



Appeal Decisions

Site visit made on 26 February 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2026

Appeal A Ref: APP/F4410/C/24/3349667

Appeal B Ref: APP/F4410/C/24/3349668

7 Pony Paddocks, Hall Villa Lane, Tollbar, Yorkshire, DN5 0LB

- The appeal are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeals A and B are made by Mrs A Marshall and Mr A Marshall respectively against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The notice was issued on 12 June 2024.
- The breach of planning control as alleged in the notice is without planning permission an unauthorised extension of the Land to include additional garden space to include the laying of hardstanding and placing of domestic paraphernalia, encroaching into the Green Belt beyond the current Gypsy and Traveller site allocation resulting in a material change of use from Green Belt to domestic garden associated with the residential use of Plot 7. on the Land.
- The requirements of the notice are (i) To cease the residential use of the land shown marked "A" in blue and "B" in green on the Plan including the removal of domestic paraphernalia. (ii) To remove the gravel hardstanding from the area marked "A" on the plan in its entirety and restore the land to its former condition by reseeding with native grass seed. (iii) Following compliance with steps (i) and (ii) above, to permanently remove the resultant materials from the Land.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (b), (d) and (f) of the Town and Country Planning Act 1990 (as amended) .As Appeal A has also 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 appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. It was evident during the site visit that the condition and appearance of the Land has changed since the issue of the notice, and that some of the alleged development may have been removed. However, I can only determine the appeals regarding the allegation in the notice at the date of its issue, and any subsequent development may need a separate permission or additional enforcement action if the Council decide it would be expedient.

Ground (b)

3. This ground of appeal is on the basis that the matters alleged in the notice have not taken place. The appellant argues that there has not been a material change of use of the Land to garden, and that the hardstanding constitutes operational development in its own right, and not simply to facilitate a change of use. They say

that it is therefore immune from enforcement action as it was created more than 4 years before the date of the notice.

4. There have been subsequent works to the appeal site since the issue of the notice but it can be seen from the evidence submitted in these appeals that the area shown A and B on the notice plan was covered in hardstanding, and that it was fenced at the top to divide it from the rest of the paddock and stable area. The hardstanding was an extension of the residential use on No. 7 Pony Paddocks, whether this was used for recreational garden activities such as relaxing and playing, or for the parking and storage of items associated with the residential use.
5. The material change of use has occurred, and whilst operational development which is causative of a change rather than merely facilitating it can be separate development as set out in the case of *Caldwell*¹, this is not the case here. The appellant is not sufficiently clear and precise regarding the dates that the hardstanding was laid, or that this pre-dated the material change of use to show on balance that it was not facilitative of this change of use.
6. The appeal on ground (b) does not therefore succeed.

Ground (d)

7. This ground is that the development is immune from enforcement action. There is overlap with the appellants' case under ground (b), and which is set out above.
8. I have found that the operational development facilitates the material change of use and as such the relevant time period to consider is 10 years. The appellant is not arguing that the material change of use took place more than 10 years before the date of the issue of the notice, and as such this ground of appeal cannot succeed. This includes the hardstanding which can be required to be removed as facilitating that material change of use irrespective of whether it would have had immunity as stand-alone operational development.
9. The appeals therefore fail on ground (d)

Ground (a) and the deemed planning application

10. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and relevant development plan policies;
 - The effect of the development on the openness and purposes of the Green Belt;
 - Whether the development is at risk of flooding; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

¹ *Caldwell v Timberstore Limited v SSLUHC & Buckinghamshire Council* [2024] EWCA Civ 467

11. The Doncaster Local Plan 2015 – 2035 (“the DLP”) forms part of the development plan for the area and is generally in accordance with the Framework (and which is a material consideration in itself).
12. The development for which the deemed planning application is sought is the material change of use to domestic garden. The aerial photographs provided show the appeal site had the appearance of a green field before the development and this supports the Council’s case that it was previously agricultural land which had an access road running across the area labelled B. At the date of the issue of the notice, the site had been covered in hardstanding with new fencing, and was being used as part of the residential use of No.7. The notice does not require the removal of the hardstanding from the area labelled B.

