



Appeal Decision

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal Ref: APP/R0335/C/23/3336167

Ryehurst Stud, Ryehurst Lane, Binfield, Berkshire, RG42 5QY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Lizzie Stunt against an enforcement notice issued by Bracknell Forest Borough Council.
- The enforcement notice ("the Notice") was issued on 29 November 2023.
- The breach of planning control as alleged in the notice is described as: The planning permission 13/00843/FUL was for the "Erection of a stable block comprising 8no. stables, tack rooms, WC and wash box and menage". Condition 5 of that planning permission states that: "No artificial illumination of the menage hereby approved shall take place. REASON: In the interest of the character and appearance of the Countryside Setting."
- The requirements of the notice are:
 - 1) Remove from the Land all flood light columns and lighting from the area shown blue on the attached plan; and
 - 2) Remove from the Land all materials associated with step (1).
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended) ("the Act"). 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.

Summary of decision: The enforcement notice is quashed.

Reasons

1. Section 173 of the Act requires that an enforcement notice state the matters which appear to the local planning authority ("the LPA") to constitute the breach of planning control, to state the paragraph of Section 171A(1) within which the LPA considers the breach falls and specify the steps the LPA require to be taken. A person served with a notice must know what those matters are, and what s/he is required to do.
2. Although part of the title of the Notice states, "Breach of condition enforcement notice", Section 1 states the Notice has been issued in relation to a breach of planning control within paragraph (a) of Section 171A(1). That section relates to the carrying out of development without the required planning permission, rather than paragraph (b), which relates to failing to comply with any condition or limitation subject to which planning permission has been granted.
3. In Section 3 of the Notice, the matters which appear to constitute the breach of planning control, is not a description of a breach of planning control. It simply quotes the description of development of planning permission 13/00843/FUL and its condition 5.
4. Section 4 of the Notice explains that the Council considers lighting is a clear breach of the condition, but also refers to flood light columns. And Section 5 requires removal of flood light columns, as well as lighting.

5. Condition 5 of the planning permission does prohibit lighting. But does not prohibit the erection of lighting columns, which is operational development. On the one hand, the Notice states it relates to a breach of condition, but on the other it states it was issued under the part of the Act relating to the carrying out of development without the required planning permission. The alleged breach of planning control alludes only to the planning condition, but the reasons for issuing the Notice and its requirements also relate to the operational development of installing the lighting columns. The Notice therefore fails to specify with sufficient clarity what the alleged breach of planning control is.
6. Section 176 of the Act empowers me to correct any defect, error or misdescription in an enforcement notice, but only if I am satisfied that doing so will not cause injustice to the appellant or the LPA.
7. Were I to correct Section 1 of the Notice to refer to Section 171A(1)(b) and insert the words, "Breach of condition 5 of planning permission 13/00843/FUL" before the existing text in Section 3, that would limit the scope of the Notice to the lighting itself. It would also require me to correct Section 5 to delete the requirement to remove all flood light columns. Doing so would result in injustice to the Council.
8. On the other hand, were I to correct Section 3 to make it accord with Section 1, by deleting reference to the planning permission and condition and alleging the erection of flood light columns, that would result in injustice to the appellant. That is particularly so given that the appellant initially argued that the lighting columns had been installed in 2013 but withdrew that argument on the basis that the Council claimed those works had occurred less than 10 years before the Notice was issued. The Notice did not state whether the relevant time period(s) was four years or ten, and the appellant was therefore not afforded a fair opportunity to argue that the works had occurred more than four years ago on an appeal on ground (d). Furthermore, the necessary removal of any reference to the alleged breach of condition, and lighting itself, would also result in injustice to the Council.
9. And even if I were able to correct the Notice such that it referred to both a breach of condition and the erection of lighting columns, injustice would occur to the appellant for the same reasons.
10. The Notice is therefore invalid and cannot be corrected without injustice occurring to the Council or the appellant.

Conclusion

11. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control.
12. 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 will be quashed.
13. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) does not fall to be considered.

Formal Decision

14. The enforcement notice is quashed.

Peter White

INSPECTOR