



Appeal Decision

Site visit made on 3 February 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

Appeal Ref: APP/X3405/C/24/3348776

66 Sevens Road, Cannock WS12 0QA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Richard Sellers against an enforcement notice issued by Cannock Chase District Council.
 - The notice was issued on 28 June 2024.
 - The breach of planning control as alleged in the notice is the unauthorised change of use of the land from a residential use to a mixed use, comprising of a residential use and to a use for the storage of commercial vehicles in various states of disrepair, the storage of inter alia, vehicle parts, tyres, vehicle wheels, disused furniture, gas bottles and pallets.
 - The requirements of the notice are; (i) Cease the use of the land for the storage of disused commercial vehicles in various states of disrepair, the storage of, inter alia, vehicles parts, tyres, vehicle wheels, disused furniture, gas bottles and pallets; (ii) Remove from the land all disused commercial vehicles in various states of disrepair, vehicles parts, tyres, vehicle wheels, disused furniture, gas bottles and pallets; (iv) Leave the land in a clear state, disposing/relocating all materials equipment and vehicles in an appropriate approved disposal point/location.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed.

Reasons

2. 66 Sevens Road is a detached bungalow with an attached garage. Between the dwelling and the pavement to Sevens Road is a front garden and a paved driveway leading to the garage. On the driveway are two commercial vehicles, one behind the other, and on the front garden, close to the pavement, are two more commercial vehicles. Also on the front garden, at the time of the site visit, were items such as those referred to in the alleged breach of planning control and two cars in disrepair, which are not included in the breach or the requirements of the notice.

3. The Appellant maintains that all that is on the driveway and front garden, including the four commercial vehicles, relate to his residential use of the property and that, therefore, the property is not now in a mixed use and that therefore the alleged breach of planning control has not occurred. English law includes the Town and Country Planning Act 1990 (the 1990 Act). Section 55(1) of the 1990 Act states that "...‘development’, means the carrying out of building...or other operations...or the making of any material change in the use of any buildings or other land". Section 57(1) of the Act states that "Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land"; the ‘following provisions’ are not relevant.

4. The main issue in this appeal is whether there has been, as a matter of fact, a material change of use of the appeal property from residential to a mixed use of residential and the storage of commercial vehicles and other items.

5. The three vehicles close to the pavement have registration numbers BK03 GYN, PE53 GXU and FG07 WCT. The MOT for BK03 GYN expired on 2 February 2021, the MOT for PE53 GXU on 7 November 2022, and the MOT for FG07 WCT on 22 January 2020. All three vehicles are untaxed and are subject to Statutory Off-Road Notices. It would have been illegal to drive any one of these vehicles on the highway after its MOT expired. It is therefore safe to assume, in the absence of evidence to the contrary, that the three vehicles have been on the property since about the above dates.

6. The last of the three MOTs to expire was that of PE53 GXU. This vehicle is parked in front of the fourth commercial vehicle which is close to the garage. The fourth vehicle has been on the land longer than the vehicle that blocks it in, which took up the remaining space on the land which could be used for off-road parking. The residential property, since PE53 GXU was last brought onto the land, has had no off-road parking space. It was noted at the site visit that the condition of this vehicle is commensurate with it having been in its current location since its MOT expired.

7. The Council has provided two photographs of the property taken in 2020. In one photograph BK03 GYN is already in its current location and in the other that vehicle and FG07 WCT are in their current locations. In both photographs the fourth vehicle is in its current location in front of the garage. Though much dirtier, the four vehicles are now in the same state as they were in 2020. PE53 GXU was probably brought onto the land in late 2022 and there is no evidence to indicate that it has been the subject of any repair or restoration works since then.

8. Three of the commercial vehicles have been on the property for about five years and in that time no obvious work has been carried out to them. The fourth commercial vehicle has been on the property for about three years and remains in the same state. Once PE53 GXU was brought onto the property, given how close the vehicles are parked to each other and that most other space is taken up by other items, there has been no room to carry out any repair or restoration work. No commercial vehicle repair or restoration work has been carried out on the property for at least five years.

9. The appeal property had an accessible attached garage and off-road parking for two vehicles, and a front garden. The property now has an inaccessible garage, no off-road parking and no front garden. These changes, in themselves, constitute a material change in the character of the residential use of the property. Furthermore, no repair or restoration work has been carried out to any of the four commercial vehicles so they cannot be claimed to be for hobby, pastime or residential use. Consequently, it must be concluded that the four commercial vehicles are stored on the property.

10. There is no evidence to indicate that any works to any vehicles has been, or will be, carried out on the property so any vehicle parts on the property must be regarded to be stored. With regard to other items on the property, such as disused furniture, gas bottles and pallets, whether or not they contribute to the alleged material change of use would be a matter for discussion with the Council when compliance with the requirements of the notice is being carried out.

11. There has been, as a matter of fact, a material change of use of the appeal property from residential to a mixed use of residential and the storage of commercial vehicles and other items. Development has occurred for which planning permission

has not been granted. The breach of planning control set out in the enforcement notice has occurred and the ground (b) appeal therefore fails.

John Braithwaite

Inspector