Open-air storage of material has on-site consequences because the extent, nature and scale of the material kept for storage purposes has altered the physical layout of the appeal site and changed its appearance and layout. This is because of the extent of the hardstanding and the shed. Additionally, storage of building materials is also likely to generate off-site effects. The appeal site is screened in views from the public highway, due to the existence of dense foliage along boundaries. Nevertheless, the storage of non-agricultural plant, machinery and building material has a practical visual effect on its

¹ *Burdle and Williams v SSE and New Forest DC* [1972] 1 WLR 1207.

immediate rural settings and surroundings. Increase in comings and goings associated with delivery and collection of material is also likely to have off-site effects. All these potential planning consequences are linked to the primary storage use of the appeal site requiring assessment.

11. Drawing all the above threads together, I do not share the view that the storage use is minor or trivial, and the activity has significantly changed the definable agricultural character of the appeal site both at the date of issue and at the reduced level. As a matter of fact and degree, it is my firm view that the relevant facts establish that the extent, nature, and scale of the storage use cannot be reasonably regarded as either de minimis or incidental to any other lawful use. Contrary to the appellants submissions, I find that the alleged breach falls within the scope of the word “development” for s55(1) purposes, because the introduction of a primary storage use amounts to a material change in the use of the appeal site. Express planning permission for the alleged matter is required, and it has not been obtained. Ground (c) must fail.

The appeals on ground (g)

12. From the representations before me, it seems there is broad agreement that the nature of the work required by the notice necessitates cessation of the storage use. The appellants would need to find an alternative site. I agree with the Council that a slightly longer period would be reasonable and proportionate in the circumstances as three months is too short. I have varied the period of compliance to 6 months.

Overall conclusions

13. For the reasons given above and having considered all other matters raised, I conclude that the appeals on ground (c) fail. The period for compliance with the notice falls short of what is reasonable and I have varied the enforcement notice prior to upholding it. The appeals on ground (g) succeeds to that extent.

A U Ghafoor

INSPECTOR