Green Belt Policy

13. The appellants argue that the appeal site is grey belt as defined in the Framework. The land may fall within the definition of grey belt, and not strongly contribute to any of the Green Belt purposes set out in paragraph 143 a), b) or d).
14. However, the appellants have not shown that there is a demonstrable unmet need for this type of development in the lack of a five-year supply of deliverable traveller sites. The exception under paragraph 155 does not therefore apply in any event.
15. The material change of use and associated hardstanding on the appeal site, is therefore inappropriate development in the terms set out in the Framework as none of the exceptions apply. It is therefore, by definition, harmful to the Green Belt.
16. In addition, the development harmed the openness of the Green Belt both visually and spatially by introducing additional fences and hardstanding, and also through the use of the site for the parking of vehicles and storage of other items associated with the residential use on No.7. Taken together this has an urbanising effect on the appeal site which harmed the openness of the Green Belt.
17. The Appellant has included an extract from Appeal Decision APP/R2330/C/10/2132557 regarding the extension of a garden. However, but the effect of development on the openness of the Green Belt is a matter of planning judgement which is dependent on the specific facts and context of the case. I have therefore given this decision little weight.
18. The harm to the openness of the Green Belt caused by the development and by reason of its inappropriateness is in conflict with Policy 1 of the DLP, and the Framework.

Flood risk

19. The appeal site is located in Flood Zone 3, and the appellant states that the surface treatments are permeable. Policy 57 of the DLP provides that all development proposals will be considered against the Framework which advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
20. Caravan sites intended for permanent residential use are classed as Highly Vulnerable development in the Framework, and a site-specific flood risk assessment should accompany all development in Flood Zone 3.

21. The appellant has referred to a site-specific assessment which was submitted as part of a development application on the adjoining site at No. 8 Pony Paddocks. However, this assessment was not for the extension of the residential use as would be the case in these appeals, but for stables. In addition, I have not been provided with a copy of that assessment to enable me to analyse the findings and recommendations.
22. Whilst a flood risk assessment needs to be appropriate to the scale, nature and location of the development the appellant has not provided the information required in a site-specific risk assessment for the actual development sought on the appeal site in the deemed planning application. It has not been possible to properly consider the flood risk and the implications of the development in this respect. The development is therefore in conflict with Policy 57 of the DLP as well as the Framework and the Planning Practice Guidance Flood Risk and Coastal Change.

Conditions

23. The appellant had suggested that the development could be made acceptable by the imposition of conditions but it would not be possible to overcome the identified harm to the openness of the Green Belt or the flood risk due to the nature of the residential change of use.

Other considerations

24. The appellant has raised the fact that other development has taken place and been permitted on the wider Pony Paddocks site. However, every development is dependent on its facts, and the permission granted for the adjoining No.8 is for use as stables which is different to a residential use when considering both Green Belt policy and flood risk.
25. The notice alleges a material change of use to residential which I have found to have occurred as a matter of fact and degree as set out above. Whilst it may be that some other use would be suitable on the appeal land, I can only consider what is before me in these appeals.
26. I therefore attach little weight to the nature of the surrounding development. The other considerations in this case do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm identified above. Consequently the very special circumstances necessary to justify the development do not exist.

Conclusion

27. The development is inappropriate in the Green Belt, and in terms of flood risk and causes harm. It is in conflict with the material development plan policies in the DLP as set out above, and the Framework and PPG which are material planning considerations. As there are not any material considerations to indicate otherwise, the ground (a) appeal fails and the deemed planning application is refused.

Ground (f)

28. The appellant argues that the removal of the hardstanding is excessive when evidence has been provided to support the fact that the operational development which does not facilitate the alleged change of use is lawful and immune from

planning enforcement. I have addressed these points earlier in this decision under grounds (b) and (d).

29. The appeal on this ground does not therefore succeed.

Zoë Franks

INSPECTOR