



Appeal Decisions

Site visit made on 16 February 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 10 March 2026

Appeal A Ref: APP/L3245/C/24/3356617

Appeal B Ref: APP/L3245/C/24/3356618

Land at Caradoc Cottage, All Stretton, Church Stretton, Shropshire SY6 7JN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Philip Richmond and Appeal B is made by Ms Kathy Louise Cooper against an enforcement notice issued by Shropshire Council.
 - The notice was issued on 22 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission:
 - (i) Material change of use of the land from residential to short term holiday let accommodation comprising of 3 separate units of accommodation with associated facilities.
 - (ii) Associated operational development works to support the change of use to short term holiday let accommodation, namely the installation of decking, fencing, hot tubs, honesty shop and barbecue areas.
 - The requirements of the notice are to:
 - (i) Cease the use of the land for short term holiday let accommodation on the land marked 'Caradoc Cottage' on the attached plan. This is to include the unit marked P1 on the attached plan known as 'Caradoc Cottage' or 'Shepherd Rest'. The unit marked P2 on the attached plan also known as 'Hillside Retreat and the unit marked 'P3' on the attached plan also known as 'Caradoc Lodge.
 - (ii) Cease the use of the 'Honesty Shop' marked P4 on the attached plan.
 - (iii) Remove the timber decking, hot tub, lighting, heating and cooking facilities from the North 'principal' elevation of Caradoc Cottage marked P1 on the attached plan from the land.
 - (iv) Remove the decking and all attached features which includes hot tub, lighting and cooking facilities from the West elevation of 'Hillside Retreat' marked P2 on the attached plan.
 - (v) Remove and reduce the decking at 'Caradoc Lodge' marked P3 on the attached plan as those approved by planning permission 20/01248/FUL.
 - (vi) Demolish and remove the outbuilding marked P4 on the attached plan utilised as an honesty shop from the land.
 - (vii) All waste, materials, structures and domestic paraphernalia arising from the above operations to be removed from the land and return the land to the former condition.
 - The periods for compliance with the requirements are: 28 days for steps (i) and (ii), 24 weeks for steps (iii) to (vii).
 - The appeal is proceeding on the grounds set out in section 174(2)(e), (f) and (g) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).
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Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. Permission ref. 20/01248/FUL was granted for an application under Section 73A of 1990 Act for the erection of an outbuilding (Caradoc Lodge "P3" in the enforcement notice) to form self-contained annexe accommodation ancillary to the main dwelling, including the installation of a flue; photovoltaic panels to roof and an extension comprising of a storage shed. Due to the countryside location,

a condition was imposed to restrict its use for purposes incidental to the primary residential use of the existing dwelling on the site (Caradoc Cottage “P1” in the enforcement notice). The outbuilding has since become an independent unit of accommodation for holiday-let purposes.

3. Application ref. 23/04331/FUL for change of use of dwelling and two log cabins to holiday let accommodation was refused by the Council on 22 March 2024 and subsequently dismissed on appeal dated 24 February 2025 Ref. APP/L3245/W/24/3352360. The “log cabins” referred to include the outbuilding permitted under ref. 20/01248/FUL and another building referred to as Hillside Retreat (“P2” in the notice). This application sought permission for the development which is the subject of the enforcement notice.

Ground (e)

4. This legal ground of appeal is that copies of the notice were not served as required by section 172 of the Act. Section 172(2) provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants and sub-tenants, being an interest which, in the opinion of the LPA, is materially affected.
5. The appellants contend that the notice was incorrectly served, as the notice was served on Cathy Louise Cooper not Kathy Louise Cooper.
6. Section 329 of the 1990 Act sets out the legal framework for the service of an enforcement notice. Section 329(2) states that where a notice is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if— (a) it is addressed to him either by name or by the description of “the owner” or, as the case may be, “the occupier” of the premises (describing them) and is delivered or sent in the manner specified in subsection (1)(a), (b) or (c); or (b) it is so addressed and is marked in such a manner as may be prescribed for securing that it is plainly identifiable as a communication of importance and— (i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or (ii) it is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
7. The enforcement notice was served by recorded delivery to Philip Anthony Richmond and to “Cathy” Louise Cooper of Sunnyside, Leebotwood, Church Stretton, SY6 6LX. These were returned marked ‘addressee gone away’. A notice was posted into the post box for Caradoc Cottage situated at the start of the right of way. A further laminated notice was attached to the gated entrance of Caradoc Cottage. Both notices were addressed to the Owner/Occupier. Photographs are provided by the Council as evidence.
8. Albeit a minor typographical error, the misspelling of the name was not fatal to the service of the notice, and the notice had no material defects as to render it invalid. I am satisfied, therefore, that the notice was served correctly and that the appellants have submitted their appeal against the notice within the timeframe and have had an opportunity to argue their case fully during the appeal

proceedings. It cannot, therefore, be said that the appellants have suffered any substantial prejudice.

