

## Appeal Decisions

Site visit made on 13 April 2026

**by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date 23 April 2026

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**Appeal A Ref: APP/G2435/C/24/3354291**

**Appeal B Ref: APP/G2435/C/24/3354292**

**Land adjoining the A453 Trunk Road, Green Lane, Kegworth, Leicestershire,**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - Appeal A is made by Mr Steven Scott and Appeal B by Mrs Anna Scott against an enforcement notice issued by North West Leicestershire District Council.
  - The notice was issued on 26 September 2024.
  - The breach of planning control as alleged in the notice is:
    - a) Without planning permission, the material change of use of "The Land" to a mixed use for the siting of trailers/ containers, (shown in Appendix 1, photographs 1, 2 & 3 of this notice), the siting of a caravan, (shown in Appendix 1, photograph 4 of this notice). ("The unauthorised use").
    - b) Without planning permission, the unauthorised operational development, the erection of an outbuilding on "The Land", (shown in Appendix 1, photographs 5 & 6 of this notice), the unauthorised alterations to "The land", (shown in Appendix 1, photographs 7,8,9 & 10 of this notice).
  - The requirements of the notice are to:
    - 1. Cease the use of "The land" for:
      - i. The siting of trailers/containers.
      - ii. The siting of a caravan.
    - 2. Remove from "The land", the trailers/containers, caravan and all other items and waste associated with the unauthorised use identified in this notice. (the unauthorised change of use).
    - 3. Remove from "The land", the outbuilding identified in photographs 5 & 6 in appendix 1 of this notice.
    - 4. Return "The land" to its original condition/level before the unauthorised operational development took place. (The unauthorised operational development).
  - The period for compliance with the requirements is Three (3) months.
  - Appeal A is proceeding on the grounds set out in section 174(2) (a), (b) and (c) 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.
  - Appeal B is proceeding on the grounds set out in section 174(2) (b) and (c) of the Town and Country Planning Act 1990 (as amended).
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### Decision on Appeal A

1. The enforcement notice is quashed.

### Decision on Appeal B

2. The enforcement notice is quashed.

## The Notice

3. Section 173 (1) of the Town and Country Planning Act, 1990, as amended (the Act) states that an Enforcement Notice (EN) shall state (a) the matters which appear to the local planning authority to constitute a breach of planning control; and (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls. Section 173 (2) of the Act states that a EN complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are. In this case paragraph 3 of the EN alleges:

*“a) Without planning permission, the material change of use of “The Land” to a mixed use for the siting of trailers/containers (shown in Appendix 1, photographs 1,2 & 3 of this notice)., the siting of a caravan, (shown in Appendix 1, photograph 4 of this notice) (“The unauthorised use”).*

*b) Without planning permission, the unauthorised operational development, the erection of an outbuilding on “The Land”, (shown in Appendix 1, Photographs 5 & 6 of this notice), the unauthorised alterations to “The Land” (shown in Appendix 1, photographs 7,8,9 & 10 of this notice). (“The unauthorised operational development”).*

4. The siting of trailers/containers and a caravan is not, however, a use of the Land. It is essential that an EN specifies what use of the land the caravan and trailers/containers are sited for. This is particularly important because the deemed planning application is derived from the alleged breach.
5. From the evidence before me, the appellants have stationed a container, which has been converted into residential accommodation, on the Land and they are residing within it. In addition, there are two trailers and a touring caravan being stored on the Land. One of the trailers has a container on it used as a workshop and for domestic storage ancillary to the residential use of the Land. An outbuilding/garage has also been constructed on the Land, and the outbuilding is also used for purposes ancillary to the appellant’s residential use of the Land.
6. The Council, in response to my request for information in relation to the alleged description of the breach, state that when they served the EN they did not know whether the caravan or trailers/containers were in residential occupation. They believe that the “siting” of the trailers/containers and caravan was thus the best description. However, at paragraph 3.5 of the Council’s Statement of Case they advise that during an initial site visit on 30 April 2024, Mr Scott, the appellant in Appeal A, stated that he and his wife resided on the Land in a container which he had converted into a river-house and which he intended to moor on the adjoining river bank. Furthermore, a letter from Mr Scott to his MP, which accompanied his appeal submission, also confirms that the container was sited on the land on 21 July 2024 and they were at home residing in the container when the site was visited by the Council in July 2024.
7. The Council do not appear to have served a Planning Contravention Notice, which would have enabled them to establish exactly what had/was taking place on the Land. From the evidence available, it appears that there has been a material change of use of the Land to a residential use. It is not clear, from the information I have available, as to whether the converted trailer would meet the definition of a caravan, and thus a residential use of Land, or whether it is a

building and operational development. Further investigation thus needs to take place. However, the converted container is clearly a dwelling, having all the facilities available for day-to-day domestic existence. In addition, there are two trailers/containers and a touring caravan stationed on the Land for purposes ancillary to the residential use and operational development comprising the construction of an outbuilding and engineering operations on the Land.

8. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the Act, or its terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the notice being quashed.
9. For the reasons set out above, the notice in so far as it relates to the alleged use of the Land is unclear. The deemed planning application is derived from the alleged breach, and thus if the notice were to be corrected to a material change of use to residential use, and/or the construction of a dwelling, etc, the reasons for issuing the EN might have been different and the appellant's submissions in relation to the ground (a) appeal may also have been different and he has not had an opportunity to respond. Furthermore, I would have to correct the requirements to require the residential use of the Land to cease and those requirements would be more onerous than the requirements set out in the EN. There would thus be injustice to the appellant. On the other hand, my decision to quash the notice leaves open to the Council the option of issuing a further, corrected EN, under the provision of section 171B (4) of the Act, should it wish to do so.

## Conclusion

10. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. 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. In these circumstances, Appeal A under grounds (a) (b) and (c) and Appeal B under grounds (b) and (c) set out in section 174(2) 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)] do not fall to be considered.

*Elizabeth Pleasant*

INSPECTOR