



Appeal Decision

Site visit made on 26 February 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Appeal Ref: APP/Z3445/C/24/3343987

Land off Moor Lane, Bolehall, Tamworth, Staffordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gurpreet Singh against an enforcement notice issued by Tamworth Borough Council.
 - The notice was issued on 28 March 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, operational development comprising of the erection of a timber building with static caravan attached and formation of access track in the approximate position shown on the attached plan.
 - The requirements of the notice are to:
 - Remove the timber building and static caravan.
 - Remove the material and any associated works that have created the access track.
 - Restore the land to the condition it was in prior to the breach of planning control taking place. Namely this includes removal of all the hardcore materials associated with the alleged breach of planning control so as to cause no harm to the landscape.
 - The period for compliance with the requirements is 12 weeks.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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.
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Decision

1. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
2. Subject to the correction the appeal is allowed insofar as it relates to the access track and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the access track at Land off Moor lane, Bolehall, Tamworth.
3. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the timber building and static caravan attached and planning permission is refused in respect of the timber building and static caravan attached, on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Preliminary Matters

4. At the site visit the Council produced a new plan which they believe to more accurately show the location of the access track than the plan attached to the Enforcement Notice (EN). The appellant was provided with a copy of the plan and confirmed that he had no objections to that plan replacing the plan attached to the EN. I am satisfied that the replacement plan would not result in any injustice to any party and I shall remove the original plan from the notice and substitute it with the replacement plan.

Appeal on ground (a), deemed planning permission.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

6. The unauthorised development is associated with the appellant's smallholding/market garden, which is situated on the edge of Bolehall, Tamworth. The site lies immediately to the north of the West Coast main railway line and there are sports fields to the east which form part of Anker Valley Sports Complex.

Timber Building with Static Caravan Attached

7. It is understood that the static caravan, to which a timber building had been attached, was brought onto the site when the appellant's agricultural building was being constructed. The agricultural building is now complete and the caravan and attached timber building have been removed from the site.
8. From the evidence before me, including photographs provided to support the Council's statement of case, the caravan/timber building were sited in the northeastern corner of the smallholding, in a position away from the agricultural building. By reason of its overall form, design and location that development had an incongruous appearance which did not sit comfortably within the natural landscape and resulted in an encroachment of development into the open countryside.
9. For the reasons given above, the caravan and attached timber building had a harmful effect on the character and appearance of the area. There is conflict with Policies EN5 and EN1 of the Tamworth Borough Council Local Plan, adopted 2016 (LP) which seek to ensure that new development is designed to conserve and enhance its context and should contribute to the enhancement, restoration or regeneration of the landscape affected. I also find conflict with paragraph 187 of the National Planning Policy Framework which advises that planning policies and decisions should contribute to and enhance the natural and local environment.

Access Track

10. The access track extends from Moor Lane and runs in an easterly direction alongside the northern edge of the railway line. The track provides vehicular access to the appellant's land and agricultural building. At the time of my site visit a substantial part of the track had been dug up by the National Grid to lay cables for a solar farm being developed nearby. However, prior to those works being undertaken, the appellant had constructed/surfaced the track in crushed stone/road planings and I understand that surface will be reinstated by National Grid once their cable works are completed.
11. The appellant advises that there has always been a rough track in this location to provide access to his land, but it was rutted, muddy and had many pot holes within it. From the evidence before me, including aerial images within the Council's statement of case, it appears that historically there was a less formal track/path running along the northern edge of the railway. That track has clearly been

improved and surfaced in hardcore by the appellant, in order to provide a solid base and to provide better vehicular access to his land.

12. The track is approximately 2.5m wide and has been constructed with a hardcore base and finished in grey gravel/plannings. Whilst I appreciate that its finish is relatively stark in its appearance, the alignment and proximity of the track to the adjacent railway line, which is bounded by grey palisade fencing, minimises the visual impact of the track. It seems to me that it is reasonable and necessary for the agricultural building to be served by a means of vehicular access and the track which has been constructed is well related to existing infrastructure and does not appear as an encroachment into the open countryside. Furthermore, the track is only single vehicle width and surfaced farm tracks are not uncommon in a rural area.
13. For the reasons given above, I conclude that the access track does not have a harmful effect on the character and appearance of the area, and I find no conflict with Policies EN1 and EN5 of the LP, the aims of which are set out above.

Other Matters

14. The development the subject of this appeal is for operational development and not a use of the land. Consequently, the concerns raised by interested parties regarding the appellant's use of the land and agricultural building are not for my consideration in this appeal. Similarly concerns relating to rights of access are private/legal matters and the highway authority has not raised any concerns in relation to highway safety.
15. I understand that part of the track runs through land which is of County Biological Importance. However, no objections to the development have been raised by Staffordshire County Council Ecology team, and I note that the Council Officer's Report considered that there would be no demonstrable harm to interests of ecology or biodiversity due to the position of the access track. I have not been provided with any substantive evidence which would suggest that the access track has resulted in demonstrable harm to any sites of ecological importance.

Conclusion

16. I have found that the access track would not have a harmful effect on the character and appearance of the area. I shall therefore issue a split decision in relation to this appeal on ground (a) and grant planning permission for the access track.
17. Although a split decision will be issued, the notice will not be amended regarding the requirement to remove the access track. Section 180 (1) of the Town and Country Planning Act, 1990 as amended (the Act) provides that: 'Where, after service of a copy of any enforcement notice, planning permission is granted for any development carried out before the grant of planning permission, the notice shall cease to have effect so far as inconsistent with that permission.'
18. Thus, the notice will cease to have effect with regard to the removal of the access track and requirement to remove all the hardcore materials associated with it.

Overall Conclusion

19. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for the access track. Otherwise, I shall uphold the notice with a replacement plan and refuse to grant planning permission for the timber building with static caravan attached. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act

Elizabeth Pleasant

INSPECTOR

Plan

This is the plan referred to in this decision dated: 18th March 2026

by Elizabeth Pleasant

Land at: Land off Moor Lane, Bolehall, Tamworth, Staffordshire

Reference: APP/R0660/X/25/3374247

Scale: Not to Scale