Ground (f)

9. An appeal on ground (f) is made on the basis that the steps required by the notice to achieve its stated purpose exceed what is reasonably necessary. Under section 173(4) of the 1990 Act an enforcement notice may have one of two purposes. They are either (a) to remedy the breach of planning control, or (b) to remedy any injury to amenity. In this case, the notice expressly identifies its purpose as that in section 173(4)(a), namely, to remedy the breach of planning control.
10. The breach comprises the material change of use of the land from residential to short-term holiday accommodation, consisting of three separate units of occupation with associated facilities. The notice also identifies associated operational development, including the installation of decking, fencing, hot tubs, an honesty shop and barbecue areas. On the evidence before me, these installations clearly serve to facilitate and support the use as three separate units as holiday accommodation.
11. The appellants consider that requirements relating to the removal or reduction of timber decking, the removal of hot tubs, lighting, heating and cooking facilities from the three units, and the removal of the outbuilding (P4) are excessive and have been applied inconsistently. They further maintain that visual harm from the outdoor additions is minimised due to siting and landscaping and that it is not unreasonable to have decking as part of a residential use.
12. However, aside from the development permitted under ref. 20/01248/FUL, there is nothing before me to indicate that these items were previously present for the enjoyment of the occupiers of the main dwellinghouse when in lawful primary residential use. I also note that the findings of the previous Inspector, who considered the decking and the various paraphernalia, subsequently listed in the notice, to be associated with the holiday-let occupation. While accepting that some domestic paraphernalia could reasonably be expected in connection with a single dwellinghouse, the Inspector observed that this would not be comparable with that ordinarily associated with three separate holiday-let units and the appeal was dismissed accordingly.
13. The appellants further contend that Caradoc Cottage (P1), as an established dwelling, could be rented out on a short-term basis as a single unit, provided it remained in residential use for part of the year, as indicated in the Council's pre-application advice. They argue that the distinction between operating the site as one overall unit and operating three separate units is minimal and therefore maintain that requirement (i) in section 5 of the notice does not appropriately reflect this distinction, instead requiring the cessation of all short-term holiday-let accommodation.
14. Whether the land could be used in the manner suggested does not form part of the matters alleged in the notice and is not a matter for determination under an appeal on ground (f). Such matters do not relate to the requirements of the notice but rather to the planning merits of the use, which may only be considered under ground (a). Where there is no ground (a) appeal, whether because no such appeal was made, the requisite fee was not paid or because the ground is

otherwise barred, as is the case here, it is not open to the appellants to introduce arguments based on the planning merits within the confines of their appeal on ground (f).

15. The purpose of the notice is to remedy the breach of planning control by requiring cessation of the unauthorised use and removal of the operational development facilitating that use. As the requirements flow directly from the allegation, they cannot be varied in such a way as to secure deemed planning permission under s173(11) for development or activities not existing at the date of the notice.
16. Where, as here, the statutory purpose of the notice is to remedy the breach, any lesser steps that would fail to achieve that purpose cannot succeed by an appeal on ground (f). The test is whether the steps specified exceed what is the minimum necessary to remedy the breach. Any lesser steps would nonetheless maintain a material change of use resulting in a continuing breach of planning control. As such, it would fail to achieve the statutory purpose of the notice.
17. Should the appellants wish to pursue alternative future uses for the site once the requirements of the notice have been fully complied with, that would be a matter for them to discuss with the Council.
18. For the reasons given above, the appeals on Ground (f) therefore do not succeed.

Ground (g)

19. An appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. I am mindful of the need to strike a balance between enforcement that is intended to be remedial rather than punitive, while maintaining public confidence in the planning system. While the appellants have not questioned the compliance period for the use to cease, they do consider that 24 weeks from the date of the notice taking effect falls short of what should reasonably be allowed.
20. This is because they consider the requirements to be somewhat unclear over exactly what is required: i.e. the extent of items to be removed at each unit and that because the construction works took much longer than 24 weeks, there would be more time required to remove them. This is particularly so if the requirement period would encompass the whole period of the winter. Given the location of the site on Caradoc Hill via a 1km unmade track, adverse weather conditions would hinder access making it difficult to comply within the time frame.
21. The steps in the notice require the decking, hot tub, heating, lighting and cooking facilities to be removed from Caradoc Cottage (P1) and from Hillside Retreat (P2). It also requires that the decking at Caradoc Lodge (P3) is removed or reduced in size to that approved by planning permission 20/01248/FUL. There is also a requirement to remove the Honesty Shop (P4) and to remove all resultant waste, materials, structures and domestic paraphernalia from the land and for the land to be returned to its former condition. These requirements are clearly stated, and I have no reason to consider that there is any uncertainty as to what needs to be done to comply with the notice.

22. Furthermore, While I acknowledge the challenges due to the access to the land, I am not persuaded that the stated period of 24 weeks would be an unreasonable amount of time to comply with the requirements to remove the listed unauthorised items. This is particularly so as the compliance period would not fall within the winter months when inclement weather may well hamper the works. Therefore, I consider that the compliance period as specified by the Council would be sufficient to undertake the required works to fully comply with the notice.
23. Accordingly, the appeals on Ground (g) do not succeed.

S A Hanson

INSPECTOR