



Appeal Decision

Site visit made on 4 March 2026

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/V0728/C/24/3345201

Land laying to the west of Spring House Farm, Hummersea Lane, Loftus TS13 4JG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Phillip Williams against an enforcement notice issued by Redcar and Cleveland Borough Council.
 - The notice was issued on 26 April 2024.
 - The breach of planning control as alleged in the notice is the unauthorised use of land for the siting of two former railway carriages within the site.
 - The requirements of the notice are to: Remove from the land the two railway carriages and any associated material and reinstate the land to its previous undeveloped state as shown edged red on the plan attached in appendix 1.
 - The period for compliance with the requirements is: 60 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

The enforcement notice

2. Before considering the grounds of appeal, I have a duty to put the notice in order, if necessary. The powers transferred to me under section 176(1)(a) of the Town and Country Planning Act 1990 as amended (“the 1990 Act”) include to correct any defect, error, or misdescription in the enforcement notice, or under section 176(1)(b), to vary the terms of the enforcement notice. In each case, the only test is whether the correction or variation would not cause any injustice to the appellant or local planning authority.
3. It is a well-established and well-known principle of the *Miller-Mead*¹ judgement that an enforcement notice must inform the recipient with reasonable certainty what the breach of planning control is and what must be done to remedy it.
4. The act of development is a *material* change of use of the land rather than the “*unauthorised use of land*” as alleged. This is easily corrected. However, the notice describes the use as “*the siting of two former railway carriages within the site*”. The siting of these structures does not amount to a use of land constituting development for the purposes of section 55 of the 1990 Act.
5. Case law² has established that, the stationing of a caravan is not a material change of use in itself. It is necessary to identify the purpose for which the caravan

¹ *Miller-Mead v Minister of Housing and Local Government* [1963] 1 A11 ER 4592

² *Wealden DC v SSE & Day* [1988] JPL 268

is sited. Although the notice does not allege the siting of a caravan, the same principle applies to the two former railway carriages that are said to constitute an *“unauthorised use of land”*. Thus, the Council has failed to identify the use or purpose of the two railway carriages.

6. Although the specific use or purpose of the railway carriages has not been identified, the alleged breach of planning control indicates that the Council considers that a material change of use of the land has occurred. Such a view is further supported by the covering letter which accompanied the notice, which referred to the *“siting of railway carriages and additional paraphernalia not ancillary with agricultural land”*.
7. Despite the above, the notice also refers to operational development with the reasons for issuing the notice stating that the alleged breach of planning control had occurred within the last four years. This timeframe would indicate that the Council considers that operational development has occurred. This is particularly confusing given the clear contradiction with the wording of the alleged breach.
8. The matter becomes no clearer when reading the Council’s appeal statement. Whilst at paragraph 7.3 the Council raise concerns that the carriages are *“to all intents and purposes now immobile”*, it is not made clear whether they are considered to constitute buildings and amount to operational development. At paragraph 8.1 the Council state that the siting of the carriages amounts to development within the meaning of the 1990 Act, however it does not identify whether that is operational development or a material change of use. Finally, at paragraph 8.2 the Council sets out that *“the LPA remain of the view that the breach amounts to the use of land”*.
9. When I visited, both railway carriages were being used for the storage of various items and paraphernalia including timber posts, a gate, horse bedding, a chair, and plastic containers. I also observed that a variety of animals were being kept (in separate fenced off areas) on the land subject of the enforcement notice. It was not clear though whether those animals were being kept for agricultural, recreation, or for some other purpose.
10. It is apparent that the enforcement notice does not describe the use taking place on the site. Moreover, the notice simply alleges a use of land for the siting of two former railway carriages which, as set out above, is the incorrect approach and the notice should specify their use or purpose. The correct approach is to establish the lawful use of the planning unit, the effect of the carriages and their use on the character of the lawful use and conclude whether there has been a material change of use. The allegation does not specify what use of land the carriages are sited for, nor that the change is material.
11. With the ambiguities referred to, I have considered whether the notice could be corrected or varied. However, correcting the alleged breach at this stage is not possible because it is not clear what the Council considers has taken place. It is not for me to speculate over what uses or purposes the Council intended to attack. Furthermore, it would not be possible for me to correct the notice without introducing matters that would either widen the scope of the notice or matters that the appellant has not had chance to comment on. Injustice would therefore arise if I were to do so. Any changes would also fundamentally affect the case the appellant may have wished to put, including other potential grounds of appeal.

12. In addition, if it is in fact the Council's view that the railway carriages constitute operational development, which again is not clear from the term "siting", then any correction to allege such development would fundamentally alter the notice and would likely have implications for the appellant's case on grounds (b), (c), and (f), and there may have also been additional grounds of appeal. Injustice would again arise.

Conclusion

13. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. There are too many uncertainties and defects, and the notice does not inform the recipient with reasonable certainty what the breach of planning control is and what must be done to remedy it.
14. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and is quashed. In these circumstances, the appeal on grounds (b), (c), and (f) do not fall to be considered.

David Jones

INSPECTOR