



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: 20 February 2026

Appeal Ref: APP/V4630/C/24/3344208

Land situated to the South and East of Back Lane, Aldridge, Walsall WS9 0LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Steve Nar against an enforcement notice issued by Walsall Metropolitan Borough Council.
- The notice was issued on 28 March 2024.
- The breach of planning control as alleged in the notice is the material change of use of the land from an agricultural use to a use for the parking and storage of vehicles, together with equipment, parts, materials, and other paraphernalia associated with a car sales operation and vehicle maintenance, including but not limited to scrap and trailers and the associated erection of fencing and lighting columns, siting of a container, the forming of bunding and laying of hard standings.
- The requirements of the notice are 1. Permanently cease use of the land for the parking, storage of vehicles associated with a car sales operation and vehicle maintenance; 2. Permanently cease all activities ancillary to the unauthorised use at 1. above and remove all non-agricultural items, including but not limited to vehicles, parts, materials, equipment and other paraphernalia associated with the use; 3. Permanently remove from the land all structures, containers, fencing, tyres used for boundary fencing, imported mineral materials, and aggregates; 4. Permanently remove from the land all hard surfacing by the grubbing up and removal of concrete and tarmac, till the ground and return to grass by seeding; 5. Permanently remove the soil bunding along the southern and western boundary of the land and restore the site to its levels, till the ground and return to grass by seeding; and 6. Remove any waste materials generated from the activities listed in 2 – 5 from the land (to a suitable facility licenced to accept waste items) and leave the land in a clean and tidy condition.
- The period for compliance with the requirements is three (3) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (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.

Decision

1. The enforcement notice is varied by the deletion of 'three (3) months' in section 6 and the substitution instead of 'nine (9) months'.
2. Subject to the variation the appeal is dismissed, planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), and the enforcement notice is upheld.

Reasons

The ground (a) appeal

3. The appeal site is in the Green Belt. The main issues are; first, whether the use of the land is inappropriate development in the Green Belt; this requires an assessment of whether the use of the land harms the openness of the area and/or compromises the purposes of including land in the Green Belt; second, the effect of the change of use of the land on the character and appearance of the area; and third, whether the harm

caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such that very special circumstances exist in this case.

The first issue – inappropriate development

4. The appeal site has south-west and south-east boundaries to agricultural land, a north-west boundary to Back Lane, and a north-east boundary to a group of buildings that is the home of the Appellant's company, National Car Hub. Access is off the A452 Chester Road and there are many motor cars associated with the business and its staff and visitors parked around the buildings. The site was agricultural land but is now used for the parking of motor cars. Ground levels of the site have been altered, including the introduction of a steep ramp down to a building outside the site, and the spoil removed now forms wide bunds along two boundaries. About 40% of the site has been hard surfaced, and fencing and other items have been brought onto the site.

5. The hard surfaced area, in itself, does not affect the spatial or visual openness of the area. But the hardstanding facilitates the parking of motor cars and this use of the site, which extends beyond the hard surfaced area, does have a significant effect on the spatial and visual openness of the area. The bunds also contribute to the loss of spatial openness on the site. One of the purposes of including land in the Green Belt, as set out in paragraph 143 of the National Planning Policy Framework (NPPF), is 'to assist in safeguarding the countryside from encroachment'. Prior to the unauthorised works being carried out the site was a generally flat field. Now it is, principally, a surface level car park similar to those found in urban areas. The parking of motor cars is urban sprawl and in this case is encroachment into the countryside. The unauthorised works does conflict with a purpose of including land in the Green Belt.

6. The material change of use of the site does not preserve the openness of the Green Belt and does conflict with a purpose of including land in the Green Belt. The breach of planning control is inappropriate development and conflicts with policy GB1 of the Walsall Site Allocation Document (WSAD) and paragraph 154 of the NPPF.

The second issue – visual appearance of the area

7. NPPF paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. There was nothing particularly distinctive about the appeal site before the unauthorised works were carried out and the parking of motor cars commenced. But the same could be said about most flat agricultural fields and it is their collective character, as much as individual character, that should be preserved. The site is well screened but in glimpses from Back Lane the parked motor cars, given their considerable number, are incongruous in, and harmful to, the character and appearance of the area. There are no conditions that would overcome the harm that has been caused. The breach of planning control conflicts with policy GB1 of the Walsall Site Allocation Document (WSAD), saved policy GP2 of the Walsall Unitary Development Plan (UDP), and paragraph 187 of the NPPF.

The third issue – other considerations

8. NPPF paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and 'very special circumstance' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9. The business operated from the adjoining land to the site is not a type of business, car sales, that is normally found in a rural area, particularly taking into account the size of the business. This factor notwithstanding, the business does provide employment in a rural area and therefore contributes to the rural economy. But there has been no suggestion that upholding the enforcement notice would necessarily result in the failure or relocation of the business; it might be that the business and the car parking between the site and the A452 could remain, whilst the additional car parking on the site could be relocated. This consideration does not clearly outweigh the harm caused by reason of inappropriateness and to the character and appearance of the area. Very special circumstances do not therefore exist in this case.

Conclusion on the ground (a) appeal

10. The breach of planning control is inappropriate development and harms the character and appearance of the area. There are no material considerations to outweigh the harm that is being caused and very special circumstances do not exist. The ground (a) appeal thus fails and planning permission is withheld for the development that is the breach of planning control.

The ground (f) appeal

11. The Appellant maintains that the requirements of the enforcement notice are unduly onerous because a requirement requires the removal of fencing. They maintain that perimeter fencing that is the means of enclosure of the site could remain but reduced to a height, to accord with permitted development rights, of one metre where it is adjacent to a highway and two metres in other situations. But they have not identified where such fencing is located or whether it is adjacent to a highway. This is a matter that will have to be discussed with Council Officers when works of compliance are being carried out; particularly whether any perimeter fencing is, or is not, adjacent to the highway. On this basis there is no reason to conclude that the requirements of the enforcement notice are excessive. The ground (f) appeal thus fails.

The ground (g) appeal

12. Three months is an inadequate period to comply with the requirements of the enforcement notice. Nine months, as requested, is a reasonable period to fully comply with the complex and extensive requirements. The ground (g) appeal thus succeeds.

John Braithwaite

Inspector